

INDEX TO MADRAS LEGISLATIVE ASSEMBLY DEBATES

FOURTH SESSION OF THE SECOND LEGISLATIVE
ASSEMBLY UNDER THE GOVERNMENT OF INDIA
ACT, 1935.

29th to 31st October, 1st, 3rd to 5th, 26th to 29th November and
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THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 29th October 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Resignation of membership of the Constituent Assembly by Ministers.

* 295 Q.—MUHAMMAD RAZA KHAN SAHIB BAHADUR: Will the Hon. the Premier be pleased to state whether the Ministers contemplate resigning their seats in the Constituent Assembly in view of the fact that the Constituent Assembly will also function as the Central Legislative Assembly?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—"No."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"In view of the fact that the Ministers will have to remain in Delhi attending the meetings of the Central Assembly, will it not be advisable for them to resign their seats there, so that they may attend to their work in Madras?"

THE HON. DR. P. SUBBARAYAN:—"That is a matter for consideration for myself and my Hon. Colleagues."

SRI K. ANANDAN NAMBIYAR:—"Will the Hon. Ministers receive their salaries and their travelling allowance?"

THE HON. DR. P. SUBBARAYAN:—"There is no salary attached to the membership of the Dominion Legislature."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Arising out of the reply of the Hon. Leader of the House that it is a matter for himself and his Hon. Colleagues, may I enquire, Sir, whether the House has any voice in the matter or not?"

THE HON. DR. P. SUBBARAYAN:—"I do not think so, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask whether the Hon. Minister realizes the incongruity of the Ministers and the Prime Minister acting as mere members of another legislature and advising the Government there while they act as Ministers here?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Gentleman for the speech he has made. I would like to tell him that it is a matter which carries no indignity about it."

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SRI S. NAGAPPA:—"I did not hear the answer, as the Hon. Minister was not speaking through the mike."

MR. SPEAKER:—"The Hon. Minister will kindly repeat the answer."

THE HON. DR. P. SUBBARAYAN:—"I said, Sir, I am thankful to the hon. Gentleman for the speech he has made on the matter, and there is no indignity in Members or Ministers of this House continuing as members of the Central Legislature."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Now that the Constituent Assembly has become the Central Legislature also, may I ask, Sir, whether an individual can be a member of two legislatures?"

MR. SPEAKER:—"That restriction in the 1935 Act has been removed."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"In view of the fact that our Premier and other Ministers have maintained a self-imposed silence right through the sessions of the Constituent Assembly, will it not be advisable for them to resign their seats in that Assembly and attend to their work in the Secretariat here which is more important?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of taking the hon. Member's advice in this matter."

BEGUM SULTAN MIR AMIRUDDIN:—"May I ask, whether the Hon. Ministers intend to resign after the constitution has been framed by the Constituent Assembly?"

THE HON. DR. P. SUBBARAYAN:—"That matter has not been considered and settled as yet, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know since under the present constitution there is no direct election from this Legislature to the Central Legislature, whether it is proper for an hon. Member of this House to act in the other House also?"

THE HON. DR. P. SUBBARAYAN:—"While the constitution provides for it, we are acting under the constitution."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, when the Hon. Ministers attend the sessions of the Constituent Assembly or the Central Assembly, whether they draw sitting allowances?"

THE HON. DR. P. SUBBARAYAN:—"I do not know what the hon. Member means by sitting allowances. There is no such thing as sitting allowances."

SRI V. I. MUNISWAMI PILLAI:—"Are the Government aware, Sir, that some of the Ministers have been attending some of the important sub-committees engaged in drafting the constitution?"

[29th October 1947]

THE HON. DR. P. SUBBARAYAN:—"That is correct, Sir."

Destruction of certain records kept in Tanjore Palace.

* 296 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Prime Minister be pleased to state whether it is a fact that the Collector of Tanjore has issued orders for the destruction of certain secret, political and historic records kept in the Tanjore Palace; and, if so, when the orders were issued?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Prime Minister):—"The answer is in the negative."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the Government have received any representation regarding the destruction of the records?"

THE HON. DR. P. SUBBARAYAN:—"Yes, Sir."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, what are the records which are kept there, where are they kept and whether the Government have any catalogue of these records and whether there is any proposal to keep these records in the Saraswathi Mahal Library?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Gentleman puts down a separate question, because it involves further information, I shall try to obtain the information."

SRI S. NAGAPPA:—"May I know, Sir, in what languages these records are?"

THE HON. DR. P. SUBBARAYAN:—"They are in several languages. For obtaining the information which the hon. Member evidently desires, I would request him to put a separate question."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether the Collector passed any orders for the destruction of any records belonging to the Library?"

THE HON. DR. P. SUBBARAYAN:—"It has already been answered that as far as the information at the disposal of Government goes, no records have been destroyed."

[* 297 Q.—

MR. SPEAKER:—"The Hon. Member who has given notice of the question is not in his place. The answer will be printed in the proceedings."]

Appointment of Chief Presidency Magistrate.

* 297 Q.—MOHAMED RAFAEUDIN AHMAD ANSARI SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that there is a vacancy in the post of the Chief Presidency Magistrate, Madras City;

(b) if so, why the vacancy has not been so far filled up; and

[29th October 1947]

(c) whether the Government would consider the claims of Muslims to the post in view of the fact that there are at present no Muslims as Presidency Magistrates?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

“(b) The matter is under the consideration of the Government.

“(c) The principle of communal rotation does not apply to the post. (Besides the last holder of the post was a Muslim.)”

Complaints against police officers of Palni taluk.

* 298 Q.—SRI S. C. BALAKRISHNAN: Will the Hon. the Home Minister be pleased to state—

(a) whether reports or complaints against police officers of Palni taluk have been received by the Government;

(b) if so, against which officers; and

(c) whether any and, if so, what action has been taken thereon?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

“(b) Against the Inspector of Police, Palni.

“(c) An enquiry was made into the allegations and it was found that the petitioner's complaint related to a dispute of a purely civil nature and that the insinuations made against the Inspector of Police were groundless.”

Refusal of permission for meetings to be addressed by Sri Mohan Kumaramangalam.

* 299 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Home Minister be pleased to state whether it is a fact that permission was refused for a meeting to be addressed by Mr. Mohan Kumaramangalam on April 22nd, 1947, in Trichinopoly and on April 25th, at Madras; and if so, why?

THE HON. DR. P. SUBBARAYAN:—“Yes. On 22nd April 1947, orders under section 144, Criminal Procedure Code, were in force in Trichinopoly and the permission applied for was refused by the Subdivisional Magistrate, Trichinopoly.

“On 25th April 1947 the Buckingham and Carnatic Mills strike was in full swing and the strikers were indulging in demonstrations and in certain instances in acts of violence in public places and as a breach of the peace was apprehended, the Commissioner of Police refused to grant permission to the meeting to be addressed by Mr. Mohan Kumaramangalam at the Tilak Ghat.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know, Sir, on what grounds the Police officials apprehended a breach of the peace?”

THE HON. DR. P. SUBBARAYAN:—“The grounds have already been stated in the latter part of my answer.”

[29th October 1947]

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“May I ask, Sir, if the present Home Minister had been in office then, would he have given permission to his son to address the meeting?”

THE HON. DR. P. SUBBARAYAN:—“I have already explained that his relationship to me has no connexion with the administrative office that I occupy in the Government.”

SRI K. ANANDAN NAMBIYAR:—“Was the Buckingham and Carnatic Mills strike conducted in Trichinopoly or in Madras? May I ask how it is taken as a reason for apprehending breach of the peace in Trichinopoly?”

THE HON. DR. P. SUBBARAYAN:—“The meeting was to be addressed in Madras. If the hon. Member had taken care to read the question put by his hon. Colleague, he would have seen that it referred to the meeting at Tilak Ghat and Tilak Ghat is situated in the City of Madras.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know whether the officer concerned apprehended any trouble resulting from the speech of the hon. gentleman?”

THE HON. DR. P. SUBBARAYAN:—“Evidently, Sir, that was the impression created in the Commissioner of Police.”

SRI K. ANANDAN NAMBIYAR:—“May I know with reference to the answer to the first part of the question, why permission was refused in Trichinopoly?”

THE HON. DR. P. SUBBARAYAN:—“The hon. Member knows as well as I do that there was a tense situation in Trichinopoly also because of the railway strike and of the activities of the hon. Gentleman himself.”

SRI K. ANANDAN NAMBIYAR:—“May I know when the S.I.Ry. strike was over and when this thing happened?”

THE HON. DR. P. SUBBARAYAN:—“The repercussions of the strike were still present.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know whether after the speeches given by Mr. Mohan Kumaramangalam any breach of the peace occurred in any part of the Presidency?”

THE HON. DR. P. SUBBARAYAN:—“I must obtain that information.”

Violation of the terms of award of the adjudicator in Pandalapaka Textile Mills.

* 300 Q.—SRI B. S. MALLIKARJUNA RAO: Will the Hon. the Minister for Food be pleased to state—

(a) whether workmen of the Pandalapaka Textile Mills have appealed to the Government against the violation of the terms of the award of the adjudicator by the proprietors or managements of the mills; and

[29th October 1947]

(b) whether the Government have taken any steps to see that the terms of the award approved by them, are respected and implemented without delay?

THE HON. DR. T. S. S. RAJAN:—“(a) Yes, Sir.

“(b) the managements of the Mills have since implemented the award.”

SRI B. S. MALLIKARJUNA RAO:—“Are there any reports submitted to the Government that the award has not been implemented?”

THE HON. DR. T. S. S. RAJAN:—“The information of the Government is that the award has been implemented.”

SRI V. I. MUNISWAMI PILLAI:—“May I ask what steps the Government have taken to enforce the results of the award upon the defaulting companies?”

THE HON. DR. T. S. S. RAJAN:—“Such companies as do not carry out the award are being prosecuted by the Magistrates.”

SRI B. S. MALLIKARJUNA RAO:—“Are the Government aware that one or two mills in Pandalapaka have been closed in violation of the award?”

THE HON. DR. T. S. S. RAJAN:—“I do not know whether any new situation has arisen. As far as the Government are aware, the management have implemented the award. Regarding subsequent strikes or continuation of threat of strikes, the Government are not yet in possession of information.”

SRI S. NAGAPPA:—“In view of the fact that it is very often brought to the notice of the House that awards of adjudicators are not implemented, will the Government consider it desirable to see that a Bill or some such thing is enacted by which it will be possible that the moment an award is given it will be implemented?”

THE HON. DR. T. S. S. RAJAN:—“It is being implemented, Sir.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I ask the Hon. Minister to find out what further steps the concern has taken to circumvent the terms of the award and how the present position stands?”

THE HON. DR. T. S. S. RAJAN:—“If further information is required a separate question may be put.”

SRI C. M. KOTHARI:—“Will the Government be pleased to see that the awards made by the arbitrators are binding upon the Government also?”

THE HON. DR. T. S. S. RAJAN:—“If it is a question of arbitration, there is no compulsion about the award. If it is a question of industrial tribunal, then it is obligatory on the part of the management to carry it out.”

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K. M. SEETHI SAHIB BAHADUR:—“May I know, Sir, whether apart from prosecutions, there is no other legal method for the enforcement of the awards?”

THE HON. DR. T. S. S. RAJAN:—“For the enforcement of the award, the Government will have to take legal proceedings, magisterial or otherwise, against managements which are refractory and would not carry out the award.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know, whether the Hon. Minister is aware of the fact that both the mills in Pandalapaka have been closed against the terms of the award and the officer appointed to that place has been posted to some other place?”

THE HON. DR. T. S. S. RAJAN:—“My answer is that the award has been implemented.”

K. M. SEETHI SAHIB BAHADUR:—“May I know, Sir, what is the legal method by which the Government enforce the awards apart from the prosecutions?”

THE HON. DR. T. S. S. RAJAN:—“There is no other legal method than that of prosecuting people who do not carry out the award.”

SRI C. M. KOTHARI:—“May I know whether the Government have not violated the terms of the award in giving five months' bonus to the workers instead of the three months' bonus given by the award?”

THE HON. DR. T. S. S. RAJAN:—“I am not in possession of that detail. If a separate question is put, I will call for the information.”

SRI S. NAGAPPA:—“In answer to a supplementary question, the Hon. Minister stated that the award has been implemented. If that is so, may I ask the Hon. Minister where is the necessity for such interpellations and so much commotion in this House if each and every award is implemented the moment it is given?”

THE HON. DR. T. S. S. RAJAN:—“I cannot help commotions in the House. It is for the Hon. Speaker to see to it.”
(Laughter.)

Bifurcation of Labour Department.

* 301 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Food be pleased to state at what stage the scheme of bifurcation of Labour Department into Harijan and Labour Department is? 11-15 a.m.

THE HON. DR. T. S. S. RAJAN:—“The matter is under the consideration of the Government.”

SRI S. NAGAPPA:—“This question was taken up by the previous Ministry and left abruptly. Do this popular Government who are boasting that they are doing much for the Harijans want more time than they have taken to decide this important matter?”

[29th October 1947]

THE HON. DR. T. S. S. RAJAN:—"The hon. Member himself says that the matter is important. The Government want some more time to go into an 'important' matter."

SRI V. RAGHAVAYYA:—"In view of the common ground between the Harijans and the other labourers in matters of Harijan uplift and labour, may I know the reason why the Government want to bifurcate the Labour Department which serves both?"

THE HON. DR. T. S. S. RAJAN:—"I said the question of bifurcation was under consideration. I am unable to add anything further."

SRI B. S. MALLIKARJUNA RAO:—"Are the Government considering the separation of the labour portfolio from the Hon. Minister for Food in view of the pressing problems connected with food?"

THE HON. DR. T. S. S. RAJAN:—"That is a matter for the Government to decide."

SRI V. I. MUNISWAMI PILLAI:—"In view of the severe oppression that is going on, will the Government consider the desirability of deciding this matter as early as possible?"

THE HON. DR. T. S. S. RAJAN:—"Very many departments are concerned with the matter, and the Government will certainly see whether it cannot be expedited more than what has been done till now."

SRI B. S. MURTHI:—"Pending decision on the bifurcation of the Labour Department, may I know whether the Government are willing to appoint Harijan Welfare Officers in the districts to do preliminary work?"

THE HON. DR. T. S. S. RAJAN:—"That does not arise out of this question."

SRI S. NAGAPPA:—"May I know whether the Government are aware that not even a single well has been thrown open to the Harijans ever since the Removal of the Civil Disabilities Act was passed, and what the Government propose to do?"

THE HON. DR. T. S. S. RAJAN:—"If instances of the disability are brought to the notice of the Government, action will certainly be taken, Sir."

SRI B. S. MURTHI:—"Is the Hon. Minister aware that in Nidadavole recently a Harijan woman was beaten black and blue because she attempted to draw water from a well?"

MR. SPEAKER:—"That has nothing to do with this question. I rule it out of order."

Dam across Manimutha river in Tinnevely district.

* 302 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have any proposal to build a dam across the Manimutha river in Tinnevely district;

[29th October 1947]

(b) if the answer is in the affirmative at what stage the proposal is and when the work will begin; and

(c) whether the dam water is intended only to supplement the water for the Tambraparani irrigation system or to bring new lands under cultivation?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) Yes.

" (b) The preliminary investigation of the scheme has been completed. A detailed investigation of the scheme is considered necessary and may be sanctioned soon.

" (c) This will be known only after the detailed investigation is completed."

Improvement to the port of Calingapatam.

* 303 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal to improve the port of Calingapatam?

THE HON. SRI M. BHAKTAVATSALAM:—"Yes.

"The Government have approved the work relating to the cement concreting of the existing beach road at an estimated cost of Rs. 16,000. It will be taken up for execution in due course.

"Besides this there are also certain other proposals to improve the port at an approximate cost of Rs. 7.7 lakhs. The question of approving them will be considered after detailed surveys are carried out and estimates prepared."

SRI G. KUMARASWAMI:—"In view of the increasing poverty of the public in and around Calingapatam as the port is not working at present for want of proper repairs, may I request the Government to take up the work as early as possible?"

MR. SPEAKER:—"It is a request to the Government, not a question."

SRI A. VEDARATNAM PILLAI:—"Is there any proposal to throw open minor ports for foreign trade which are now closed?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir, there are certain proposals. The Hon. Member may put a separate question."

SRI S. NAGAPPA:—"As the expression 'in due course' in the answer is very vague, will the Hon. Minister be pleased to state when exactly the work will be taken up?"

THE HON. SRI M. BHAKTAVATSALAM:—"I am unable to give any further information, Sir."

K. M. SEETHI SAHIB BAHADUR:—"May I know whether the Government have any scheme for improving the minor ports on the West Coast?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir."

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Third shift of work in spinning mills.

* 304 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government have under consideration any proposal to have a third shift of work in all the spinning mills of this Province; and

(b) if so, whether the Government propose to retain within this Province all the yarn spun in the third shift for the benefit of the handloom weavers?

THE HON. SRI H. SITARAMA REDDI:—“(a) No, Sir.

“(b) Does not arise.”

SRI R. KUPPUSWAMI:—“If a third shift is introduced, may I know whether bobbins will be available?”

THE HON. SRI H. SITARAMA REDDI:—“In reply to clause (a), I have said ‘No.’ Therefore the introduction of a third shift and the availability of bobbins do not arise.”

SRI GUNTUR NARASIMHA RAO:—“Will the Government give the necessary assistance to the Choolai Mills in Madras to commence early production and may I know whether any representations have been received from the Mills for iron which has not been given?”

THE HON. SRI H. SITARAMA REDDI:—“No representations have been received, as far as I know.”

SRI S. NAGAPPA:—“With reference to the answer to clause (a), may I ask what prompts the Government to give a negative answer?”

(No answer.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know whether the Government do not think it necessary to have a third shift in the mills?”

THE HON. SRI H. SITARAMA REDDI:—“I may bring to the notice of the hon. Member that a third shift cannot be imposed by the Government. It is only a voluntary act of the mill-owners and the labourers.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know what steps the Government have taken to persuade the textile mills to have a third shift in view of the need for more yarn?”

THE HON. SRI H. SITARAMA REDDI:—“It is a matter that is at present being taken up by the Government of India in consultation with both labour and industry.”

SRI C. M. KOTHARI:—“Is the Hon. Minister aware that a majority of the mills in Coimbatore are working on three shifts?”

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THE HON. SRI H. SITARAMA REDDI:—“According to the information that is available with me as on 10th January 1947, there are 17 mills working 3 or 2½ shifts, 10 on 2½ shifts, 28 on 2 shifts and 2 on one shift. There are about eight mills which cannot work more than one shift because of the condition of the machinery.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know whether the Madras Government are going to recommend to the Central Government to make the mills work on three shifts?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, it depends on what the labour has got to say. Last time the question was discussed informally when Hon. Sri C. Rajagopalachariar, the then Member for Industries in the Government of India, was at Coimbatore. There was one section of labour which was not willing to have a third shift.”

SRI K. ANANDAN NAMBIYAR:—“The section which we represent here is for a third shift.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I enquire whether the information as on 10th January 1947 given by the Hon. Minister is not very ancient?”

THE HON. SRI H. SITARAMA REDDI:—“Because an hon. Member raised the question, I could furnish him only the information I had at my disposal. My hon. Friend never asked for up-to-date information. If he wants, he may put down a separate question and I will be glad to furnish the answer.”

(Reorganization of the system of textile licences.)

* 305 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Provincial Textile Commissioner has recently made rules for the reorganization of the system of textile licences and linking of shops;

(b) whether there is a rule therein creating territorial units with a population of not more than 3,000;

(c) whether this rule has been applied to towns and cities also;

(d) whether the rules provide for a dealer for every unit of 3,000 population;

(e) whether the Collector of Nellore has interpreted it to mean that the number of licences in a district should be reduced to that number which will be arrived at after dividing the population by 3,000;

(f) whether it is a fact that this procedure will throw out of employment nearly 900 existing retail cloth dealers in Nellore district alone; and

(g) whether the Government propose to restore all retail licences which have been withheld under this rule?

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THE HON. SRI H. SITARAMA REDDI:—“(a) No rules for the reorganization of the system of textile licences, etc., have been made by the Provincial Textile Commissioner. The Government have approved with certain modifications a scheme for the overhauling of licences to deal in cotton textiles submitted by the Collector of Nellore district in consultation with the District Committee.”

“(b) to (d) The Government have approved the proposal of the Collector that the number of retail dealers in mill cloth should be fixed at the rate of one dealer per population of 3,000 and within a radius of four miles.

“(e) Yes.

“(f) It is estimated that 860 existing retail mill cloth dealers will be eliminated by the application of the rule of one dealer for a population of 3,000.

“(g) It is not the intention of the Government that such a large number of retail dealers should be eliminated as a result of the overhauling scheme. The Collector has already been informed that he should not eliminate any dealer unless it is certain that the number of dealers in the area is excessive and that their effective control is handicapped in consequence, and that a dealer should generally be allowed to carry on business which he has been conducting previously, if—

(1) he has behaved well in the past,

(2) can be controlled effectively, and

(3) makes up through other lines of business conducted in the same shop for the smallness of his mill cloth quota.”

SRI V. RAGHAVAYYA:—“Is it a fact that only in the Nellore district the number has been so arbitrarily reduced to this minimum whereas in every other district, it has either increased or remained stationary?”

THE HON. SRI H. SITARAMA REDDI:—“Certain instructions were issued to the Collectors and they were asked to follow certain principles in the matter of reorganization. The Government have always instructed the Collectors that the instructions should be followed strictly. But I believe the circumstances vary from district to district.”

SRI V. RAGHAVAYYA:—“Is it a fact that the Co-operative movement is not receiving sufficient encouragement at the hands of the Government in the matter of these licences, as the Co-operative stores have been given the third place in the order of priority?”

THE HON. SRI H. SITARAMA REDDI:—“I do not think it is a question of priority, but any way it does come third in the list. We have said that existing dealers who have been eliminated from a particular area, if they are willing

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to do business in some other area, should be given a chance to do business in the latter place. Next come the Harijans and the third the co-operative society.”

SRI V. RAGHAVAYYA:—“In view of the abolition of the Food Committees announced by the Government yesterday, may I know how the Government propose to distribute cloth to various villages in future?”

THE HON. SRI H. SITARAMA REDDI:—“I suggest to the hon. Member to put down a separate question.”

SRI S. NAGAPPA:—“As most of the labourers and Harijans are not receiving their quota, will the Government consider the desirability of allotting them quota through labour leagues, who can distribute better than the present agencies?”

THE HON. SRI H. SITARAMA REDDI:—“When licences were issued, the Government acted on the representations of members like Mr. Nagappa. If Mr. Nagappa has got alternative proposals, it is for him to bring them before the Government, and they will be considered.”

SRI GUNTUR NARASIMHA RAO:—“As the retail dealers in some districts are not having sufficient margin of profit after the payment of Sales Tax under the present system, may I know whether the Government have any new scheme for the distribution of cloth?”

THE HON. SRI H. SITARAMA REDDI:—“Some of the retail merchants are not able to make much profit out of the mill cloth. If they can make up through other lines of business like the sale of handloom cloth for the smallness of the mill cloth quota, they will be allowed to continue. Such of those who are doing mill cloth business alone and are not able to make any profit have been asked to be eliminated, and they have been eliminated by the Collectors.”

SRI V. I. MUNISWAMI PILLAI:—“Whatever schemes of reorganization the Government may bring forward, will the Government assure me that the few Harijans that are being given licences will not be eliminated at all?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, the Harijans have come in in the Reorganization Scheme and there is no question of eliminating the Harijans at all.”

SRI K. LINGA RAJU:—“May I know, Sir, whether there are large stocks of cloth available with merchants which could not be disposed of for want of distribution orders?”

THE HON. SRI H. SITARAMA REDDI:—“I can answer that question, if my hon. Friend wants the information specially for any particular area, in which case, I shall call for the information.”

H. S. HUSSAIN SAHIB BAHADUR:—“In view of the arrangement that there should be one dealer for every unit of 3,000 population, are the Government aware that there are a large

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number of villages which do not contain a population of 3,000, but very much less, and that being so, will it not cause great inconvenience to the villagers to go to distant places to the dealers to get their cloth?"

THE HON. SRI H. SITARAMA REDDI:—" May I invite the attention of my hon. Friend to the answers given to clauses (b), (c) and (d), wherein a radius of four miles also is fixed?"

M. S. ABDUL MAJID SAHIB BAHADUR:—" As this system of fixing licences on a population basis is going to interfere with the normal trade channels, will the Government consider the question of giving up this policy?"

THE HON. SRI H. SITARAMA REDDI:—" There is no proposal now to give up this policy, Sir."

Number of spinning and weaving mills in the Province.

* 306 Q.—SRI N. M. R. SUBBARAMAN: Will the Hon. the Minister for Industries be pleased to state—

(a) how many spinning mills and weaving mills are there in the Presidency;

(b) whether all have been brought under the control of the Government for distribution of yarn and cloth;

(c) if not, what are the mills that are not brought under their control; and

(d) what are the reasons for the same?

THE HON. SRI H. SITARAMA REDDI:—" (a) There are 54 mills in this Province of which 45 are purely spinning, 2 are purely weaving and 7 are spinning and weaving mills.

" (b) The production of yarn and cloth by all the mills has been brought under the All-India pool and distributed under the All-India Yarn and Cloth Distribution Schemes.

" (c) & (d) Do not arise."

Amalgamation of three Panchayats in Ramachandrapuram Taluk.

* 307 Q.—SRI B. VENKATARATNAM: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there are three separate Panchayats for the villages of Rayavaram, Savaram and Vedurupaka in Ramachandrapuram taluk in East Godavari district;

(b) whether they are working satisfactorily;

(c) the distance between each of the villages, the population and income of the three Panchayats;

(d) whether there are any proposals before the Government for the amalgamation of the three Panchayats into one; and

(e) if so, what are the reasons for the proposed amalgamation?

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THE HON. SRI K. CHANDRAMOULI:—" (a) Yes.

" (b) No adverse reports have been received.

" (c) Savaram is one mile and Rayavaram 1½ miles from Vedurupaka.

The population and income of these panchayats are as follows:—

				Population.	Income. RS.
Rayavaram	..	..	..	4,304	1,000
Savaram	..	..	..	1,935	2,500
Vedurupapaka	..	..	..	2,202	2,500

" (d) The question of amalgamation has been deferred.

" (e) The question does not arise."

SRI B. VENKATARATNAM:—" Sir, in view of the fact that the Government are going to form a panchayat for each village with a population of 500 and bring in necessary legislation for the purpose, may I know whether the existing panchayats will be allowed to continue?"

THE HON. SRI K. CHANDRAMOULI:—" Until that Bill becomes an Act, the Government will have to carry on under the present Act, Sir."

Teachers' strike.

* 308 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Education be pleased to state—

(a) the number of teachers who went on strike since the enhanced scales of pay for teachers were announced by the Government;

(b) the places where the teachers resorted to a strike;

(c) the number of days they remained on strike at each place;

(d) the number of pupils whose studies were adversely affected thereby; and

(e) whether the Government intend to reconsider the whole position in the light of the recommendations of the Central Pay Commission?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

" (a) 468.

" (b) Madura Municipality.

" (c) From 25th June to the end of 13th August 1947.

" (d) 15,958.

" (e) No."

BEGUM SULTAN MIR AMIRUDDIN:—" May I ask, Sir, whether the Government intend to reconsider the whole position with regard to the salaries of teachers, if not in the light of the recommendations of the Central Pay Commission, at least in the light of the recommendations of the Central Advisory Board on Education, which were very modest because they were based on the 1939 price-level?"

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“Sir, when the original revision was made, the report of the Sergeant's Committee was there. Therefore that is not a new factor to be taken into consideration. But if the Government take up the general revision of pay of all departments, in the light of the Central Pay Commission's report, then this question will also be considered.”

BEGUM SULTAN MIR AMIRUDDIN:—“When an illiterate and unskilled textile labourer is to-day in receipt of a salary of Rs. 57-12-0 per mensem, may I ask the Hon. Minister for Education how he can expect an elementary school teacher to be satisfied with a monthly salary at Rs. 18 plus Rs. 16 dearness allowance? Will the Hon. Minister therefore examine this question deeply and do what is fair and reasonable and thus redress the grievance of the teachers?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“The hon. Member is making a mistake. It is not Rs. 18 plus Rs. 16 dearness allowance. The pay of the higher grade teacher is Rs. 30 plus Rs. 16.”

H. S. HUSSAIN SAHIB BAHADUR:—“Do the Government consider that the enhanced scales of pay and allowances paid by the Government to the teachers are adequate at the present time, when the cost of living is so high?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“It all depends upon their grade, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“The Hon. Minister has said that my figure is not correct, Sir. May I ask him why it is that in the last supplementary budget the figure was mentioned as Rs. 18? On the last occasion, when the same point was raised, he said that Rs. 16 should be added as dearness allowance and may I know why it is that in the supplementary budget only Rs. 18 has been mentioned as the elementary teacher's pay?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“The hon. Member evidently refers to higher grade teachers. The higher grade teachers are given Rs. 30 plus Rs. 16 dearness allowance. An elementary school teacher is normally a higher elementary grade trained teacher.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know whether the Government intend to give any house-allowance to the teachers, and, if so, what the amount is?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“Sir, house allowance is given in certain places, like the Madura Municipality and the City of Madras.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I ask, whether the Government will exempt the children of school teachers from the payment of school fees in view of the fact that the teachers are unable to meet the cost of their children's education?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“That question will be considered, Sir.”

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Lack of facilities in the Veterinary Institutions in Negapatam Division.

* 309 Q.—SRI M. D. THYAGARAJA PILLAI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that attention to emergent cases at night, proper diagnosis and treatment of animals are not possible in the Veterinary Institutions in Negapatam Division due to lack of electric lights; and

(b) why they are not electrified?

THE HON. SRI K. MADHAVA MENON:—“(a) The answer is in the negative.

“(b) The question of electrifying the Veterinary Hospital buildings at Negapatam will be considered in due course.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“May I know from the Hon. Minister how are cases treated as emergent with regard to the quadrupeds that are admitted into veterinary hospitals?”

THE HON. SRI K. MADHAVA MENON:—“It depends upon the condition of the animals that come in for treatment and the nature of the disease, Sir.”

Opening of a new Veterinary Hospital at Jebhapur.

* 310 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether there is any proposal to open a new Veterinary Hospital at Jebhapur; and

(b) if so, when will it be implemented?

THE HON. SRI K. MADHAVA MENON:—“(a) The answer is in the negative.

“(b) There is an acute shortage of Veterinary Assistant Surgeons in the Veterinary Department. The question of opening a veterinary hospital at the place will be considered when the situation regarding the paucity of Veterinary Assistant Surgeons improves.”

SRI G. KUMARASWAMI:—“Is it not desirable that in view of the vast extent of the taluk, a separate veterinary hospital is opened at Ichapur at the taluk headquarters?”

THE HON. SRI K. MADHAVA MENON:—“As I have already stated, Sir, the question is one of want of veterinary doctors.”

SRI A. VEDARATNAM PILLAI:—“May I know, Sir, whether the Government have got any proposal to open new veterinary hospitals in the Province, and if so, where and when?”

THE HON. SRI K. MADHAVA MENON:—“The Government have proposals to open a number of veterinary hospitals, but there are no doctors available at present, Sir.”

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*Cultivable waste land reserved for Depressed Class people
in Rayalaseema.*

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

(a) the total number of acres of cultivable waste land reserved for Depressed Class people talukwar in Rayalaseema;

(b) how many of these acres are assigned to the Harijans; and

(c) how many acres are being cultivated by people other than Harijans?

THE HON. SRI KALA VENKATA RAO:—“(a), (b) & (c) The Government have no information but have called for it.”

SRI S. NAGAPPA:—“May I know, Sir, from the Hon. Minister for Revenue, what steps have been taken to call for the information ever since notice of this question was given by me, and how much more time will be required to obtain the information?”

THE HON. SRI KALA VENKATA RAO:—“If my hon. Friend, Mr. Nagappa, is so very much interested in such small details, he will have to wait for some more time. It will take some time before we can get the information he has asked for.”

Land assessment in South Kanara.

* 312 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the rates of land assessment in South Kanara according to the classification of land;

(b) whether it is a fact that the rate of land assessment in South Kanara is based on a wrong calculation made initially, and that, therefore, it is too high; and

(c) whether there is any proposal to revise these rates now?

THE HON. SRI KALA VENKATA RAO:—“(a) The information is given below:—

Taram.	Garden rates. RS. A.	Wet. rates. RS. A.	Dry. rates. RS. A.
1	9 0	7 14	2 0
2	7 14	6 12	1 8
3	6 12	5 10	1 4
4	5 10	4 8	1 0
5	4 8	3 6	0 12
6	3 6	2 4	0 8
7	2 4	1 11	0 6
8	1 2	1 2	0 4
9	..	0 14	0 2

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“(b) & (c) At the time of the last re-settlement, it was contended that the rates of assessment were excessive. The contention was examined and found to be not correct. The contention has again been raised and the Government have called for a report from the Board of Revenue.”

H. S. HUSSAIN SAHIB BAHADUR:—“Do the Government consider that the existing rates are not too high even otherwise?”

THE HON. SRI KALA VENKATA RAO:—“Sir, it was already held that the rates are not excessive. But anyhow, the Government have called for a fresh report from the Board and it will be examined, Sir.”

Medical relief in the Province.

* 313 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Public Health be pleased to state what steps the Government are taking to see that medical relief is more equitably distributed in the Province?

THE HON. SRI A. B. SHETTY:—“Under Post-War Reconstruction Schemes provision for medical relief would be made at a distance of not more than 5 miles from every village. In heavily populated areas the population factor will be combined with the distance factor and a village centre provided for every 10 to 12 thousand persons. One hundred and fifty primary centres (combined Medical and Public Health) and 25 taluk Public Health centres are proposed to be opened in the first quinquennium, the opening of these centres being spread over the first five-year period at the rate of 30 primary centres and 5 taluk group centres in a year. In providing these primary centres and in the matter of other schemes such as development of Taluk and District Centres, etc., the needs of the Province as a whole will be taken into account and wherever necessary the areas which require more urgent relief will be given preference.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know whether the Government are making a systematic survey of each district to examine the requirements of each locality; if so, what agency they are employing for this purpose?”

THE HON. SRI A. B. SHETTY:—“The needs of each district have been surveyed and the primary centres to be opened in each place have already been fixed for the first five-year period, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, what are the places where the primary centres are to be opened?”

THE HON. SRI A. B. SHETTY:—“Sir, during the first year, centres will be opened in six villages of one taluk in the districts of Malabar, North Arcot, Guntur, Kurnool and Coimbatore. In all 30 centres will be opened this year.”

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H. S. HUSSAIN SAHIB BAHADUR:—"May I know whether any comprehensive scheme has been formulated by the Government for the equitable distribution of medical relief throughout the Province in the rural and urban areas, and if so, whether a copy of that scheme will be made available to the Members of this House?"

THE HON. SRI A. B. SHETTY:—"The post-war reconstruction schemes have already been published in a separate book and there is a smaller publication on medical and public health matters. The hon. Member can get a copy of it if he applies for it."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether in order to secure an equitable distribution of medical relief, the Government are intending to implement the recommendation of the recent Medical Conference, that the Province should be divided into a number of zones and the requirements of each zone should be studied and each of them supplied with up-to-date medical treatment?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir; planned medical relief is one of the subjects that was considered by the Medical Conference, and it is being further examined by the sub-committee appointed by that medical conference."

SRI V. I. MUNISWAMI PILLAI:—"Arising out of the answer given by the Hon. Minister, may I know whether the Government have taken into account the habitations of the Harijans, especially for medical relief, in the survey that has been made?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir; the needs of all people have been taken into consideration."

SRI S. NAGAPPA:—"Arising out of the answer given by the Hon. Minister that only the Kurnool district in the Rayalaseema has been selected, may I know if the Government are aware that people in Rayalaseema are suffering from malaria and not even an adequate supply of quinine is available there?"

THE HON. SRI A. B. SHETTY:—"During the first five-year period, not only Kurnool but every district will have six centres opened within its area. Quinine is being distributed in all malarial areas."

SRI B. S. MALLIKARJUNA RAO:—"May I know, Sir, whether the Government have planned any scheme to expedite the measure within a particular limit?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir; it is a twenty years' scheme, and the first five years' scheme has been fixed already and the centres to be opened in the selected districts in the current year have been mentioned."

SRI K. P. KAMAKSHI CHETTIYAR:—"May I know what special steps the Government have taken to reopen the rural dispensaries which are now closed down in the Province for many years for want of medical practitioners?"

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THE HON. SRI A. B. SHETTY:—"I may tell the hon. Member that steps are being taken to find out how we can get medical practitioners to take charge of the dispensaries that are closed to-day for want of practitioners."

SRI C. M. KOTHARI:—"Will the Hon. Minister extend the relief to the plantations where there are no dispensaries at present?"

THE HON. SRI A. B. SHETTY:—"A separate question may be put."

SRI B. S. MURTHI:—"Arising out of the answers given by the Hon. Minister, may I know what steps he has taken to see that insanitation is removed from Harijan cheris?"

THE HON. SRI A. B. SHETTY:—"I will advise a separate question may be put in the matter."

DR. S. SUBRAHMANYA AYYAR:—"Have the Government surveyed the needs of each and every district before they pushed on their scheme?"

THE HON. SRI A. B. SHETTY:—"I have already said so."

DR. S. SUBRAHMANYA AYYAR:—"If the Government have already surveyed the needs, will the Government take the public into their confidence and see that the public also have a say in the matter?"

THE HON. SRI A. B. SHETTY:—"The Director of Public Health and the Surgeon-General in consultation with their district staff have gone into this matter and then fixed the places; if the hon. Member wants any further information, I shall supply him."

DR. S. SUBRAHMANYA AYYAR:—"These people did not consult the public; I ask whether the public will be taken into confidence before the Government push on with the scheme?"

THE HON. SRI A. B. SHETTY:—"I believe the public was also informed about it and their suggestions were taken."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know which of the taluks has been selected in Malabar for a centre?"

THE HON. SRI A. B. SHETTY:—"Six centres in Palghat taluk."

H. S. HUSSAIN SAHIB BAHADUR:—"Is it not a fact that preventive relief is far better than curative relief, and if so, may I know what steps the Government are taking in that direction?"

THE HON. SRI A. B. SHETTY:—"The proposal is to open a combined medical and public health centre; the hon. Member's suggestion has been taken into consideration."

SRI T. VISWANATHAM:—"In view of the fact that there is a postwar programme for four quinquennia of five years each, may I know when the first year of the first quinquennium begins with this Government?"

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THE HON. SRI A. B. SHETTY:—"It has begun this year, Sir."

SRI B. S. MURTHI:—"Is the Minister aware that during epidemics the Harijans are not getting relief?"

THE HON. SRI A. B. SHETTY:—"I do not think it is a fact."

SRI S. NAGAPPA:—"My supplementary question has not been answered; I wanted to know whether the Government are aware that in Rayalaseema there is not adequate supply of quinine at present. Are the Government also aware that in the Kurnool district, there is only 10 lb. of quinine and as it is not sufficient the people are suffering a lot?"

THE HON. SRI A. B. SHETTY:—"This question does not deal with the distribution of quinine, Sir."

SRI P. NATESAN:—"Will the Hon. the Minister consider the desirability of introducing the Ayurvedic system of medicine in the malarial districts?"

THE HON. SRI A. B. SHETTY:—"If the hon. Member is interested in the Ayurvedic system of medicine, let him please put down a separate question."

Provision of houses for the houseless and lands to the landless.

* 314 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether there is any scheme before the Government to provide house-sites and build houses for the houseless and also give cultivable land to the landless; and

(b) if so, at what stage it is?

THE HON. SRI V. KURMAYYA:—" (a) & (b) The matter is under the consideration of the Government."

SRI S. NAGAPPA:—"The Government have been pleased to put forward a scheme; may I know whether the scheme applies only to those who live in urban areas and municipalities; or does it apply to the rural areas also?"

THE HON. SRI V. KURMAYYA:—"The scheme has not yet been finalised; it is still under consideration."

SRI B. S. MURTHI:—"Is the Hon. Minister aware that in the mufassal areas, because Harijans are trying to get good habitations to house themselves, there is a lot of heart-burning on the part of caste-Hindus and therefore riots are taking place and in these riots, the Harijans are worse off?"

THE HON. SRI V. KURMAYYA:—"Whenever riots occurred, they have been published in the newspapers; but riots occurred not on account of want of houses for Harijans but for some other reasons."

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DR. S. SUBRAHMANYA AYYAR:—"Before the Government think of building new houses, will they think of taking over all the military constructions in all the districts in the presidency from the Central Government and see that most of them which are now being destroyed are put to proper use?"

THE HON. SRI V. KURMAYYA:—"This question may be put to other quarters."

SRI B. S. MURTHI:—"Arising out of the answer given by the Hon. Minister that he is aware that here and there riots are occurring in rural parts, may I know the places where such riots have occurred?"

MR. SPEAKER:—"The hon. Member may put a separate question."

SRI V. I. MUNISWAMI PILLAI:—"In view of the impending zamindari legislation, many of the Harijans in Malabar are being evicted from their houses just now; have the Government received any report about it; and if so, may I know what they propose to do?"

THE HON. SRI V. KURMAYYA:—"I do not think the zamindari legislation will apply to Malabar; there is a separate Act for Malabar. But, for the information of the House, I may say that some of the Harijans who constructed houses in jenmi's lands were being evicted. The Government are considering the question to see that they should not be evicted in the future."

SRI V. RAGHAVAYYA:—"In view of the fact that in the Grow More Food scheme, several well-to-do ryots have been allowed to cultivate Government waste land, will the Government see to the ejectment of those people and the reallocation of the land to landless labourers?"

THE HON. SRI V. KURMAYYA:—"A separate question to the Minister concerned with Land Revenue may be put down."

H. S. HUSSAIN SAHIB BAHADUR:—"Have the Government any statistics to show the exact number of the houseless and landless people belonging to the various communities in this Province?"

THE HON. SRI V. KURMAYYA:—"Notice, Sir."

SRI B. S. MURTHI:—"Is the Hon. the Minister aware that in Ettayapalem in the Nellore district, a big quarrel arose between the caste-Hindus and landless Harijan labourers and as a result 90 per cent of the Harijans of the village have been put in the jail?"

MR. SPEAKER:—"The hon. Member may put a separate question."

SRI P. KAKKAN:—"Is it a fact that most of the Harijans are landless, and if so, what steps the Government are going to take?"

THE HON. SRI V. KURMAYYA:—"The hon. Member may put a separate question to the Minister in charge of the subject."

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SRI S. NAGAPPA:—"Are the Government aware that most of the landed aristocrats have been occupying lands and preventing the poor landless people from cultivating, in the name of the Grow More Food campaign?"

THE HON. SRI V. KURMAYYA:—"I am sorry the Members of the Legislative Assembly do not know under whose portfolio the questions put by them come; it is better for them to know the proper Minister and then put their questions."

SRI B. S. MURTHI:—"May I ask the Minister for Rural Development whether he is aware that several landless agricultural labourers have been deprived of their lands which were given to them under the Grow More Food campaign?"

THE HON. SRI V. KURMAYYA:—"The previous answer will apply to the hon. Member concerned now."

N. MUHAMMAD ANWAR SAHIB RAHADUR:—"May I enquire of the Hon. the Minister whether his remark applies only to Mr. Nagappa or to all the Members in the House?"

THE HON. SRI V. KURMAYYA:—"Of course it will apply only to the Members who put such questions, Sir."

SRI B. S. MURTHI:—"Mr. Speaker, Sir, questions Nos. 301 and 314 put to-day are questions relating to the hardships of Harijans; they have not been satisfactorily answered. I therefore request you to kindly give a half-hour debate for discussing the serious situation in the rural areas affecting the Harijans who number nearly a crore of people in this Presidency."

MR. SPEAKER:—"On which question does the hon. Member want a half-hour debate?"

SRI B. S. MURTHI:—"On questions Nos. 301 and 314."

MR. SPEAKER:—"Question No. 301 relates to the bifurcation of the Labour Department; and question No. 314 relates to the provision of houses for the houseless and lands to the landless."

SRI B. S. MURTHI:—"I want a half-hour debate, Sir, on question No. 314."

MR. SPEAKER:—"I shall allow half-hour debate on that question; it will be taken up this evening."

12 noon. DR. S. SUBRAHMANYA AYYAR:—"On a point of information, Sir. It has been reported in the Press that a severe epidemic fever is prevailing in Anantapur causing very great mortality. I would like the Hon. the Minister for Public Health to enlighten this House about the situation and whether any enquiries have been conducted as to what sort of fever it is."

THE HON. DR. P. SUBBARAYAN:—"This is a matter which requires notice."

MR. SPEAKER:—"The Government are not ready with the answer."

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THE HON. DR. P. SUBBARAYAN:—"Under our own procedure, the hon. Member may put short notice question, and he could very well get the required information at short notice. I suggest to the hon. Member to put a short notice question to get the information instead of taking the Member of the Government by surprise."

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

II.—MESSAGES FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House that the following messages, dated Fort St. George, the 20th October 1947, have been received by me from the Hon. the President of the Madras Legislative Council:—

"(1) I transmit a copy of the following motion passed to-day by the Madras Legislative Council concurring with the Madras Legislative Assembly in setting up a Joint Select Committee of both the Chambers to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947:—

That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 14 members (7 members from each House) to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947) and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) The Hon. Sri K. Madhava Menon.
- (2) Mrs. M. N. Chubwala.
- (3) Dr. Syed Tajuddin.
- (4) Sri K. Venkataswami Naidu.
- (5) Sri N. Ranga Reddy.
- (6) Sri R. Suryanarayana Rao.
- (7) Sri H. M. Jagannatham.

(2) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Hackney Carriage (Amendment) Bill, 1947 (L.A. Bill No. 18 of 1947) as agreed to by the Council without any amendment and signed by me.

(3) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Prisons (Madras Amendment) Bill, 1947 (L.A. Bill No. 19 of 1947) as agreed to by the Council without any amendment and signed by me.

(4) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Prisons (Madras Amendment No. II) Bill, 1947 (L.A. Bill No. 20 of 1947) as agreed to by the Council without any amendment and signed by me.

(5) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Tuberculosis Sanatoria (Regulation of Buildings) Bill, 1947 (L.A. Bill No. 22 of 1947) as agreed to by the Council without any amendment and signed by me.

(6) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras City Improvement Trusts (Amendment) Bill, 1947 (L.A. Bill No. 23 of 1947) as agreed to by the Council without any amendment and signed by me."

"I have to announce to the House that the following message, dated Fort St. George, the 21st October 1947, has been received by me from the Hon. the President of the Madras Legislative Council:—

"In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Estates Communal, Forest and Private Lands (Prohibition of Alienation) Bill, 1947 (L.A. Bill No. 26 of 1947) as agreed to by the Council without any amendment and signed by me."

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III.—GOVERNMENT MOTION *RE* ELECTION OF TWO MEMBERS TO THE STANDING ADVISORY BOARD FOR TECHNICAL EDUCATION.

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Sir, I move—

‘that this Assembly do proceed on a date to be fixed by the Hon. the Speaker to elect two members of this Assembly to be members of the Standing Advisory Board for Technical Education, constituted by Government in G.O. No. 1829, Education, dated 18th August 1947.’”

SRI T. VISWANATHAM:—“On a point of order, Sir.”

MR. SPEAKER:—“I want to know whether the Hon. Minister has moved the motion.”

SRI T. VISWANATHAM:—“The Hon. Minister has moved it, Sir, and I am raising a point of order. This resolution has come again. Only recently a similar resolution was put before this House and the Hon. the Leader of the House was pleased to agree with the point of order which I raised and so, the resolution was withdrawn. Now, without any further statement, the same resolution has been brought forward before this House.”

MR. SPEAKER:—“The Hon. Minister has just moved the motion and the hon. Member should give him time to say something about it.”

SRI T. VISWANATHAM:—“I thought I should raise a point of order as soon as the resolution was moved.”

MR. SPEAKER:—“The Hon. Minister who moved the resolution may have to say something about it.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I shall reply to the point of order afterwards, Sir.”

SRI T. VISWANATHAM:—“I wish again to refer to the point of order of which I spoke last time. This House is concerned only with the election of members to committees which are formed under the authority of a Legislation either in this Province or in the Central Assembly or under the authority of a resolution passed by this Legislature which is binding on us and it is not right for the Government to ask us to elect a few members to Committees of their own choice constituted by executive orders. Not only the Government proceeded with the formation of those committees but to a certain extent, they have nominated some members and are trying to include some more members. Sir, it is not a matter on which this House can send two of its members by way of election or by way of nomination. In anticipation of what might be said by the Hon. the Minister for Education and by the Leader of the House, I want to say something more.”

MR. SPEAKER:—“This is not the time for the hon. Member to make a speech. He should raise a point of order and sit down. I have already told the House that if any hon. Member wants to raise a point of order, he should simply state the point of order and not make a long speech.”

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SRI T. VISWANATHAM:—“It is not a speech that I am making, Mr. Speaker. It is in explanation and elucidation of the point of order and I am submitting in advance an explanation to what might be said by the Hon. the Minister on this point. Sir, it may be said that there some precedents somewhere which might be quoted. Supposing a precedent from the Central Assembly is quoted, then I submit that that precedent will not be binding on us because the Central Government as it exists now has no responsibility to the Legislature in the sense in which the executive Government in this Province has its responsibility to this Legislature. Therefore, I submit that the precedent from the Central Assembly would not apply. Even if that precedent is to be quoted, a point of order was not actually raised at the time when a similar motion was put forward by the Executive Government in the Central Legislature. Because no point of order was raised, no decision was taken and no ruling was given by the President. So, that cannot be treated as the authority because nobody took notice of it and the question was passed over. So, we should not, in my humble opinion, treat it as a precedent at all. That is my point of order, Sir.”

* THE HON. DR. P. SUBBARAYAN:—“When the hon. Gentleman previously raised the objection, the question having been the same, I wanted some time so that full information may be got for the Hon. Speaker’s ruling in the matter because after all it is in the Speaker’s discretion. This very House has elected members to the Railway Advisory Board. The Railway Advisory Board is a Board constituted by the Agents of the Railway and it is not a Board constituted by this House but yet Members from this House have been nominated to that Board. Again, the hon. Gentleman was keen that the precedent from the Central Assembly should not be quoted here and I am giving this for his information. It has been customary for this Legislative Assembly as well as the Legislative Council to elect members to these Railway Boards which were not statutory bodies but constituted by the agents of the Railways but all the same, members were elected to those Boards as representatives of the Legislature both under the old Act of 1919 and also under the 1935 Act. Therefore, the Legislature here, both the Legislative Council and the Legislative Assembly, have elected members to these railway advisory committees because they wanted that the advice of the members of these Houses should be made available to them. So, if the Hon. Minister wants to be more courteous to the Legislature and thinks that some Members of the Legislature should be represented on these advisory bodies, I do not see how the point of order arises unless it is the intention of my hon. Friend that the Government actually should not be allowed to proceed with this motion.”

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I do not think I have to say anything more after what the Hon. the Leader of the House has said. I have only to say something in elucidation of what the Hon. the Leader of the House has already said. On the previous occasion, when the point of order

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was raised, the Hon. the Leader of the House said that he might be given time to consider the question and so it was not moved at all and there was no ruling given as the Hon. Speaker himself knows. As I said on the previous occasion, there are precedents of such motions like this in this House for election of members of this House to such committees. We have elected members of the Legislature to the Railway Advisory Boards. I think it is perfectly in order."

SRI T. VISWANATHAM:—"I would like to say that the Agent of the Railway Board has constituted this Railway Advisory Committee and though it was not formed by any Act or resolution passed by this Legislature it was formed by under the authority of an Act of the Central Legislature, which is binding on us."

THE HON. DR. P. SUBBARAYAN:—"This Government in consultation with the Agent of the Railway has constituted this committee."

MR. SPEAKER:—"I do not see any point of order in this. A similar point was raised in the Central Assembly on the 21st September 1942. At that time, the Hon. Sir Abdur Rahim was the President and he ruled that there was no point of order. The best thing for the hon. Member is to oppose the resolution."

SRI T. VISWANATHAM:—"I submit that the precedent of the Central Legislature cannot be quoted here. It had an Executive which was not responsible to the Legislature. But, here we are in quite a different position because the Executive Government is responsible to the Legislature. So, if committees are formed by executive orders, we cannot be asked to elect representatives to those committees. So, I submit that this Legislature should be taken into confidence if the Government desire to be more courteous to its members."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I do not want to say anything on the point of order, but with regard to the constitution of the railway committees, I am afraid, the Hon. the Leader of the House will have to examine the question further."

* SRI P. NATESAN:—"Now that the whole thing is considered to be in order, I would like to know from the Hon. Minister whether he does not think that this Board is too big. There are three Principals of three Engineering Colleges, four Chief Engineers and others. What I am driving at is that if you set up such an unwieldy body, I do not know whether anything will come out of it. So, I would suggest a much smaller body. Apart from that, I do not know how long this Standing Advisory Committee is supposed to exist. I would also like to know when its report will be submitted to the Government so that a decision may be taken. Year after year during discussion of the Budget, we speak of this technical education committee. The Government should hasten the submission of its report. As I said

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already, there are too many people on the Board; the Chief Engineer for Electricity, Chief Engineer for Highways and Chief Engineer for Irrigation are all members of the Committee. After all, a smaller body ought to be able to say what should be done. So, I would like to hear from the Hon. the Minister for Education why he considers that this unwieldy body has got to make recommendations to the Government."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:— 12-15 p.m.
"Sir, adverting to the point raised by Mr. Natesa Mudaliyar, I wish to point out that it has to be a sufficiently big body. In these days of specialisation it is not possible for one engineer to represent all others. In fact, the intention of the Government is to appoint all Specialist Engineers on that Board. For instance, the Special Engineer in charge of the Ramapadasagara project has also to be appointed to the Board because his advice is necessary on many of the reorganization schemes. So, in these days when every special branch of engineering is to be instituted, the advice of engineers is necessary because we are going to have different types of engineering established in the country. In regard to the period, it has not yet been settled and in regard to the question when their report will be completed, that will depend, Sir, on the various subjects that will be referred to the Board as and when occasion should arise. I hope that this Committee will go to work immediately after it is constituted."

"As in every other subject, in regard to technical education also, the public must be taken into confidence and those well-versed in the line will be taken into confidence and their experience will be taken so that Government may be kept informed of their views on these matters. That is the reason why they have constituted this Board."

"In regard to the six members to be nominated by the Government, it is intended that the various industrial interests represented in the province should be represented on the Board because Government hope that the advice of these eminent persons will be very useful in the reorganization of technical education in the province. I have nothing more to say, Sir."

The motion was put and carried.

MR. SPEAKER:—"With reference to the motion of the Hon. the Minister for Education regarding the election of two members of this Assembly to the Standing Advisory Board for Technical Education, passed by the Assembly just now, I am to state that the nominations should be handed over to the Secretary before 3 p.m. on Friday, the 31st October 1947. The nomination forms can be obtained from the Secretary. There will be an election if the number of candidates nominated exceeds two. In that event, the date of the election will be announced on 3rd November 1947. The election will be by the ordinary method and not by means of the single transferable vote."

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THE HON. DR. P. SUBBARAYAN:—"I move, Sir,—

'that item No. 5 in the Agenda be taken up before item No. 1 relating to the "Public Debt of the Province", that is the motion standing in the name of the Hon. Mr. Madhava Menon for appointing seven members to the Joint Select Committee.'

He wants the Select Committee to meet as soon as possible. I do not think it will take much time."

MR. SPEAKER:—"There is no objection to that."

IV.—THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC
(AMENDMENT) BILL, 1947.

THE HON. SRI K. MADHAVA MENON:—"I formally move the motion that stands in my name, Sir,—

'that seven members of this House be nominated to the Joint Select Committee appointed to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947.'

"The Council has agreed and elected six members and this House has already accepted the principle. I therefore request this House to elect seven members to the Joint Select Committee. With your permission, I propose the following members:—

- (1) The Hon. Dr. P. Subbarayan.
- (2) Srimathi C. Ammannappa Raja.
- (3) Begum Sultan Mir Amiruddin.
- (4) Sri K. Bhashyam.
- (5) Srimathi V. Sitamahalakshamma.
- (6) Srimathi A. V. Kuttimalu Amma.
- (7) Sri M. Bapineedu."

The motion was put and carried.

V.—GOVERNMENT RESOLUTIONS.

- (1) LEGISLATION BY THE CENTRAL LEGISLATURE IN REGARD TO CERTAIN MATTERS FALLING UNDER "PUBLIC DEBT OF THE PROVINCE."

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

'Whereas the Indian Legislature has passed the Public Debt (Central Government) Act, 1944 (Central Act XVIII of 1944), consolidating and amending the law relating to Government securities issued by the Central Government and to the management by the Reserve Bank of India of the public debt of the Central Government;

And whereas, in order to avoid inconvenience to the public, it appears to be desirable that the laws and regulations relating to Government securities should be uniform as far as possible throughout India;

Now, therefore, this Assembly hereby resolves, under section 103 of the Government of India Act, 1935, that the matters dealt with in the Act aforesaid shall be regulated,

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in this province, by Act of the Indian Legislature, in so far as Government securities issued by the Provincial Government and the management of the public debt of the Provincial Government are concerned, being matters falling within the scope of Entry 5 of the Provincial Legislative List, viz. "Public Debt of the Province".'

"Sir, in moving the resolution that stands in my name, I beg to state that the Indian Securities Act of 1920 covered all the securities, both of the Central Government and the Provincial Governments, but since some loop-holes have been found in the Act the Central Government thought it fit to have their own Act to cover their securities alone. Now that Provincial securities have been included in the Provincial List, the Provincial Legislature have to make their own regulations in regard to their own securities. Further the Indian Securities Act did not cover securities other than pro-notes previously and now that share certificates and other such certificates loom large they have also to be covered and it is therefore necessary to have a uniform legislation for all the securities in the province so that it may create greater confidence in the investing public. Section 103 of the Government of India Act, 1935, empowers the Provincial Legislature to request the Government of India to have legislation enacted in the Indian Legislature so as to cover provincial securities also. Most of the other provinces have already made such requests to the Government of India and it is proposed that this Government should also fall into line with the other provinces in this matter. Hence this resolution."

* SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, I have listened to the speech of my Hon. Friend, the Finance Minister in regard to making laws and regulations as uniform as possible throughout all the provinces. As a matter of fact, the investing public are greatly inconvenienced in regard to the collection of the interest on securities. When loans are floated by Government they announce a certain percentage of interest and also prescribe certain dates in the year on which interests could be collected by investors, but when the securities are actually presented for the payment of interest, they are not paid immediately. They say that the interest due on securities could be paid only after the submission of the income-tax return to the Government in the following year. It is really a great inconvenience to poor people who have come forward to invest in Government securities if they are not paid the interest due to them on the due dates. Therefore, I request the Hon. the Finance Minister to point out to the Government of India and those responsible for the issue of these scrips that interest might be paid to investors as and when it falls due instead of waiting for the submission of the income-tax return by the individuals concerned. With these words, Sir, I support the motion."

The motion was put and carried. >

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(2) AMENDMENT TO RULES UNDER THE COTTON TRANSPORT ACT.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—

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

Notification.

'In exercise of the powers conferred by section 7 of the Cotton Transport Act, 1923 (Central Act III of 1923), His Excellency the Governor of Madras hereby makes the following amendment to the rules published with Development Department Notification No. 278, dated the 19th September 1928, at pages 1455 to 1461 of Part I of the "Fort St. George Gazette," dated the 25th September 1928, as subsequently amended:—

AMENDMENT.

In the said rules, after rule (9), the following rule should be inserted, namely:—

"(9-A) The licensing authority may require the inspection of any consignment of cotton by an officer of the Agricultural Department before the grant of a licence for the import of the consignment into a protected area. The rates for such inspection shall be Re. 1 per bale of 400 lb. of cotton lint or Rs. 2 per bale of 800 lb. of cotton kapas subject to a minimum of Rs. 100. The officer will not be deputed for inspection outside the limits of the province."

The necessity for this notification is with a view to maintain the quality and reputation of cotton grown in certain parts of this province. Sections 3 and 7 of the Cotton Transport Act, 1923, prohibit imports of cotton from northern, western and southern areas except under a licence. No fee has been prescribed for the grant of the licence and inspecting officers have to go and inspect the consignment with reference to the fee that has to be collected. The proposed notification prescribes the fee for such inspection."

The resolution was put and carried.

VI.—THE MADRAS ESTATES LAND (REDUCTION OF RENT)
BILL, 1947—cont.

(Motion that the Bill be referred to a Select Committee—cont.)

12-30 P.M. THE HON. SRI KALA VENKATA RAO:—"I have already moved this motion and the hon. Member Sri B. Venkatanarayana Reddi was on his legs last time."

MR. SPEAKER:—"Then the hon. Member Sri B. Venkatanarayana Reddi will now continue his speech."

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"The hon. Member has already taken 4 minutes the other day."

SRI B. VENKATANARAYANA REDDI:—"I will finish in 5 minutes, Sir."

SRI B. VENKATANARAYANA REDDI:—"అప్పటికే, జమీందారీ, ఈనాడు దారీ గ్రామములలోని భూమి ఇస్తు తగ్గింపు విషయంలో శ్రీ బకాశం చతులగారి కమిటీవారు తయారు చేసినటువంటి రిపోర్టును చర్చించు సందర్భంలో 1802 వ సం॥ నాటి ఇస్తులను నిర్ణయించుటే మంచిదని ఈనాడు వారి సిఫారసులను నేను బలపరచియున్నాను. ఇంతేగాక ముఖ్యంగా మన రెవిన్యూ మంత్రిగారు కూడా అప్పటికే ఒకటి అభిప్రాయముతో ప్రకాశం చతులగారి కమిటీ రిపోర్టును బలపరచియున్నారు. అందుచేత ఆరోజున అట్టి అభిప్రాయములను కలిగియుండి ఈనాడు అభిప్రాయములను మార్చుకొనుటలూ ఉద్దేశ మేమని వారు అడుగుతున్నారు. ఈ విషయంలో నేను కొద్దిగా మనవి చేస్తాను."

"యదార్థమును గమనించినట్లయితే అప్పుడుకూడా జమీందారీ రైతులు ఈనాడు దారీ రైతులు వారి భూములకు ప్రక్క రైత్వారీ గ్రామములలో వలెనే ఇస్తులు నిర్ణయించవలసినదని, ఆ విధానమే యుక్తమైనటువంటిది, రైతుకు శుభమైనటువంటిది అని ప్రభుత్వమువారికి తెలియజేసే యాన్నారు. కాని అప్పటి కరి స్థితులలో ఈ జమీందారీ, ఈనాడూ భూములపై ఇస్తును రైత్వారీ గ్రామములలో ఇస్తులకు సమానముగా చేయుటకు రాష్ట్ర ప్రభుత్వమువారికి అధికారమున్నదా లేదా అనేటటువంటి సందేహముకూడా చాలాసందికి కలిగింది. ఒకవేళ ఈ విధముగా చేసినా జమీందారులు హక్కుకూడా చాలాసందికి కలిగింది. ఒకవేళ ఈ విధముగా చేసినా జమీందారులు ప్రభుత్వమువారికి యిట్టి హక్కులేదని కోర్టులలో రుజువు చేయుటకు అవకాశమున్నదని ప్రభుత్వమువారికి యిట్టి హక్కులేదని కోర్టులలో రుజువు చేయుటకు అవకాశమున్నదని యిట్టువంటి అవకాశములు వారికి కలిగినట్లయిన చట్టమును ఆమలుకరచట కష్టమని గమనించి 1802 వ సం॥పు ఇస్తులనే నిర్ధారణ చేయట మంచిదని అప్పుడు అభిప్రాయపడినాము. కాని ఈనాడు మనకు అటువంటి అభ్యంతరములు కలుగ చేయు పరి ప్రభుత్వము వారు లేరు. ఆనాడు మన నిర్ధారణకు వ్యతిరేకముగా చట్టమును సాగించుటకు అధికారములు కలిగియుంటి ప్రతిపక్షవారు మనలను హాపాతిం చుచుండెడివారు. కాని ఈనాడు మనకు స్వతంత్ర్యము. మన చట్టములను నిరాకరించువారు ఎవ్వరూ లేరు. కావున మనము ఈనాడు 1802 వ సం॥పు ఇస్తులను విస్తారుచేయుట యుక్తముకాదు. దీనివలన ఒక గ్రామములో రైత్వారీ ఇస్తు ప్రక్క గ్రామములో 1802 వ సం॥పు Permanent Settlement ఇస్తు ఉండును. దీనివలన రైతులలో అసంతృప్తి కలుగును."

"ఇంతేకాకుండా ఇదివరలో ఒరిస్సా రాష్ట్రంలో అప్పుడు ప్రధానిగా ఉన్నటువంటి శ్రీ బిశ్వనాథ దాసుగారు జమీందారీ చట్టము నొకదానిని కావించారు. ఆ చట్టము ప్రకారము జమీందారీ రైతులు ప్రక్క గ్రామములలోని రైత్వారీ గ్రామములలోని భూములపై ఇస్తుకు రూపాయకు ఆ 2 లు మించకుండా తమ భూములపై ఇస్తు చెల్లించవలయును. కాని ఆ చట్టమును అప్పుడు ఒరిస్సా రాష్ట్రపు గవర్నరు గారు ఆమోదించ నిరాకరించారు."

"ఇటువంటి కారణములచేతనే మేము ఇదివరలో జమీందారీ విచారణ కమిటీ వారి సిఫారసు ప్రకారము 1802 వ సం॥పు ఇస్తులను ఆమోదించినాము కాని వేరుకాదు. అంతేకాని అప్పుడు ఒక అభిప్రాయము ఇప్పుడు ఇంకా అభిప్రాయము కలిగియుండలేదు. ఇంతేకాక జమీందారీ విచారణ కమిటీవారి ప్రశ్నానిలో "What is fair and equitable rent" అనే ప్రశ్నకూడా ఒకటి కలదు. ఈ ప్రశ్న

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కు సమాధానముగా విచ్చిన జవాబునుబట్టి, ఇతర సాక్షులబట్టి రైతులు ప్రభుత్వము వారికి సగింపుచేసిన మొదలగుములబట్టి చూచినచో వీటిలో చాలా హెచ్చు భాగము "fair and equitable rent" అనిగా రైత్యార్ల గ్రామములలో ఉన్నటు వంటి స్థితిలోను అనిమె చూచించుచుండియున్నది. కాని ఈ రైత్యార్ల శిస్తు విధాన మును నిర్ధారణచేయుట జమీందార్ల రైతులు, ఈసంవత్సరముల అంకరకును సమస్తమై నటువంటిది, యుక్తమొనయువంటిదని మంచి చేస్తున్నాను. ప్రజలయొక్క అభిప్రాయమునే ముందుందుచుకొని చట్ట నిర్ధారణముచేయుట ప్రభుత్వమువారి కర్తవ్యము. కనుక రాష్ట్రమంతట రైత్యార్ల విధానమును అమలుపరచి ఒకే రకమునకు చెందిన భూములపైన ఒకే రకమైన శిస్తు విధించుటకు ఉద్దేశించబడిన ఈ బిల్లును నేను ఈ విషయములో బలపరచుచున్నాను.

“నుఖ్యముగా ఒక విషయము మనవి చేస్తాను. ఈ బిల్లులో ఈనామాలను కూడా చేర్చియున్నారు. కాని ఈ ఈనామాల అనేది కొన్ని ఈనామాలకు మాత్రమే వర్తిస్తుంది కాని అన్నిటికీ వర్తించదు. ఇంకేకాండ బిల్లునుంచి కొన్ని కారణముల వల్ల కొన్ని రకముల ఈనామాలను తప్పించుటకు అవకాశము కలిగించే టెర్ములన్నవి. కనుక Select Committee వారు ఈ బిల్లుపై వర్చు జరిపి నిర్ధారణలు చేయవచ్చును ఈ బిల్లు అన్ని ఈనామాల గ్రామములకు వర్తించునటుల చేయవలసినదిగా రెవెన్యూ మంత్రిగారికి మనవి చేస్తున్నాను.

“ ఈ ఈనాడును చట్టములో చేర్చవలెనా లేక వేరుచేయునా అనే విషయముమీద యింకా చాలా తర్జన భర్జన జరుగుచున్నది. ఈ విషయములో అనేక మంది సభ్యులు ప్రసంగించియున్నప్పటికి నేనుకూడా ఒకటి రెండు విషయములపూత్రము మనవిచేస్తాను.

“అసలు మొట్టమొదట గ్రామములలో ఇవి రెవిన్యూ గ్రామాలు, యివి జమీందారీ గ్రామములు, ఇవి ఈనాం గ్రామములు అనే టిటువంటి తేడా యుండెడివి కాదు. కాని మనదేశము ఇంస్టిట్యూషనరీ పాలన క్రిందకు వచ్చిన తరువాత అంకు కొంచెము ముందున్న ప్రభుత్వము వారి సౌకర్యముల కొరకు ప్రజలయొక్క అన్ని పాపములను తెలుసుకొనిక వారి ప్రమేయము, సంబంధము వీడియు లేకుండగనే కొన్ని గ్రామములను రైల్వేరీ గ్రామములగను, కౌన్సిలిని జమీన్ గ్రామములగను, కొన్నిటిని ఈనాము గ్రామములగను విభజించి వేర్వేరు రకముల శిస్తు తరములను విధింపు చేశారు.

“ ఈ మాడు రకముల గ్రామములలోని రైతులకు ఖాముఃవై గల హక్కు విధానము కూడా మార్చివేయబడినది. ఈవిధముగా ఒకే చోట ఉండేటటువంటి మాడు గ్రామములలోని రైతులు వేరువేరు హక్కులను కలిగియుండుట, వేసువేరు రకముల శిస్తులను చెల్లించవలసి వచ్చుటకు అనేటటువంటి తేడాలు ఏర్పాటు చేయబడినవి. ఈ విధానమువలన జమీందారీ ఈనాందారీ గ్రామములలోని రైతుల స్థితిగతులు చాలా అధ్వాన్న పరిస్థితులలోనికి వచ్చినవి దీనికి ఉదాహరణముగా ఒకటి రెండు విషయములు మనవిచేస్తాను. మా నెలూరు జిల్లాలో

రైస్సరి	528	గ్రామములు.
జమీందారీ	984	గ్రామములు.
• శునాందారీ	290	గ్రామములు.

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ఉన్నవి. ఈ మూడురకములైనటువంటి గ్రామములలోను సగటున ఉన్నటువంటి జనాభాను పరిశీలించినట్లయితే ఈవిధముగా వుంటుంది.

రైల్వే	1,621	మంది.
జమీందారీ	575	మంది.
కులనాందారీ	340	మంది.

ఇ.లే కాకుండా ఈ మామూరికములైన గ్రామములలోను ఇండ్ల సంఖ్య ఈ ము.
గా తున్నది.

రైత్వారీ	343
జమీందారీ	114
కునాందారీ	70

ఈ విధముగా ఈ మూడురకముల గ్రామములకు ఇంతంత లేదా కనుపించు
టకు కారణములేవి. వీటికి కారణములు ఈ జమీందారీ ఈనాందారీ గ్రామముల
లోని శిస్తు వసూలు విధానము, అందుమూలముగా ఏర్పడిన రైతుల దుర్భర పరిస్థితు
లేనని మనవి చేస్తున్నాము. ఇట్టి కారణములవల్ల చాలా మంది పేదరైతులు శిస్తులను
చెల్లించ లేక వాళ్ళ ఆస్తుల్ని పొలాల్ని విడచి ఇతర గ్రామములకు వెళ్లి పోయారు.
ఉన్నవారు క్రమంగా నశించిపోసాగిరి.

“ ఈ విధంగా అనేక గ్రామాలు నిర్ధానపత్య మైపోయాయి. ఇటువంటి గ్రామా
లనే “ బేవరా ” గ్రామాలని అంటారు. ఈ గ్రామాల పేర్లు ప్రభుత్వమువారి రెక్క
లలో కనపిస్తాయిగాని ఆ గ్రామముల స్వరూపము ఎక్కడా కనపించవు. ఈ
గ్రామాలకు బడులు అక్కడే వుంటే పొరబోకులు వుంటాయిగాని ఇట్లండవు.
ఇటువంటి “ బేవరా ” గ్రామములు మా నెల్లూరు జిల్లాలో జమీందారీ విరియలో
71, ఈనాందారీ విరియలో 34 ఉన్నాయి. ఈవిధంగా గ్రామాలు గ్రామాలే
నిర్ధానపత్య మైపోతానికి కారణము ఈ జమీందారీ, ఈనాందారీ విధానమే క రణ
మని ఎరల చెప్పవచ్చును. కనుక ఇప్పుడైనా ఖామి శిస్తు విధానములో వివిధ
మైన లేదా లేకుండా రాష్ట్రమున 20కు ఒకే రకమైనటువంటి రైత్వా విధాన
మును ఆమలు పరచుట న్యాయము కర్తము అని మనవిచేస్తున్నాను.

“ ఇంకొక విషయము మనవిచేసాను. ఇప్పుడు ఉన్నటువంటి రైత్యుల గ్రామములలోని భూమి wet, dry (మాగాణి, మెట్టి) అని రెండువిధములుగా మాత్రమే వున్నది. కాని ఈ విల్లు ప్రకారము జమీందారీ, ఈనాందారీ గ్రామములలోని భూమిని dry, wet, garden land [మెట్టి, మాగాణి, మలము (తోటభూమి).] అని మూడు విధములుగా చేసినట్లున్నది. ఈవిధముగా హెచ్చు విధజనలను చేయడము మాడు విధములుగా మాత్రమే ఏర్పాటు చేయవలసినదిగా ప్రభుత్వమువారిని, ముఖ్యుల రెండు రకములుగా మాత్రమే ఏర్పాటు చేయవలసినదిగా ప్రభుత్వమువారిని, ముఖ్యముగా మన రెవెన్యూ మంత్రిగారు గౌరవ నీయులు శ్రీ కళా వెంకట్రావుగారిని కోరుచున్నాను.

చున్నాను. “ ఇంతే కాకుండా శివరైతులవద్దనుంచి అనేక సంవత్సరములనుంచి ఈ జమీందారులు, ఈనాందారులు హెచ్చు శిస్తులను తీసుకొనుచున్నారు. కాబట్టి ఏ జమీందారు, ఏ ఈనాందారు ఏవి రైతువద్దనుంచి ఎంతైనా హెచ్చు శిస్తు వసూలు చేసినాడో తెక్కల కట్టించి హెచ్చు మొత్తములను కరువుల వాషను చేయుటకు ఏర్పాటులు చేయించుట ప్రభుత్వమువారి వర్తకు. మొట్టమొదట ఏర్పాటుచేయబడిన జమీందారులు, ఈనాందారులు భూములను ఇతరులకు అమ్మి వేసినారు, ఇట్లుగా ఈ

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భూములను కలిగియున్న వారు అసలు జమీందారులు. ఈనాందారులే కానందున ఈ విధముగా హెచ్చు శిస్తులను వాపసు చేసుకొనుట సాధ్యము కానట్టిదని ప్రభుత్వము వారు తలచినట్లయితే, హెచ్చు శిస్తులను కట్టలేక బకాయి డిమాండ్లు కలుగుట వంటి శిస్తులను (బకాయిలను) యే రూపముగానున్నా రద్దుచేయుటకు ఈ చట్టములోనే ఒక అవకాశమును కల్పించియున్నదిగా నేను ప్రభుత్వమువారికి మనవిచేస్తున్నాను. మొత్తముమీద అనేక సంవత్సరములగా దుర్భిరమైనటువంటి చాధలకు లోనైనటువంటి మీద జమీందారీ, ఈనాందారీ రెతులస్థితి గతులను వాగుచేయుటకుగాను ఉద్దేశించబడిన ఈ బిల్లును బలపరుస్తూ ఈ బిల్లును త్వరలో చట్టము చేయదలచి నటువంటి రెవిన్యూ మంత్రి శ్రీ కళా వెంకటాచలగారిని హృదయ పూర్వకముగా అభినందించుచున్నాను.

* SRI A. VAIDYANATHIER:—"Mr. Speaker, Sir, this Bill itself, as the Preamble shows, is supposed to be provisional Bill and it says that the Policy of the Government is to acquire the interests of the landholders in estates governed by the Estates Land Act and thereafter to introduce the Ryotwari Settlement. Because in the interim period there may be difficulty and there is pressure to reduce rents, the Government are proposing to introduce this Bill. Therefore, you have to view this Bill in the light of the object set forth in the Preamble to the Bill.

"My first objection with regard to this Bill, which would have to be amended in places, wherever necessary, is this. While there is general agreement with regard to the abolition of zamindaris, with regard to the inams there is a great deal of dispute as to whether they stand in the position of intermediaries in the light in which it is used. Previously there was an elaborate investigation with regard to the zamindaris made by the Prakasam Committee some of whom were Sri T. Prakasam, Sri Kumaraswami Raja, Sri Pallam Raju and Sri Venkatachalam Pillai—none of whom can be said to be wanting in the amount of enthusiasm and patriotism than the present Government after considerable amount of investigation, thought that these which are called 'included inams', were, included in the zamindaris were formed in 1802, and so far as those inams were concerned there may be ground for treating them similar to the zamindaris themselves but with regard to what were called 'excluded inams' or in the legal sense pre-Settlement inams, they stand in the position of ownership itself and with regard to the proprietary inams, paragraph 216 of the Report of the Prakasam Committee says, in language which cannot be forgotten by the present Ministry, as follows:—

'We are therefore of opinion that it was wrong to have included Excluded inam villages within the definition of an Estate for the first time, in the Estates Land Act I of 1908 and to have further extended it to other minor inams by the later amending Act. They had no place in the past in a measure which was intended to deal exclusively with permanently settled estates. They have no place hereafter in any law that may be passed by the legislatures, with regard to permanently settled estates. They must be removed from the Act altogether.'

"Therefore it was wrong to have included these inams in the present Bill. They ought not to have been included in the Estates

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Land Act itself and there subsequently follows in a later passage of the report that so far as these inams are concerned those which were pre-Settlement inams those which had been granted by Kings before 1802—those inams should be treated as proprietary inams and with regard to those inams there is no room for applying the theory of rent collectors or something else. It is in that light we have to view this temporary legislation. This is only a measure that has to be substituted by legislation for acquisition of zamindaris. Of course there is some talk in the public platforms that the holders of the King's grant or Raja Bogam collected only 1/6 and therefore they are rent collectors. That is wrong logic and also an injustice because you will find, judged in that way the persons who have sacrificed for the country and get 5 acres in the future will also be in the same position and will be mere alienees of land revenue. That is not justice at all. I would urge the Government at the Select Committee stage to remove those inams which are pre-Settlement inams from the scope of the legislation altogether.

"Secondly, you do not consider the great havoc that you are likely to cause by including inams or inamdars as merely in the nature of rent collectors. The reason is this. There are two kinds of inams, those which are religious inams and which are otherwise. With regard to the other kinds of inams there are those granted for services rendered in the past and for future services. With regard to these inams Government gave a definite promise that they were liable for alienation and on the basis of that people have purchased these at large expense. In the Ramnad district such inams have passed into the hands of Muslim gentlemen who have made their fortunes in other places outside India. They have invested large sums of money in these purchases. They have been divided into hundreds of shares and there are now about 300 acres in the hands of 200 families, each person owning a small piece of land. You will therefore be causing a great hardship to these small holders by including these inam villages in the scope of this Bill."

MR. SPEAKER:—"I have already told the hon. Members of this House that they should not use the word 'YOU'. It refers to the Chair only and if they want to refer to the Government, let them use the word 'Government'."

SRI A. VAIDYANATHIER:—"I thank the Chair for pointing out this. However I may point out that the word 'you' used is regarded by us as a respectable term. A habit of mine for 35 years cannot be changed suddenly and anyhow I will abide by the Speaker's ruling.

"So far as these inams are concerned, i.e., other than religious inams, there are 40 lakhs of them all coming under this Act. They are in the possession of 5 lakhs of families and multiplying this by 5 the average family unit, about 25 lakhs of people are likely to lose the property for which the Government will be responsible.

"Taking next the question of religious and charitable inams, it would have been better if it had been brought forward after

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the separation of the Andhra Province and the Tamil Province, because in the Andhra area they have no idea at all of the extent of the religious and charitable inams as we have in the south. According to Government calculations a sum of 26 lakhs is said to be derived as income with regard to temple inams coming under the Religious Endowments Board. Out of the 25 districts, 7 districts have no inams granted in them at all. With regard to the others there are inams which have been granted to dargahs and to mosques. Take the case of Nagore Dargah and other dargahs who have got villages after villages. In Tanjore we have got 102 temples and the income is Rs. 6,50,000 per year. In Trichinopoly they have got 35 temples and the income is Rs. 2,31,000. In Madura there are three temples and the income is Rs. 1,30,000 per year and these are all inams. Ramnad district whose income is probably the highest has got 8 big temples and the amount that they fetch is Rs. 8,50,000 per year and in Tinnevely there are 32 temples having an income of Rs. 1,50,000. These 5 southern districts the inam villages produce an income of Rs. 21 lakhs from inam villages and in the Andhra districts, it is only 8,000 or 10,000 rupees. These temples are the centres of culture and by your action you will be sapping out of them their spiritual value and it will be a spiritual suicide. These inams have withstood the successive invasions of the Maharattas, of Vizianagar chiefs in Madura and they have withstood even the attacks of the Nawab of Arcot and the local rebellions of Yusuf Khan and later on even that of the British Government's acquisitive instinct. They have gone through the Advisers' days and now it is the Congress Government that is in power and these inams stand the chance of being taken away. Compensation is only an incidental thing. Compensation in the shape of lands is understandable. If money is given what guarantee is there that it will be safe in the hands of unscrupulous trustees. The Hindu law and the Mohammadan law are specific with regard to the treatment of these religious properties. It should not be the Congress Government's act to abolish these longstanding institutions and deprive them of their income. These temples are places of culture, they are places where many students are being taught and they are also places of refuge for the pilgrims. Do not therefore treat these inams as intermediaries.

"My next objection is with regard to the way in which this Act has been brought before the House. There is a proposal to take away these inams subsequently. I will not say a word about the zamindaris. Now I will take the question of inamdars alone. You are going to have all these acquired and pay compensation. Now we must be clear as to what is going to be the valuation of the property based on its income. Take a property worth Rupees 1,000. The Land Acquisition Court will give $\frac{3}{5}$ and $\frac{2}{5}$ to the ryot and the landholder respectively. The inamdar is entitled to a share in the land and that his interest has been fixed by the Madras High Court at 40 per cent of the value of the land. Therefore, now when the question of the value of the land comes the person who has a share in the land and his interest are material. Secondly, in dealing with the question of giving compensation,

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I do not know whether you are going to consider the question of what is the income at the present time and what is the value of the property as it exists. Now while we are acquiring the property is it right for a law-making body to say 'Let me first reduce income, from Rs. 100 an acre to Rs. 15 an acre and then let me go and acquire the property?' I do not think this is just legislation. After all you know what will happen to these inams under the existing state of income. Take an inamdar who has got an income of Rs. 50 per annum and when his interest is acquired it should be calculated at 20 into 50. His interest in the property will thus have to be valued at Rs. 1,000. That inamdar might have spent much on improvement. The registers will show that these were purchased long long before. The Land Acquisition Act lays down that the calculation of the value of the property should be at the market rate on the date of the notification. (Interruption.)

"Instead of that, the Government is now trying first to reduce 1 p.m. the income by statute; against the income of Rs. 100 or Rs. 50, they say that it shall be reduced to Rs. 10 or Rs. 5. On that basis, instead of multiplying fifty by twenty, they say they will multiply Rs. 5 by 20 and pay Rs. 100 only when they ought to pay Rs. 1,000. If such a thing is done by an ordinary individual it will be called an unfair act but if it is done by the Government it is called legislation. I ask, Sir. Is it fair? Is it just? Is it right, especially when it is your own people that you are dealing with? And what purpose is that all for? As a matter of fact, you are going to oblige somebody else; you are going to take from one person and put it into the hands of some one else. We know the proverb that it is good to have a giant's strength but you should not make use of it like a giant. The Government is more than a giant; it is next to God and it is the most powerful machinery on earth; it can make offences out of innocent acts and can declare offences to be no offences at all. When it has got such extraordinary powers is it not all the more reason why the Government should be straight in its legislation and not adopt the round-about method of not paying the correct valuation. If you look into the various clauses of the Bill, you will see how they will operate. The general desire expressed in the Act is that after the Government acquires, it is going to introduce ryotwari settlement. They say that since there has been a persistent demand for reduction of rent they are going to reduce the rent according to an Act. What is the method they are going to adopt? It is not as if the procedure is going to be uniform throughout for all the places. If it is less than the ryotwari rate, then that rent will stand and it shall not be raised according to clause 2 (4) of the Bill. So there is an absence of a uniform procedure. But what is very wrong comes in by way of clause 3. There are places where the inamdars got their share of profits in kind and it is a well-known fact that such inamdars will be getting an income to the tune of Rs. 100 per acre per annum. The Bill says that the rent shall be commuted first into money rent in accordance with the rules to be made by Government under clause 8. The House has no indication as to the basis on which

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this will be done and whether the scales adopted will be just and fair to the persons whose properties are to be acquired. Is it at the present value? No. The device adopted is to refer to rules which the Government will issue. Without saying on what basis it will be, they cryptically say that this will form the subject-matter of rules to be framed by the Government. It is not disclosed to the Assembly what the points are on which the rules will be framed and generally what will be the basis on which the rates will be arrived at. I say that it offends against the fundamental principles of legislation to leave the most important aspects of legislation to be disposed of by rules; it is a sin against legislation if the Government do it. This House is entitled to know on what basis they are going to convert it. The House is entitled to know it and instead of that to be told that these will be relegated to the rules is a thing to which I cannot reconcile myself. In cases where money rents exist, the rates existing in adjoining ryoti lands shall be the test and it shall be modulated accordingly but when it comes to a question of converting into definite money rates, it is said 'provided the rent determined is lower than the commuted money rents' I can understand if things were left at merely converting into money rates. It can be understood because it is going to be a legislation for a temporary period. But instead, you have the provision in clause 3 (2). If you want to pass an expropriatory legislation. I confess I am one with my hon. Friends of the Communist party in having it straightaway, if expropriatory legislation there has to be, let it be enacted and let there be an end of it but let it not be said that consideration for rights is being given and at the same time deny it in actual practice. There is no point in holding it to the ear and breaking it to the heart. Let me further explain the position under clause 3 (2). Supposing the converted money rent is a certain figure; it is not left at that. The rent in adjoining lands is again taken into account. If the ryotwari rate is Rs. 5 and the commutation value comes to Rs. 15, they say that the former only shall prevail. Wherever it is a question of the inamdar's rent, let it be said that whichever is less shall be taken, whether it is just or not. The power of God is vested in the Government. It is said that no man has a right to make laws unto others what one cannot do unto himself. Large powers of law-making are entrusted to the Government and it has to be executed within the bounds of truth, morality and justice. Can you say that this is just? I am afraid it is not. Nor do I think that this Bill is likely to conduce to orderliness which is the first necessity of any independent kingdom. The first thing in any state which has attained independence is that it should have order, peace and discipline. It has been provided in clause 4 that the Special Officer shall report to the Board of Revenue and in turn the Government will consult the recommendations of the Board of Revenue and fix the rents. Sir, we know that the question of the continuance of the Board of Revenue is a hardy annual and it has become a hardy sessional even, for its abolition is being pressed every session. I am glad to find that the stocks of the Board of Revenue are going up with the Government whereas it

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seems to be very low so far as the courts of law of the country are concerned. Let us take the machinery to be employed for the purpose of determining the rates of rent with reference to assessment in neighbouring ryotwari areas. Every estate is to be notified and special officers have to be appointed according to clause 2 for ascertaining the ryotwari assessment in adjoining areas. We have got so many estates and it must be remembered that for inam villages also you will have to appoint so many officers and all of them for the temporary purpose of finding out the rates in neighbouring ryotwari areas. You can imagine how long it will take. We are in the middle of 1357 fasli and this comes into effect from the commencement of the fasli year 1357. On top of all this you must remember that this legislation is for a temporary purpose. My hon. Friend from Ramnad (Sri R. V. Swaminathan) reminds me as to how many of the inamdars have received their waram amounts this year. I say the same position obtains also with regard to zamindars. In all such temporary legislation where relief is proposed to be given, there used to be clauses—there was one in the Agriculturists Debt Relief Act—laying down that if people want to come under the benefit of the provisions of the legislation they must pay arrears for the last two years at least correctly and that is the fairest thing that you can do to the people whose properties the Government are going to take away. Can it be said that during the last two years, peishkush, jodi or quit-rent have not been realized on account of expected reduction in rents? What is to happen to the men who have paid their dues to Government if in return people who have to pay them, fail to pay? Are the Government going to order suspension of peishkush or quit-rent or jodi? Then there is the question of the establishment of these estates. The Sivaganga estate has got a peishkush of 8 lakhs of rupees a year and their establishment bill per mensem is Rs. 62,000. They were served with notices and the notices were later on cancelled. The hope has been held out that Government may take in such of the persons as may be found suitable. I do not know what commitment the Government will be undertaking with the non-gazetted officers threatening to strike, the Secretariat saying they would take direct action and explanations having had to be called from them. I am not also sure how many are going to be taken in and what will happen to the others. Now let us take the point which my hon. Friend Mr. Swaminathan has reminded. Many of the persons who have acquired rights in inam villages are the very ryots themselves who have purchased them from the landholders and they have themselves become owners. I do not think it will be fair to leave them in the lurch. This Bill is only going to be a Rent Reduction Bill. In the assessment made by the Special Officers appointed to determine and fix rents, there may be gross mistakes. Supposing there are wholesale grievances, is the Revenue Department to attend to it all and is there to be no authority above them? It is a well-known fact that the landholders are organized and the ryots are not so organized. Supposing the Special Officer says that the lands in a particular area are first-class lands, then as the Bill at present stands they will have no

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remedy because section 6 says that orders made under section 4 shall not be liable to be questioned in a court of law. Why are Government so nervous of facing a court of law? After all you are the law-making body."

(The Hon. Sri Kala Venkata Rao rose in his place.)

MR. SPEAKER:—"Two Members cannot stand simultaneously. Will the hon. Member kindly resume his seat; the Hon. Minister wants to give some information."

SRI A. VAIDYANATHIER:—"I am sorry I did not notice the Hon. Minister standing."

THE HON. SRI KALA VENKATA RAO:—"I would like to know from Sri Vaidyanathier whether in any country in the world fixing of revenue is left to the court of law to decide."

SRI A. VAIDYANATHIER:—"May I ask the Hon. the Revenue Minister whether in any country in the world the Government themselves acquire not on the basis of market rates, but on the basis of figures reduced to a fifth of the real worth and then apply the law of acquisition? What the Hon. the Revenue Minister is trying to do is not fixing of revenue but he is doing it with a view so that he may get the property cheap. Suppose I am the owner of a particular village and I want to purchase a garden in that village. I tell the vendor that the cost of vegetables derived in the garden is only worth annas two and on that basis I will pay the price for the land whereas I get actually Rs. 2 as sale-proceeds of vegetables. I say, Sir, that what the Hon. the Minister is trying to do is not fixing of rent but trying to reduce it with a view to help acquisition. I have explained to the Government that in many cases it is the poor people that are the owners of the lands and there will be hit very hard. It is not just that you reduce the rate. Supposing a property is capable of paying Rs. 100 per annum to-day as melvaram, you reduce it to Rs. 5 and the purchase price is based upon this; is it not a mere colourable performance of acquisition? It is not law to reduce first and then base the price upon that reduced rent. Ordinary people will call it by other names but having been brought by the Hon. Revenue Minister it is called the Rent Reduction Bill. What is the ground? The all-virtuous ground is that the poor ryot may get the land. But who is going to pay the bill—the gentleman who introduced the legislation or the Government that is to pay the bill? Sir, we had a modest calculation of what would be the value of the inams if they were to be acquired according to the ordinary market value basis. It amounts to Rs. 150 crores. Why should Government purchase property which, as a matter of fact, they cannot pay for. Is it reasonable to take away other people's property for a cheap value? In all kinds of civilized legislation, I have never seen a law like this; first reducing rents and then applying the reduced rates for compensation purposes. For God's sake let us have straight legislation. If you really want it, why not, like the Bobbili Act, say 'we will pay one year's and be done with it.'

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"Sir, we are going to have a Constitution Act. It is now in the form of a resolution, but the Constitution Act is bound to come, and even if you get this Act passed through this Assembly, when that particular section becomes part of the Indian Constitution, you cannot nibble into the word 'compensation' and say compensation is arrived at thus. First introduce two Acts, one for reducing the property's worth, i.e., reducing an income of Rs. 100 to Rs. 2 and then the other to make the valuation on the reduced basis. The Hon. the Minister for Revenue may make us swallow this kind of proposition. But at Delhi, in the cooler or hotter place, people are likely to have some meaning for the word 'compensation'. It will be against the constitution to do that now. Why should Government try such methods? Let me say that these two Bills may be considered together. In the other Bill, which you are going to introduce, do not have this mess and do not, as a matter of fact, try to take away properties from that section, which is of course a new section of the people. I may also warn Government that besides, the people who now cry and apply insistant pressure for the reduction of rents are the people of the middle classes and lower middle classes. I have got before me a paper wherein a poor man points out that he has invested Rs. 30,000 on his lands. This is a printed paper, and I hope the Hon. Minister for Revenue also has a copy of this. He has invested this amount in a village and he has not realized a single pie so far. At the reduced rates, the compensation will amount to only Rs. 840. That is, for an investment of Rs. 30,000 the value under the Bill will be only Rs. 840! Let me ask the Hon. Minister for Revenue, whose heart is flowing with milk of human kindness for the purpose of bringing the zamindars under the Agriculturists Debt Relief Bill—I find there is a provision in that Bill that the zamindars shall be treated or deemed to be ryots for the purpose of that Bill—to have also an eye and set apart a cup of that milk for these landholders. This bunch of legislation goes against all sense of justice. So far as inams are concerned—charitable inams—I find there is a Bill which says that there shall be no separate trust and no separate board, but there shall be a department of the Government. If, to-morrow these charitable inams are bought for a less amount than Rs. 26 lakhs, who is to file a suit? The right hand is the person who has to pay and the left is the person who is in charge of the religious endowments. No officer of the Government can file any objection and say that this amount is not sufficient. They take the endowments themselves, and they are bringing the seller under their control. They are reducing the value of the property by means of legal legal-remain, and then they themselves are making the Act 'Thou shall not go to Court.' Can you conceive this in ordinary life? I would say that this is sheer injustice. You cannot take the seller under your control."

MR. SPEAKER:—"The hon. Member has taken more than half an hour."

SRI A. VAIDYANATHIER:—"I would take years to speak on the way in which this injustice is done. But I bow to your

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ruling, and I will finish in one or two minutes. I have a letter in my pocket from a Ryots Association of Kandiyur. But for the amendment to an earlier Bill which the Government accepted, hundreds of people would have been ruined. At that time, the Hon. Minister promised that he would be more considerate, that he would think over, and then bring Bills later in a suitable form. Why not he try that in the case of an Act like this? I do not think the Hon. Minister for Revenue is not intelligent enough to catch all the points that we say. Let me request him to exclude the inams, to exclude at least the religious charitable endowments, not to do this legerdemain and not to adopt the reduced rates for the purpose of acquisition of these inams."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Mr. Speaker, Sir, I listened with great interest to the admirable speech of my hon. Friend Mr. Vaidyanathier as regards the Bill under consideration. The hon. Member has dealt with the question thoroughly and represented to the Government the point of view of one section of the people who will be affected by this legislation. Before I go into the question under consideration, I should like to state frankly and express my disapproval or rather protest, on behalf of the vast masses of people, who are to-day regarded as possessing sovereign rights in the country, against the way in which the Hon. Premier and the other Ministers went on a pilgrimage to Delhi to consult on this legislation. I should like to ask them, Sir, whether it is proper and whether it is right that they should have gone to Delhi for such consultation. The party has met—and the party is always there behind the Government—and has expressed its view. Having decided one way, it was the duty of the Government, and particularly the Minister in charge of this Bill, to have taken the verdict of the party and gone into the matter. Instead of attaching the value and importance, which are expected of a Government, to the decision of the party, they thought it advisable to consult what is regarded as, the Congress High Command. After all, this is a matter which relates to this Province. And also there are certain matters which are peculiar to a Province, and which may not be understood or known by people in far off Delhi. It is wrong, therefore, to expect the High Command to give a correct and proper decision on the matter which is the peculiar concern of the people of this Province. In the first place, it is wrong constitutionally for a Provincial Government, which have powers of their own (Interruption by the hon. Sri Kala Venkata Rao) to go about hunting for advice. This is not the first time that our friends who constitute the Government to-day have been acting in this manner. They have been every now and then going outside the Province for advice and consultation. Having gone there, and having consulted the High Command on this subject, I do not know to what extent they are going to rely on the advice given, or whether they are going to act independently of the advice, taking into consideration the fact that this is an autonomous body. This Provincial Government are an autonomous body, for even to-day, in spite of the amendments made

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to the Government of India Act, 1935, and the changes that have been made to it by the Adaptation Order of 1947, we are still governed under that Act, and under that Act we are an autonomous Province, and as such, it is positively wrong on the part of the members of the Government to go out of their province for consultation on an important subject like this.

" Sir, so far as the Bill is concerned, I find that this is not an independent piece of legislation, for, as you know, this is only a part of the scheme of legislation on land revenue that the Government have in their mind. In the Preamble it is clearly stated 'whereas it is the policy of Government to acquire the interests of landholders in estates now governed by the Madras Estates Land Act, 1908, and to introduce the ryotwari settlement therein . . . ' Sir, if this is the object of the Government, and if they have made up their mind to give compensation to the owners of these lands from whom they wish to take away the right and acquire the property, it is positively wrong and improper; and as my hon. Friend said, it is indulging in expropriatory legislation to cut down rents long before they (Government) come forward with legislation to acquire these estates. If they really wish to benefit the ryots, it does not mean that they should bring forward an immoral legislation. My hon. Friend was right in classifying this legislation as unjust."

MR. SPEAKER:—" The hon. Member will continue his speech after lunch. The House will now adjourn and meet again at 2-30 p.m."

The House then adjourned for lunch.

(After lunch—2-30 p.m.)

MR. SPEAKER:—" Mr. Abdul Hameed Khan will now continue his speech."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Mr. Speaker, Sir, I believe when the Government is to launch upon a scheme for taking away zamindari, this Bill is, to say the least unwarranted, or rather an anticipatory Bill. I begin to doubt what exactly is the intention of the Hon. Minister for Revenue in bringing this Bill. Is it only to help the ryots who are demanding a reduction of rent; or is it to deprive the zamindars of their legitimate compensation? If it is the object of the Minister to reduce rent now to such an extent as will enable him to cut down the amount of compensation, to say the least, it is not honest. It is certainly not honest for a civilized government to resort to such devious methods, to attain their object, however laudable the object may be. I admit that the object may be laudable, I admit that it is necessary that we should help the tenants to restore them to the position in which they were supposed to have been before the zamindari system came in, but if you are really sincere do it by all means in a fair manner, but not by resorting to devious methods. If the Hon. Minister is anxious to achieve the object he has in view, he should adopt a straight method. The bill intended to abolish the zamindaris should have been enough for

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the purpose. The Minister could have concentrated on that Bill and waited till the actual piloting of that Bill instead of this anticipatory Bill. In fact, there are two such anticipatory Bills. One of it is to prevent alienations of land by zamindars, and the other is the present Bill. There may be some justification for the first Bill. But I cannot see any justification for the present Bill. In fact, it should not have brought forward in view of the other proposed Bill.

"Now, Sir, there are five sections to the Preamble of this Bill. To the first section I have already referred. It refers to the intention of Government to change the land tenure system. The second section deals with this thing: Government feel that it will take a long time before they actually give effect to that legislation—it may be passed or it may not be passed, and here I would ask the Hon. Minister how he is so sure that that legislation will be passed, and he is preparing the ground for that Bill in the present measure by reducing the rent. He again shifts the ground from one reason to another; I do not know which reason is correct. For the third section says: 'And whereas the rents now payable by ryots in estates are in many cases substantially higher than the assessments levied on lands in ryotwari areas in the neighbourhood.' Now this is nothing new. It is a well-known fact; and if that is the object, he could have as well brought in that Bill. But, why does he bring this anticipatory Bill, as it were, preparing the ground for that final measure? Then, Sir, in the fourth section, it is said, 'And whereas there is a persistent demand for the reduction of such rents;' I do not know which of these reasons is correct. According to Government all of these may be correct. But there should be a definite immediate demand. All these demands set forth in the Preamble have been there for a long time. Again, in the last section of the Preamble, it is said, 'And whereas it is expedient, pending the implementation of the policy aforesaid, to provide for the reduction of rents in estates approximately to the level of the ryotwari assessment, etc.' I do not know what exactly the 'level' is that he means. The Preamble says, 'And whereas it is expedient'. What is the 'expediency' that is contemplated? I do not know. Is it the object to reduce the rent level so low that Government can get off easily and cheaply by giving the zamindars only a nominal compensation? If that is the 'expediency' that is meant, I say, to say the least, it is not honest. I hope the Hon. Minister will consider that twice before doing anything. A civilized government, a government which is based on righteousness, a government which I daresay has been led by people who believe in righteousness, a government run by people who do not want to do anything dishonest, a government run by people who want to recognize the rights of everybody that government should not resort to such methods.

"Then, Sir, in this very Bill, the same thing against which we have been protesting in other Bills, is found, namely, depriving the people of the right to resort to law court for settling questions arising from this legislation. The Hon. Minister tried to suggest that it is not law courts that fix rents, but it is the Board of

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Revenue and the Government who do so. Now, I submit, fixing of rent is not the only thing that arises out of this measure. The methods of levy are liable to be questioned. So I do not see why Government should deprive people of that right. So clause 3 should go. It is redundant in view of clause 8, where Government propose to make rules to carry out the purposes of this measure. I do not see why Government should take such unlimited powers in clause 9. I shall read the clause, which speaks for itself: 'If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may require, by order, do anything which appears to them necessary for the purpose of removing the difficulty.' You see, Sir, they can do anything which appears to be necessary for the purpose of removing difficulty. I have not known of any legislation containing a section like this, wherein too many powers and unlimited powers are taken by the Government. They could have as well brought forward a Bill containing only clause 9 saying that Government what the legislature to give them power to do anything they like to do with the zamindars and the land tenure pertaining to them. That one clause would have been enough.

"Sir, I shall finish my speech with one reference to lands endowed for charitable purposes. Mr. A. Vaidyanatha Ayyar rightly emphasised that Government should not interfere with lands which are intended for serving as places of worship, temples, churches and mosques. I do not think this Government has become an Ungodly Government. I believe the Hon. Minister for Revenue is a God-fearing gentleman. I don't think he has joined the Communists. (Laughter.) I believe he still belongs to a Government which believes in God, temples, churches and mosques. Hence such a government should not bring forward legislation to deprive the wherewithal of keeping places of worship going. I hope the Hon. Minister before coming forward with the main legislation regarding abolition of zamindaris will come forward with a more Godly and a more sane and just measure. I hope, Sir, the Hon. Home Minister, the Leader of the House, who agrees more with us than with his Colleagues (The Hon. Dr. P. Subbarayan: Question) will help him to do the just thing before he launches upon such a measure."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, I rise to support the main principles involved in this measure, namely, reduction of rent to the ryotwari level as well as enforcement of that rent on zamindars and inamdars. Sir, I never expected there will be such vehement opposition from the Congress Benches to this Bill. They are opposing the main principles of the Bill though formerly they did not do so. There is a demand even from 1929 that the rent should be reduced to the level in the ryotwari areas and this Bill will meet the demand formulated not by communists or any other party but by the Congress Party itself and by the movements initiated by the Congress Leaders themselves. This rent reduction movement which started in the zamindari areas has to-day triumphed in the form of this Bill.

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"Now, Sir, coming to certain objections that were raised to this Bill, they are raised from two angles. One of the objections was enunciated by my hon. Friend Mr. Prakasam, that this is no rent reduction Bill at all but rent enhancement Bill. Another objection was that this is a piece of legislation which ought to have been moved by a Communist member meaning thereby it has got expropriatory nature. That was the sum and substance of the arguments put forward by my hon. Friends, Messrs. Hameed Khan and Vaidyanatha Ayyar. In both the cases they spoke in the name of God, in the name of the poor man, the inamdar, and they wanted to torpedo and make the Bill ineffective. What were the points raised by them in justification of their stand? Religion was brought to the forefront to combat this Bill. The speech of Mr. Vaidyanatha Ayyar is all the more clear indication of the necessity for such a piece of legislation. He himself has cited that in Tanjore Rs. 10 lakhs of income is being collected in the name of God. Of course, Sir, I do doubt if any money is spent for God. I believe in no religion, nor do I take sides with people who believe in religion. All the same I know it for certain that no God is eating even a pie's worth from out of the income. It is only in the name of God that such individuals and trustees and interested parties are devouring Rs. 10 lakhs of income. Whenever such demands are raised it is only the interested parties who raise the demands and not God. God is not coming forward with a demand that Rs. 10 lakhs should be saved for him. That demand never comes from that quarter. We find that in the name of God and the trustees of charitable institutions they want the exclusion of these inams from the operation of the Bill.

"I am glad, Sir, that the Congress Party has given its verdict and I am sure that the verdict will be enforced. Sir, my hon. Friend Mr. Vaidyanatha Ayyar was saying that a poor inamdar has purchased lands by paying Rs. 30,000. How such a man who can pay Rs. 30,000 can be called poor I cannot understand. I can understand the peon standing here getting Rs. 15 being called poor, but not a man who has purchased lands paying Rs. 30,000. He was feeling as to what would happen to this poor inamdar. I am sorry, Sir, I cannot sympathise with this inamdar who has purchased the rights of the actual tillers of soil from another who has no right to sell. We know how the poor people, particularly the kisans, are suffering. They are the poorest class in our society to-day. And now comes the argument that simply because the gentleman has paid Rs. 30,000 he has become very poor. I cannot understand this. They may probably be poor in the sense when we consider our Rajah of Venkatagiri to be a middle-class peasant. So also the inamdar may be treated as poor. Therefore, Sir, I do not find any justification for excluding the inams from any of the provisions of the Bill.

"Then, Sir, the question of reference to courts and the judiciary was raised. In the very speech of the hon. Member, Mr. Vaidyanatha Ayyar, clearly indicates that there should be no loop-hole in the Bill. If there is any loophole, I am sure these lawyer friends will drag the Bill to the courts and see that all the provisions of

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the Bill are made ineffective. It is because there is no safeguard for ryots in the Estates Land Act of 1908, Sir, that the poor peasants are dragged to the courts and our lawyer friends always argue in favour of the zamindars and inamdars and it is they who always win the cases. History shows that we should not give any opportunity to these courts to interfere with and torpedo the rights of the poor kisans.

"Next, Sir, we are told that the new constitution is going to stand in our way. As regards the Bill, even if this Bill is passed, after the constitution comes into force, we are told and threatened that the provisions of the Bill are going to be questioned in a court of law and made ineffective. That I cannot understand. When their rights are appropriated compensation is paid. Mr. Prakasam's report clearly indicates that the zamindar has no right over the property. Much less the inamdar has got any right on the land. I will even take the stand and say that there is no need to pay any compensation at all to the zamindars. It is only as gratis, as a charity, if at all, we have to pay compensation and not in justification of acquiring any of these rights. They have only the right to collect rent. As rent collectors they have expropriated Rs. 300 crores all these years and they want more compensation because they have that right to collect rent. Sir, they have got buildings and so much private land and therefore, I find no justification for paying any compensation. The question of expropriation of any right does not arise.

"We are accepting the principle that the superior right in the land should be taken over. When we accept that principle neither a religious appeal nor philanthropic appeal is really relevant and should not stand in our way in going ahead with the provisions of the Bill. It does not matter for what purpose they collected this rent or for what purpose it is spent, whether it is spent on charities or charitable purposes. It does not matter even if the extent of land under the possession of the inamdar is only 5 acres. Perhaps in bringing such revolutionary changes such individuals will be forced to suffer and for that we cannot postpone this any more. Sir, it has already been delayed and I do not like that the Bill should be delayed any further.

"I shall now come to the other argument that this is not a rent reduction Bill but a rent enhancement Bill. I am sorry, Sir, I cannot agree with this because we must approach this problem according to the present exigencies and circumstances and overriding social consideration. Sir, historical precedents and legal constructions are all of a dubious nature. If we go on adhering to the principle of 1802 rates or if we accept the permanent settlement as unalterable we can make no changes at all in a society created by British Imperialism. But we have changed the society which was created by the British imperialism and I do not know under what canons of law or justice we can demand that the present society which has been created by the British imperialists should continue. We know, Sir, that the British

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imperialism is responsible for this 1802 Permanent Settlement and with the British imperialism which is gone this system also should go.

"We know, Sir, that the 1802 rates and the 1802 Permanent Settlement were the creation of British imperialism. It was not in the interests of the peasant or the ryots of our country that the 1802 Permanent Settlement was brought into existence. It was only to safeguard their interests especially in collecting their rent easily, because they collected exorbitant rents, that they created these zamindars. Now that British imperialism has departed and according to the measure brought forward by the Hon. the Minister for Revenue these zamindars are also going the same way as the British imperialists.

"Simply because they called it the Permanent Settlement we cannot accept it as such. Nothing can be permanent. As a matter of fact the laws and regulations framed in 1802 cannot be enforced to-day. Now we as the Legislature can change every legislation and bring forth further legislation which will be in the interests of the country. If we accept and enforce the 1802 rates to be permanent and unalterable, then cannot the Sales Tax Act or some other piece of legislation that we now pass be changed afterwards? Therefore, we agree that the 1802 rates can now be changed. Then the next point that we have to consider is whether the 1802 rates are really beneficial to the ryots and if they are really beneficial, I will support 1802 rates to be continued. But the 1802 rates in most cases are more exorbitant than what they are now. I can quote several instances from the report of the Prakasam's Committee.

"Take the case of the zamindari of Sillathur. There the tenure is amani sharing system. The rent is payable in kind. The rate is one-third of the produce for dry lands and half for wet lands. I may tell you, Sir, that half the produce in the case of wet lands comes to about Rs. 70 or Rs. 80 per acre and these rates are far higher than the rates which are paid in the ryotwari areas.

"In the case of Uttukuli estate the rent was originally fixed to be paid in money only. The existing rates were adopted at the time of the granting of the Permanent Settlement, according to the quality of the soil. They have been fixed even at rates far higher than what they are in ryotwari areas.

"In the Punganur Estate in Chittoor district, the rent is not paid in kind. The estate was surveyed and settled between 1802 and 1805. The rates settled in 1805 were reduced in 1824 and those reduced rates are being adopted since 1824 till now. This clearly points out that the ryots were feeling that the rates fixed in 1805 were too high and therefore they demanded a reduction and the rents were reduced in 1824. The rates are prevalent even to-day and those rates are higher than the rates in the ryotwari areas. Therefore, if we now say that we can go back to the 1802 rates, we are accepting the higher rates and I am sure the Raja

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of Venkatagiri and the Raja of Pithapuram will be happy if the 1802 rates are accepted by this House. I may point out, Sir, that the zamindars are anxious to go back to the 1802 rent rates provided they are allowed.

"For instance, the Gandarvakottai zamindari is under the amani tenure with the usual rights of waram payable in kind. The favourable rates of rent were fixed at Rs. 18-12-0 and Rs. 12-8-0. They are anxious to raise these rents provided they are allowed. I can quote instance after instance. There is 3 p.m. another point. It is not possible to calculate the rents in existence in 1802. That has been accepted in the Prakasam Committee Report also. With regard to Venkatagiri estate it has been stated—

'In the absence of any information or records to show the extent under cultivation or liable to be cultivated under wet and dry at permanent settlement, there is no room for calculating the conversion rates.'

It is almost impossible to calculate the rents prevailing in 1802. These two arguments that we must go back to the 1802 rates and that we are not entitled to change them, are not beneficial to the tenants. Their demands are that the rates should be reduced. I cannot agree with the view of the Hon. Minister for Revenue that the rates should be reduced to the present ryotwari rates, because they are enhanced rates. I find greater justification for the introduction of the 1913 ryotwari rates. The Hon. Minister himself last year demanded that there should be a remission given because these rates were high. In 1937 the Congress Ministry also gave a remission. Therefore I naturally expected the Hon. the Revenue Minister to introduce not the existing rates but the rates which prevailed in 1913. The peasants have been agitating against the enhancement of this rate and I remember that most of our respected leaders like Mr. Prakasam, Mr. N. G. Ranga and Mr. Kaleswara Rao have courted prison in the movement. But to-day we find that these very rates are sought to be introduced. The Hon. the Revenue Minister may say that this is only a temporary piece of legislation, but my objection is that by this the zamindars will have to be paid more compensation. To-day the zamindars are collecting about Rs. 2.15 crores and if the rates are reduced to the ryotwari rates they would get Rs. 1.8 crores. The difference of Rs. 35 lakhs is not much. The 1913 rates were raised by 3 annas in the rupee in the case of wet lands and 2 annas in the rupee in the case of dry lands. These enhanced rates were fought against by the Congress. To-day I do not see any justification for the imposition of these ryotwari rates in the zamindari area. There is greater justification to go back to the 1913 rates, at least for the sake of paying compensation to the zamindars. We will then be saving three annas in the rupee in paying compensation. I therefore request the Hon. the Minister to consider this matter carefully. There is nothing sacrosanct about these rates. He should not overlook this vital point. Even to-day most of the peasantry have not reconciled themselves to the assessment. In 1944 the Advisers introduced the previous rates. As a matter of fact the previous Congress Government

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did not agree to the previous rates. Even the Hon. the Minister for Revenue then demanded that these rates should not be enforced. Now he himself is defending the introduction of these rates.

"Lastly, Sir, I fear that as the previous Land Alienation Bill was watered down in the Select Committee, even this Bill may meet the same fate. I wish I am not correct in this anticipation. With these words I support the Bill."

* SRI N. S. VARADACHARI:—"Sir, I rise to make a few observations on the Bill not in the light of its relationship to other Bills but as an independent Bill creating a new situation. I am not speaking here as a lawyer. I have not much touch with law to-day. I am going to view it as a politician who has to serve the public interest and who has got to make statements in a very cautious manner so as not to offend anybody, but at the same time bring home the truth that may lie behind some of my observations.

"Sir, it is agreed on all hands that there should be a reduction of rents for ryots. I am in absolute agreement with that general principle and to the extent that this Bill provides for reduction of rent, the whole country will welcome it. I am not inclined at present to make any observations on the reform of tenures. I believe there is something good in making the tenure uniform, but I do not like to make a fetish of tenure reform. I would proceed with that reform if it helped to produce more food in the country. That is the test I would apply to this and all other agrarian reform in the country. In the light of that test even the present ryotwari tenure—ryotwari is a mere name and it connotes many things which may not be helpful—has to undergo considerable change if the primary object of raising more and more food in this country is to be attained.

"I do not also wish to say anything at this moment on the comparison of rates prevailing in 1802 and the present ryotwari rates. It is, I think, a fruitless controversy. Perhaps it may be logically correct to say that since the zamindars had a settlement in 1802, we should, as a matter of logic, get back to that date and fix the rents for the tenants on that basis. Sir, I do not believe in action based on mere history. I believe in taking note of the vast changes that have taken place in this country between 1802 and the present day. The network of new communications, the establishment of a different system of Government, the manner in which change has taken place of land values both ryotwari and zamin and, let me add, inam also—all these have to be taken into consideration. The price that obtained in 1802 has no bearing whatsoever on the price that obtains to-day. To-day the price is not determined by the factors that determined it then. Grains to-day are a world market. We have a currency based on a different system altogether. The whole level of prices has undergone such a revolutionary change without a revolution in fact because of the so-called industrialization of this country. I do not claim we are an industrialized nation as yet. We are

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an agricultural nation to-day and we hope to be in the future something in between a purely agricultural and an industrial state and that day will come when there will be a balanced economy established in this country between the cottage home put on higher standards and the rich industrialist living in the country who will have to part with a very substantial portion of his income for the betterment of the people as a whole. That is the kind of State I visualize. But I am going too far with general principles.

"Sir, let me straightaway look at the question of the settlement of the tenants in zamindari estates on the lines indicated in the Bill. The rents are proposed to be reduced, but the party who is asked to make the sacrifice can undoubtedly bear the sacrifice. Now, Sir, let me put in a word to the Revenue Minister about another matter. I may not talk even of inams, of the poor man and so on. Let me tell my hon. Friend Mr. Venkateswarlu that he has not understood the meaning of the word 'poor.' The English word 'poor' has many meanings. It does not mean financially poor. The 'poor' man who has purchased land for Rs. 30,000 or Rs. 30 lakhs means that miserable fellow who has invested his money there. Let me give him a little lesson in English. I hope he will take it in absolute good humour. There are many inamdars who have 3 or 4 or 5 acres of land, who in the totality may not be worth more than a thousand, two thousand or three thousand rupees. Eighty per cent of them, let me tell you, are owning less than 10 acres of land on an average and the total acreage of inams is 48 lakhs of acres out of which 6 lakhs of acres are inams for charitable and other endowments. These are owned by nearly a lakh of people to-day. The computation at one time was 65,000. That was ten years ago. But to-day on account of further fragmentations and alienations the number is very considerably increased. The only point to consider is not a question of law, not even the question of the origin of these different types of estates like zamins, inams and so on. I would like to dwell on one point for two or three minutes in order to make people understand what mischief mere nomenclature can do. Let me now dwell on what inam means. An inam was at first a gift of land in freehold in order that past service may be remunerated or that future service may be continued. That was the position long before 1802 in many cases. The 1802 settlement of the East India Company left them out of account. The very favourable rents they were paying to the zamindars were taken into account only for the purpose of calculating the peishkush.

"The next stage in the inam was when the Government thought that they should set right the whole thing by appointing an Inam Commission. Then the inams were enfranchised. The Government said: 'You are or you are not performing the services in many cases. If you are performing, why should we saddle you with the services hereafter? We shall relieve you of the services. We shall ourselves give up the right of resumption which we now have of the lands that have been given to you

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3-15 p.m. by prescribing what is called a quit-rent.' The word 'quit' is very significant. They quit the land. It was a *quid pro quo*. They said: 'You pay very favourable rate of rent, which may not be even according to the calculations half of what the zamindar pays. We shall give you full rights of property.' Then there are inam and inams. The inams where only *melvaram* was given and which were tackled by the Act of 1908 could certainly have been brought within the purview of all the legislation with other estates. If rents are paid in cash in those villages, reduction to the same level as in the zamindari estates would not mean considerable hardship. But coming to history back again, let me say this. There were several personal inams which were not covered by that Act of 1908 but by Act VIII of 1936 which one distinguished high-placed authority characterized as legal legerdemain. Personal inams were brought into the definition of the word 'estate' and there was considerable upsetting of arrangements. It was always contended on the one side that these had both *melvaram* and *kudivaram* and it was contended on the side of the ryots that they had *kudivaram*. As between the two, the position was left very vague; there was no disturbing the position. Even a tribunal was contemplated to go into the question of private lands and decide, but the tribunal never sat or worked. Each one waits for the other to go to a court of law and find out what the rights are. It is a very unhealthy and unsatisfactory position.

"I would not go into the whole question on this Bill. But I want to point to this fact that where grain rents, which are universal in inam lands, are given, there should be, I admit, some measure of reduction but nothing comparable to what is attempted in the case of zamindari estates or the inams covered by the Act of 1908. Let me draw Mr. Venkateswarlu's attention to people who have borrowed Rs. 500, Rs. 1,000 or Rs. 2,000 and invested on land in the expectation of a project which the Government were undertaking, borrowed more money from Government and improved the land, sunk wells, and raised crops. Suddenly one fine morning they find that their rents are violently disturbed, not to speak of their possession. (Sri R. V. Swaminathan: 'What about those who have spent lakhs and lakhs of rupees?') I am not asking for relief in respect of those who have amassed lakhs and lakhs. My friend Mr. Swaminathan is not anxious to protect them, nor am I. But I am anxious that the middle class, which is the foundation of democracy to-day, should not be violently shifted in respect of its rights, but that only gradual reductions can take place. If a widow depends for her maintenance on 3 or 4 acres of land in a whole inam village and if she asks that she must be allowed to live on the income of Rs. 150 or Rs. 200 from the land, would it be proper to reduce her to the level of destitution, I ask. Let us find out ways and means of meeting the situation. There is always room for satisfying the tenant and also for protecting these people from destitution. That is my view. I am a politician. My Communist Friends also speak as politicians, because

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they say they have no religion, no God. (Interruption by Sri K. Anandan Nambiyar.) I know your politics. You support Mr. Kala Venkata Rao's Bill, you sympathize with Mr. Prakasam, and you will also sympathize with me in the end. You indulge in such fine rope-dancing which is very difficult for people like me to play. It is a cultivated finesse which I see in this House. Let us, I say, take a deliberate stand—never mind even if we incur the displeasure of certain classes of people. I am only pleading for a reduction of grain rents to some reasonable level. I will put forward a proposition; you think about it. I say it will be reasonable to give the tenant relief by reducing the rent to the pre-war level of prices or to the level of prices which the V. T. Krishnamachari Committee considered reasonable and fair on the basis of 180.0 price index figure. But to-day the index is somewhere near 260 or 270. Let us take some practical stand. Let us not make a fetish of tenure and say that for the sake of a particular theory I shall ride my coach and four. I am not speaking for any pet theory here. As I said, I know there are very many defects in all tenures including the ryotwari tenure. I am a ryotwari pattadar; I own 10 acres of land. But let me tell you my ownership is so very unsatisfactory that I am not making the contribution that I ought to make to the State in raising the food crops which those ten acres ought to raise. I say the same is true of all the Members sitting over here including the Hon. Ministers. If that were so, we need not blink that fact. There is reason enough to think ahead and not roll down the poor ryots from the precipice to the abyss of destitution but enable them to descend and stand at some point on the rock so that they may not feel the fatigue, the weariness, the sorrow and even the feeling of despair that may overcome them when they find that they are suddenly pushed to the bottom of the rock. That would be death to several of these people. Each one has to make sacrifices. I call upon the zamindars to make sacrifices, heavy sacrifices, if necessary. But I say: Don't demand so much from a small man. Let the blood that you draw from him be limited to the extent that will make life possible and not reduce him to beggary and poverty. As a politician, that is my plea for the inamdar. Somebody said that I had taken a brief for the inamdar. Even a criminal has got to be heard before he is hanged. If he is guilty of murder, what do we do? Do we not go to a court of law, put him in the dock, give him all the chances of letting in evidence and contesting the evidence that you put in and then finally determine the issue whether there is truth in the charge or whether the whole affair is a falsehood. Then you get justice. Let me tell Mr. Anandan Nambiyar that I do not stand for the exclusion of inams but I stand for a fair consideration and a fair enquiry into the whole issue. If that fair consideration and fair enquiry will be given by the Select Committee, I am sure the defects in the Bill can be remedied.

"Finally let me say a word on one other aspect of the Bill. This is a Bill for a transition period before perfecting the land tenure system. Let me leave it to be dealt with on another occasion. But to-day I will be content to say this. You cannot

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measure in what period of time you are going to effect this change. You give us a reasonable period and we shall legislate accordingly. Even if the relief comes into effect immediately, we will never know where exactly the respective parties stand and whether we will have to revise even before the transition period is over and the new order comes into effect. So let us be a little more definite on that. Let not the Provincial Government take powers to fix the commutation of grain rents. That is a very small point. Let us sit together and think over these things not in a spirit of passion or countering argument by argument or putting forward theory against theory but as a basic measure affecting lakhs of people—if one lakh of inamdars are affected, it means one lakh of families are affected and that is why I say lakhs of people—and so adjust the reform as to enable us to march forward to better conditions and help in the raising of more food for our people.

“I thank you, Sir, for your patient hearing.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Mr. Speaker, Sir, this morning we heard a very brilliant and thought-provoking speech from our hon. Colleague, Mr. Vaidyanathier and just now it was our good fortune to hear a very clear exposition of the case, of course pertaining to inams only, by my hon. Friend, Mr. N. S. Varadachariar. They have spoken really very well and put forward the case very effectively. While listening to their speeches, I was feeling—I may be right or I may be wrong—that their proper place was not on the Congress benches but along with us on the Opposition benches. Of course I sympathize with them; they have got their conscience and conviction on the one hand and loyalty to the party and discipline on the other. I leave the matter at that.

“The Bill with which we are dealing to-day is the second and very important Bill. Somehow we have completed the first Bill and it has been passed into law. What is the purpose of this Bill is an important matter which one has to consider. This Bill will lead to the final liquidation of the zamindaris and all inams, private as well as religious. Most of the members of our party have made their position clear and it is not necessary for me to reiterate the same thing and take up the time of the House. If the Government and the Hon. Revenue Minister really feel that the ryots in zamindari and inam areas are paying more and that the Government should go to their rescue and see that they do not pay more than the ryotwari rents, so far so good and nobody will object to that. As has been pointed out by many members, that does not seem to be the main purpose of the Bill. The main purpose of the Bill seems to be to deprive the zamindar or the inamdar of his rights by paying him as little as possible.

3-30 P.M. “Well, Sir, if that is so, I think this Bill is wrong in the principle itself. Of course we do agree that in most of the zamindari areas, the poor ryots no doubt are made to pay more and it is certainly not fair or just. Therefore if the Government bring some sort of legislation whereby some relief is given to

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these people, I do not think anybody in this House would have any valid objection to that measure. But this Bill does not stop with that. We are very soon going to have a third Bill which is going to abolish the zamindari altogether. Therefore the main purpose of this legislation is to give the zamindars and inamdars as little as possible by way of compensation.

“Well, Sir, in passing I may say that we are really doubtful whether these debates and discussions are going to have any value as far as the Government or as far as the particular Minister is concerned. Most of the speeches are taken in a very light-hearted manner. Of course, I do concede that the Minister in charge of the Bill has a right to make a public speech and create public opinion in favour of the policy which he is enunciating. It is a pity that the Hon. the Revenue Minister went to a small association the other day to expound his Bill and to create public opinion in its favour. It looks as if our poor Minister has no other forum; it looks as if our poor Minister could not speak in this Assembly or in any other place. Instead, he goes to some unknown association in Mylapore and talks things with a finality. There he talks about his Bill, expounds its provisions and says, ‘Well, these are my final views.’ Well, Sir, if he is so settled in his views, then I would like to ask, what is the use of our talking here in this House, because the Minister has already made up his mind about this Bill and is not prepared to take our views into consideration?”

“Sir, with regard to the Zamindari Bill itself, the Government should take a broad view of the question. You are abolishing the zamindari altogether; you are abolishing the inams, and the whole question is ‘What is the compensation you are going to pay?’ If you really feel that the compensation which you are going to pay to the zamindars according to the third Bill is just and fair, then I say, ‘please stick to it.’ But there seems to be no finality about this. Because, just now our Minister for Revenue has returned along with his colleagues, the Hon. Leader of the House and the Hon. the Premier from his good trip to Delhi, and the decision that he has arrived at on this question, is not the decision of this Government or of this House, but the decision of the High Command at Delhi. Therefore our decision is not going to count and that is a very important point we have to remember.

“But the people who are sitting on this side are really confronted with this question ‘What is the Provincial Autonomy which we are supposed to have?’ In this respect, I have to say with a certain amount of feeling, and I am sure, it is the feeling of many Members in this House also—that our Ministers do not mind for Provincial Autonomy and are always prepared to take orders from Delhi. But of course, I do not mind if what they are doing is correct. But are they doing things correctly? I ask, where is the necessity for the Minister to go to Delhi and where is the necessity for the Central Parliamentary Board

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to send in certain private and confidential letter, containing their decision on a purely provincial question, which the Hon. Revenue Minister wants to keep for himself? Where is the necessity for the Secretary of the Congress Party to go to Delhi? What is the purpose which attracted them all to go to Delhi? Here is the Legislative Assembly, which is the proper forum, the forum of the public. We are representatives of the people here, although we represent different parties. Can we not consider the question, thrash it out on the floor of the House and come to some conclusion? But that is not what the Government want. They do not seem to have a definite and fixed policy in these matters. That is why they are taking things in a light-hearted manner. They go to the High Command for advice on such matters, and when the High Command says so, they give some sort of compensation to the zamindars and the inamdars, more as a charity or as a dole. Sir, I do not like to go into this aspect of the question now, because we are going to have a third Bill very soon, and I am sure we will have greater opportunities to dilate on this particular aspect of the subject.

"Sir, now with regard to some particular clauses of the Bill, much has been spoken and I do not wish to take the time of the House by going into them in detail, but there are certain defects in the Bill which we have to bring to the notice of the Hon. Minister for Revenue. At the outset, so far as the object of the Bill is concerned, nobody can disagree with the Hon. Minister, and it is admitted that it is a very good Bill. It is but just that the ryots who are made to pay more than the ryotwari rates in the zamin estates should be given relief. Of course, even with regard to the ryotwari system, there is no fixation of rent, and I think the Government are going to bring in a comprehensive legislation dealing with the whole question.

"This morning, while my hon. Friend, Mr. Vaidyanathier, was speaking, he took strong objection to clause 6, which says—'No order under section 4, sub-section (2) shall be liable to be questioned in any court of law.' Of course, our Minister in a very humorous way replied by putting the question, 'Is there any country in the world where the fixation of rent is decided by a court?' Most probably, it looks plain that he himself does not understand the Bill, otherwise he would not put such a question to Mr. Vaidyanathier. Incidentally, I may bring to your notice, Sir, that in the course of last two months or even earlier, every Bill that was introduced in this House contained a clause to the effect that the Bill when it is passed into law its provisions cannot be taken up before the Court. That is to say, that any provision of the enactment cannot become the subject-matter of a dispute in any court of law. It looks as if our Ministers and the Government feel very nervous of the High Court and its jurisdiction. If they are really on strong and sure grounds, why should they feel nervous about the High Court. The only way that people can get their grievances redressed, if they are really

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oppressed by any of the provisions of this Act is to take the matter before a court of law and it is part of the duty of any good Government which pass such legislation to provide for appeals to the High Court.

"Well, Sir, according to this Act, what will happen is that the Government will appoint special officers for fixing fair and equitable rents for lands in estates and their report will be submitted to the Board of Revenue. The Board of Revenue will take its own time to go through these reports and to make its recommendations to Government and when all these come up before the poor Minister for Revenue, who will be the final authority to pass orders thereon. By the time the rents finally fixed are published in the Gazette and the ryots come to know what rents have been fixed, a good deal of time will have elapsed. If during all these processes some real wrong or injustice has been done either to the ryot or to the zamindar, how is he to redress it? The only way left open to him for the redress of any wrong done by the Government is to put up a claim before a court of law. I really cannot understand what is the point of the Hon. the Revenue Minister in asking Mr. Vaidyanathier to show him any country where the court has fixed the rent.

"Then, Sir, take clause 2 (4) of the Bill. It states: 'Nothing contained in this section shall be deemed to enable the Special Officer to determine for any land a rate of rent higher than that payable therefor at the commencement of this Act.' I think, Sir, that the Government should have some consistent policy in these matters. If they feel that the rents paid by the ryots in the zamindari areas are really higher than what is paid by a ryotwari ryot in the nearest village, they then should bring them down to the level of the ryotwari rent. Nobody will have any objection to it. But if there are cases where the zamin ryots are paying less rent than that paid in a neighbouring ryotwari area, then I think, it is quite reasonable and logical that it should also be raised to the level of the latter. But there is no provision for it in the present Bill. That is why I say that the Government have no consistency in such matters. There will be a number of zamindari areas and inam villages where the rents may be less than the rents prevailing in the ryotwari areas near by. What sort of provision is made in this Bill for fixing rents in such areas? Clause 4 (2) of the Bill does not empower the Special Officer to enhance the rent. I request the Hon. Revenue Minister, when he replies, to explain this particular aspect of the question.

"Then, Sir, with regard to the method adopted by the Government for the abolition of the zamindari itself, I do not think it is going to be any easy or quick affair. Of course, our Minister has probably aimed at a delaying programme. If he is really serious, he should have put down a schedule of time by which the zamindaris will be liquidated. But the leisurely manner in which he is tackling this problem and the process by which he is proposing to fix rents in zamindari areas are so dilatory and cumbersome that it does not inspire one with confidence that the

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work will be finished in the near future and therefore I say, this Bill will defeat the very purpose which the Government have in view.

"Then, Sir, the inquiry into the rents in all the zamindari and inam lands is not going to be such a simple affair as could be done overnight. Of course you can appoint very capable and good officials, but they have to go through many records; they have to make several inquiries; they have to make many surveys and in many cases, the survey and other records may not be in proper order and the officials may not get proper and first-hand information. All these things will take time and the officials will have to meet with all such difficulties and handicaps. Therefore it will take a long time before they could come to any definite conclusion. And therefore I say that the very purpose of this legislation, namely, to give proper and immediate relief to the ryots in zamindari areas will not be achieved. On the other hand, the Hon. Minister for Revenue could have simply said, 'Our policy is to abolish zamindaris and inams altogether. These lands will be converted into ryotwari areas and pattas will be issued in favour of the ryots. Then we shall fix up the compensation and that will be paid to the zamindars and inamdars in due course.' Instead, he is adopting a sort of indirect and roundabout method by reducing the rent first. This is not the right and proper approach to the problem. We cannot take things so very easily. It is all very easy for some Members sitting in the Assembly to condemn this class or that class of zamindars and say that they should be abolished. But when we actually take up the matter, we shall have to deal with them in a human way. After all, all zamindars are not as bad as depicted. No doubt there are good zamindars also and the zamindari system has also its good side. They have got as much right to exist as ourselves and to carry on their avocation. Therefore, if you really want to deal fairly with the zamindars and to abolish the system altogether, then there is no meaning in your saying, 'We need not give anything to them,' as our Communist friends have been urging. My Friend, Mr. N. S. Varadachari, has taken much trouble and time to reply to the Communist Members. My reply to them is, we do not take them quite seriously, and I shall stop at that.

"Well, Sir, the other day, the Leader of the Opposition raised a very pertinent point with regard to the other Bill. He asked, 'Is it not a fact that people in this country have got the right of private property?' Unless you are going to change our entire system of society, unless you are going to change all laws relating to private property, unless you are going to abolish the very capitalist class as such, unless you are going to eliminate completely all middlemen and intermediaries, you cannot adopt measures such as these. The Government should define what they mean by the term 'right of private property.' These zamindars and these inamdars, apart from their historic origin, have got a right of private property also. In fact, the whole thing reduces itself to this argument. Are you going to abolish all private

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property, abolish all distinctions and differences, abolish everything? We have no objection to that. But so long as you are not going to do that, so long as it is not your aim to bring about such drastic changes in our social order, then, do not, in the name of poor ryots, try to eliminate a particular class of people and do not try to make them destitute and reduce them to complete poverty. That is my sincere advice.

"Lastly, Sir, let me say a word about one or two clauses of the Bill itself. In clause 9 of the Bill it is said, 'If any difficulty arises in giving effect to the provisions of this Act, the Provincial Government may, as occasion may require, by order do anything which appears to them necessary for the purpose of removing the difficulty.' This itself shows that the Government anticipate that a number of difficulties are bound to arise in the actual working of this Act and so they want to be empowered to make rules or do anything by executive orders to remove those difficulties. My point therefore is that when this Act is put into operation, more difficulties will arise not only for the people who are going to be affected, but also for the Government. I do not like to say anything more on this point at this stage, because the Bill will have to be referred to the Select Committee and I am sure the Select Committee will go through all the aspects of the question and see that some of the objectionable features of the Bill are deleted and suitable amendments made. I can only say this in conclusion that it is our duty to see that no injustice is done to any class of people or any section of the community and that we should not be merely carried away by such cheap slogans and shibboleths like, doing away with this or that thing, or this or that class of people in our society and in our country."

ஸ்ரீ A. S. SAHAJANANDAM:—“கனம் தலைவர் அவர்களே, இங்கு முன் எத்தனையோ அரசாங்கங்கள் இந் நாட்டை அண்டுநீதிருக்கின்றன. பெளத்த மதம் ஹைன மதம் இன்னும் மற்ற இஸ்லாம் மதத்தைச் சேர்ந்தவர்கள் அவர்கள் அரசாட்சி செய்து வந்திருக்கின்றார்கள். இந்த மாதிரி அவர்கள் கோவிலில் கை வைக்கவேவில்லை. முஸ்லிம் அரசர்கள் கூட நிறையமான்யம் கொடுத்திருக்கிறார்கள். ஹிந்தக்கள் சங்கம் இராஜ்யங்களை பகவான் திருவடிகளில் வைத்திருக்கிறார்கள். திருவாங்கூர் சமஸ்தானத்தில் அரசர் பத்மநாபசாமி திருவடியில் வைத்திருக்கிறார்கள். அன்று முசுல் இன்று வரையில். திருவாங்கூர் அரசரை பத்மநாபதாசன் என்று வகித்து வருகிறார்கள். மீனாட்சி சுலயானம், சுப்பிரமணியர் கல்யாணம் என்று பண்டய காலங்களில் அநேகம் செய்திருக்கிறார்கள். கோவில் களில் பலவித பூஜைகளைக் கருகம் பொருளுகலி செய்திருக்கிறார்கள். அந்த விசமமாக தெய்வபக்தி இருந்திருப்பதால் வெளி நாட்டில் விமந்த Bomb இங்கே வந்து விழாமல் சடைபண்ணப்பட்டிருக்கிறது. அந்த மாதிரி யாக நடந்துகொண்டு வந்தால் வெள்ளைக்காரன் போகிற பரியந்தம் கோவிலில் கைவைக்கவேலை. காங்கிரஸ் இராஜ்யம் வந்து எத்தனையோ நல்ல காரியங்கள் செய்திருக்கிறார்கள். கடன் மசோகா, மது விலக்க, அலயப் பிரவேசம், சிவில் தடை மசோதா, ஜமீன்தாரி ஒழிப்பு, இனம்தாரி ஒழிப்பு முதலிய சட்டங்கள் பாராட்டக் கூடியவைகள். ஆனால் கோவில் மானங்களை எடுக்கம் விஷயத்தில் கை வைக்கக்கூடாது. கனம் சலைவர் அவர்களே, நம் கோவில் களைப் போய்ப்பாருங்கள். கபாலீஸ்வரர் கோவில், சிசம்பரம் கோவில் முதலியவைகளைப் பாருங்கள். எவ்வளவு பணம் சிலை செய்து அவைகளைக் கட்டி இருக்கிறார்கள். அந்த மாதிரி காரியங்களை இப்பொழுது நாம் செய்யப்போகிறோமா? இருக்கிறவைகளை வைத்து நடத்தவேண்டும். அதுதான் நியாயம்

[Sri A. S. Sahajanandam] [29th October 1947]

அதனால் தாங்களும் ஏழைகளுக்குக் கொடுத்தும் சாப்பிடுகிறார்கள். இனும் தாரி நிலங்களையும் ஜமீன் நிலங்களையும் பங்கிட்டு ஏழைகளுக்குக் கொடுக்கலாம். ஆனால் கோவில் சொத்து பொது சொத்து. அதில் கையை வைப்பது அவ்வளவு நியாயம் இல்லை. உடலையும் ஒம்பவேண்டும் உயிரையும் ஒம்பவேண்டும். உடலுக்கு உயிர், உயிருக்கு உலா? அநேகருடைய சொத்துக்களை திருவடியில் சமர்ப்பித்ததாக சொல்லப்படுகிறது. ஆகையால் கோவில் நிலங்களைப் பொறுத்து ஜாக்கரையாகச் செய்யவேண்டும். பழய காலத்தில் கோவில் விஷயமாக மாணிக்கவாசகர், ராமதாசர், திருமங்கையாழ்வார் அரும்பாடுபட்டிருக்கிறார்கள். பதி புண்ணியம் சிறந்தது. குலசேகர ஆழ்வார் அரசாட்சியையே ஒப்புவித்தார்.

‘வாழாப்பட்டு நின்றிருள்ளீரேல் வந்து மண்ணும் மணமும் கொண்மின்
கூழாப்பட்டு நின்றீர்களை யெங்கள் குழவினில் புகுதலொட்டோம்
எழாட்காலும் பழிப்பிலோம் நாங்கள் இராக்கதர் வாழ் இங்கை
பாழாளாகப் படைபொரு தானுக்குப் பல்லாண்டு கூறுதும்.’
என்று பல்லாண்டு கூறுகிறது.

“இப்பொழுது அப்படி கோவில்களும் கட்ட முடியாது. சொத்துக்களும் கொடுக்க முடியாது. இருக்கும் தர்மத்தை கெடுக்கக்கூடாது ஏதாவது தப்பு நடந்தால் திருத்தவேண்டியது அவசியம். கோவில் பூஜைகளில் எவ்வளவோவிதமான பூஜைகள் இருக்கின்றன. இவ்வளவு பூஜைகளுக்கும் எவ்வளவோ பணம் செலவிடப்படுகிறது. ஏழைவிட்டுப் கல்யாணம் என்றால் 10 ரூபாய் செலவு. மகாராஜா வீட்டுக் கல்யாணமாக இருந்தால் பத்து லட்சம் ரூபாய் செலவாகிறது. ஆகையால் ஏழை கோவில் என்னுகிறது. ஆகையால் இந்த கோவில்களுக்கு இப்பொழுது வருகிற வரும்படி போதாது. ஆகையால் நிலங்களை எடுத்துக்கொள்வதாக இரு தால் நிலங்களை ஏழைகளுக்குப் பிரித்துக்கொடுத்து உதவிசெய்யவேண்டும். இப்பொழுது கோவில் நிலங்களை வைத்துக்கொண்டு 10 கலம் நெல் வாங்குகிற இடங்களில் 30 கலம் நெல் வாங்கி வருகிறார்கள். இன்னும் இருக்கிற நலங்களிலிருந்து கொள்ளைபடித்துப் போகிறார்கள். அந்த மாதிரி ஏழைகளுக்கு பிரித்துக்கொடுத்தால் ஏழைகளுக்கும் சௌகரியம் உண்டு. சர்க்காருக்கும் சௌகரியம் உண்டு. கோவிலுக்கும் லாபம் உண்டாகும். ஆகையால் கோவில், மாண்புத்தில் கை வைப்பது நியாயம் இல்லை. Compensation கொடுக்கவேண்டும். ஏழைகளுக்கு உதவி செய்வது இடைப்பட்டவர்களை ஒழித்து கோயிலுக்கும் பயிர்த்தொழிலாளிக்கும் பயன்படச் செய்வது நியாயம் அவசியம். சர்க்கார் கொடுக்கும் பணத்தைக்கொண்டு மறுபடியும் சொத்துக்கள் வாங்கவேண்டும். முடியவில்லையானால் கோவில் களை சரிவர பரிபாலித்து மிச்சத்தால் பிரசாரம் செய்யலாம். ஏழைகளுக்கும் உதவிசெய்யலாம். அரசாங்கத்தார் செய்வது 8-ம், 2-ம், பத்து என்னும் நியாயத்தைப்போ? இருக்க வண்டும். நியாயம் தவறாக இருக்கக்கூடாது. ஆகையால் கணம் தலைவர் அவர்களே, இப்பொழுது மத விஷயமாக போக வேண்டாம். கொள்ளையடித்தாவது, கோவில்களை காப்பாற்றவேண்டுமென்று சொல்லப்பட்டிருக்கிறது. அநேகம்பேர்கள் கோவில்களை கட்டி ஜெயிலுக்குப் போனார்கள். ராமதாசர், திருமங்கையாழ்வார், மாணிக்கவாசகர் முதலியவர்கள் அவ்விதம் கோவில்களை பாதுகாத்திருக்கும்போது பொது சொத்தை எடுத்துக்கொள்வது கொஞ்சம்கூட நியாயமா, இறைவனுக்கு தொண்டு செய்யவேண்டும் அறிவை துண்டி கடன்களுக்கு முக மலர்ச்சி உண்டாகும்படி செய்யவேண்டும். அதற்காக எவ்வளவோ கார்யங்களைச் செய்கிறார்கள். ஹரிஜனங்களுக்கு கோயில்களை திறந்துவிட்டார்கள். அவசரப்பட்டு சீர்திருத்தம் செய்யவேண்டாம். ஜமிந்தாரி ஒழிப்பு போதும். கோவில் விஷயத்தில் கை வைக்கவேண்டாம். காங்கிரஸ் மந்திரி ஓமந்தூர் காலத்தில் எல்லா கோவில்களும் திறக்கப்படுவதுபோல் நல்ல காரியங்களை எதிர்பார்த்தோம். ஆனால் மாறுதலாக நடக்கிறது. கோவிலுக்கு வரும் வரும்படியை வைத்துக் கொண்டு கிராமங்களில் பிரசாரம் செய்யலாம். ஹரிஜனங்களுக்கு கோவில்களை திறந்தும் பரிகாரம் என்றும் கிடைக்கவில்லை. கோவிலுக்குள் போன தோடு இருக்கிறார்கள். இதைத்தான் அரசாங்கத்தார் செய்யவேண்டும். தவறான வழியில் போகவேண்டாம். இப்பொழுது ரயத்துவாரி தீர்வை

29th October 1947]

[Sri A. S. Sahajanandam]

10 மடங்கு இருக்கிறது. அவர்கள் ஒரு வருஷ வரும்படியைக் கொடுக்கிறார்கள் ‘அரசர் அன்று கொல்லும் தெய்வம் நின்று கொல்லும்’ அரசாங்கம் மிகவும் ஒழுங்காக நடக்கவேண்டும். கோவில் விஷயத்தில் தலையிடுவதால் அதைப்பற்றிச்சொல்ல நான் கடமைப்பட்டிருக்கிறேன். முஸ்லீம் தர்க்காவுக்கு ஆனம் கொடுத்திருக்கிறார்கள். அதுகிட்டேயாக முடியுமா? ஹிந்துக்கள் கோவில் சொத்து பொது சொத்து அதை தவறான முறையில் எடுத்துக் கொள்வது நியாயம் இல்லை. ஆகையால் இந்த ஜமிந்தாரி ஒழிப்பையும், இனம்தார் ஒழிப்பையும் ஆதரித்து கோவிலில் கையை வைக்கவேண்டாமென்று சொல்லுகிறேன்.

SRI T. VISWANATHAM:—“Mr. Speaker, Sir, I want to strictly confine myself to the provisions of this Bill. The Bill embodies the very wholesome principle that there must be uniformity of rent in all the lands in this Province. Ryots cultivating lands of a similar nature, wherever they may be in this Presidency, will have to pay the same rate of rent. It is a very wholesome principle, for giving effect to which most of us have been looking forward for a very very good length of time. The principle is there; but what I want to point out is: that the Bill does not show us any way of putting into effect that particular principle. That is the real trouble about it.

“Sir, several defects have already been pointed out, but I am not going into them just now. Taking clause 2, we find that the Provincial Government would like to appoint a special officer. What for? For the purpose of determining ‘fair and equitable rates of rent.’ These rates of rent are to be on the ryotwari basis, but those rates are already there. The Government already know the rates which are fair and equitable, so far as the ryotwari system is concerned; and it is only those rates which the Government want now to introduce with regard to other lands. But the trouble is, how do you apply those rates to the other lands? Clauses 2 and 3 of the Bill deal with the rates of rent and clause 4 suddenly takes us to the fixation of rent by the Provincial Government. ‘Rate’ is confused with ‘rent.’ Section 7 says ‘All rents fixed for lands in any estate by an order made under section 4, sub-section (2)’; but that section does not fix the rent, it fixes only the rate. The rates are already there, and if you look into the standing orders of the Board of Revenue, revised from time to time, you will find the rates of rent already fixed on certain kinds of land, i.e., wet, dry and garden. There is a lacuna between sections 2 to 6 of the Bill and section 7. How do you bring the provision into effect? What is the machinery you have devised for the purpose? Why don’t you place for discussions that proposed machinery before this House? How do you propose to fix those rates of rent on particular lands? That is the real trouble; you do not disclose what that machinery is to us; you simply say that the Provincial Government may make rules for carrying out the purposes of this Act. I know the rules are meant only for details. As I said, there is a very great lacuna. It is not the rate of rent to which we object, but the fixation. Most of the lands in this Presidency which are covered by the Estates Land Act are not surveyed at all. There is no use talking about similar rates for similar lands;

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the lands may look similar, but how would you apply that particular rate of rent to a particular land in a particular area? There is no machinery for that purpose, and that is why I say that the object with which this Bill is introduced is not fulfilled by the provisions here. Therefore, I would submit that the Hon. the Minister for Revenue should have placed before us the machinery by which he would do it. And what is the machinery? The machinery is nothing short of a regular survey and settlement. It will take a very long time. And without survey and settlement, how is he going to do that? You send a settlement officer to a particular field and he will say: 'Well, this is 5 acres of land, it comes under class 3; therefore, this is the rate of rent.' Surely, there will be trouble as between the ryot and the landlord; the landlord may claim it to be one thing and the ryot may claim it to be quite another. Then, who is to dispose of that dispute? There is no provision at all here to solve that dispute. You simply say: the Special Officer will determine the rent, the Board of Revenue will make a report and then the Government will pass an order fixing the rent. From the rate of rent there is a jump; there is no prospect of the rate being converted into rent, because the extent of the land is not known at all. I think that is a very serious defect which the Hon. the Minister for Revenue should take note of, before he takes the Bill to the Select Committee. Then, it is said that nothing contained in section 2 shall be deemed to enable the Special Officer to determine for any land a rate of rent higher than that payable therefor at the commencement of this Act. How can the Special Officer determine the rates of rent with reference to assessments in the neighbouring ryotwari areas? These rents for so many years have not been fixed. Sir, the measurement of a land is a thing which differs in different places. There is the cawnie measure, the veli measurement, the gunta measurement and there are so many other measurements to find out the extent of the land. How can you get a mental picture of this extent unless a standard measure is fixed and a machinery is set up to find out the extent according to the standard measurement? No provision is made for such a machinery in this Bill.

"Again, in section 7, it is stated that the assessments fixed for such lands by the ryotwari settlement introduced in the estate in accordance with the provisions of any law which may hereafter be passed on the subject, shall be deemed to be the rents lawfully due to the landholder for the period commencing with fasli year 1357 and ending with the commencement of the fasli year in which the estate may finally be taken over by the Provincial Government. I think it is alright on paper, but how do you expect these rents to be paid? Under the provision which you have made, the landholder has to pay the peishkush. How do you expect him to pay it? Does not the Hon. the Minister think that some provision must be made with regard to that? If the rents are not fixed and if there is uncertainty about the rate of rent—and you yourself say that it is a provisional rate—ten to one, the tenants will be unwilling to pay and the Government

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will have to take steps to collect the rates. So, the rent payable by the tenant either to the landholder or to the Government in relation to the peishkush payable must be made clear. That is all what I want to say on this point.

"Then, Sir, regarding clause 6, of course, several speakers adverted to the fact that this Government fights shy of law courts. You want laws but not law courts. It is a very curious proposition. (Hear, hear!) In answer to a point raised by Mr. Vaidyanathier, the Hon. the Revenue Minister said that the courts of law never fixed the rents. The Hon. the Revenue Minister will agree that in fixing the rents, there is the Estates Land Act and in certain cases the High Court do determine on the correctness or otherwise of the rents in the estates and people with a judicial frame of mind in the High Court or elsewhere should have a final say in fixing those rates. Therefore it is no use simply banning the courts of law because it is finally the courts of law that have to pronounce on the rents. So far as the ryotwari rents are concerned, courts have had no place. Ever since the East India Company took the management of these ryotwari areas, so far as the rents in those areas are concerned, no court of law could interfere. The Hon. the Revenue Minister elsewhere said that he is also preparing a code of the land revenue laws. If he is preparing such a code, then certainly courts will have a voice in fixing the rents. So, if you have a law, you must have a court of law and there is no escape from it. If the Hon. the Minister wants to abolish zamindari areas, by all means let him abolish them. But if we need laws, we must have courts and let us be loyal to those courts. Let us not simply bandy words and say that courts are not fixing the rents in these ryotwari areas. Sir, I wanted only to point out that there is a great lacuna between sections 2 and 6 and section 7 and there is a jump from the rate of rent to the actual rent. So, there should be a machinery to know the extent of the land for which this rent has got to be paid; otherwise, the principle of the Bill, namely, to provide for the reduction of rents in estates roughly to the level of the assessments prevailing in the neighbouring ryotwari areas—which is a wholesome principle—will be lost. I commend the principle underlying this Bill but unless the defects pointed out are removed at least in the Select Committee stage, the Bill will not be worth the paper on which it is written. The landholder will not be able to get his rent and the Government will have to take steps to collect the peishkush. I hope the Hon. the Revenue Minister like an honest and practical man, will look into these aspects so that the Bill may be really beneficial and let him not simply get through this for the sake of passing a legislation. With these words, I commend the principle of the Bill."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, I rise to support the motion moved by the Hon. the Revenue Minister. By this Rent Reduction Bill we are trying to give some relief to the people, not a few but millions of people, in this Province. I need not go into the details about how the rent was exacted from the poor ryots by the zamindars and inamdars with the help of the British Government who ruled this country. Everybody

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knows about those details. Sir, before the British rule, the rate of rent prevailing in this country was only one-sixth of the total produce of the land. We have got documentary evidence to prove this such as (Seppu Pattayam) Sannath-i-Isthimrar in which it is stated that one-sixth of the total produce is to be paid to the zamindar or the inamdar or even to the King. But, Sir, gradually the zamindars and the inamdars have raised this rate from one-sixth to one-half. In many villages the poor ryots are being forced to pay about eight or ten items of taxes in addition to the half varam. Firstly, there is what is called the 'Kozhi-vari' or the fowl tax. I will briefly state how it is done in my own district. Once upon a time a zamindar in my district gave an inam village to a particular person. He used to visit once a year to the village during the harvest season. His agent arranged to give to the inamdar who is a non-Brahman and a non-vegetarian one chicken to his kitchen every day from each of the ryots. So, every year this inamdar used to pay a visit to the village and get these chickens from the ryots. After some time back this inam village passed into the hands of a Brahman. But unfortunately he happened to be an orthodox Brahman and as he was not prepared to take the chickens from the ryots, he decided to get cash instead of chickens at the rate of one rupee from each ryot. This is the story of the 'Kozhi-vari,' Sir. I know there are many villages in which the poor ryots are being forced to pay this 'Kozhi-vari.'

"Then, Sir, there is the 'Purohit-vari.' The *Purohit* goes to the inamdar's house and gives free *Purohitham*. But the ryots are forced to give some tax for this *Purohitham*. Then there is the 'Sethu-vari.' The ryots used to collect silt from the irrigation tanks for the sake of manure and they are forced to give some tax for that. Again, there is the 'Kaval-vari' or the sentry-tax. If the inamdar keeps a guard in his house, the ryots have to pay some rent to the inamdar for the maintenance of the guard. Thus there are about eight or ten items of cash rent besides the half varam which the poor ryots are forced to pay. If you go and examine any tenant in a ryotwari area, you will see that the tenant pays about Rs. 10 per acre as rent, which yields about thirty kalams. But in the zamindari village or an inam village for a similar land, the ryot pays about 15 kalams as melvaram. According to the present market rate, it came to Rs. 150. So, Sir, the ryot is forced to pay Rs. 150 per acre as land rent. Sir, I want to ask hon. Mr. Vaidyanathier, is there any country in the world where a ryot is forced to pay Rs. 150 as land rent? Is there any country in the world where in addition to this Rs. 150 a ryot is forced to pay 'Kozhi-vari' and other taxes? These rates are prevailing in a number of villages in the Ramnad district. So far as this Bill is concerned, it is for the reduction of rent to the ryotwari rate. But, Sir, I am one of those who believe that instead of the ryotwari rate, the 1802 rate has to be fixed. Sir, when the Prakasam Committee toured in the districts, we have filed so many documents to prove that 1802 rents are just and that they should be fixed in the zamindari and the inam areas. Unfortunately, though the Prakasam Committee

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has submitted an elaborate report for fixing the 1802 rates of rent, it was not given effect to. As this Government is trying to fix the rent at the ryotwari level and even then this is lesser beneficial to the tenants, we have to accept these rates because little is better than nothing. There is no question of going back to the existing rates hereafter. But according to 1802 rate, the tenants will be benefited much more than by the ryotwari rate. I will quote only one instance. In Burma where an acre is yielding about Rs. 200, the tax which the ryot has to pay is only Rs. 3. Even in Ceylon, the ryot or the cultivator need not pay any rent and he can cultivate his land without paying even a single pie as rent. The 1802 rate will be much lower than the ryotwari rate and it will be of great benefit to the tenant, particularly as the tenants are forced to pay other taxes of many items. I wanted to give preference to the 1802 rate; but unfortunately as this Bill seeks to limit the rate of rent to the ryotwari rate and as this will also give some relief to the ryots, I wholeheartedly support this Bill."

* SRI B. S. MALLIKARJUNA RAO:—"Mr. Speaker, Sir, I do not wish to expatiate on the points which very many learned Members of this House have dealt with, but I want to stress a particular feature which I think is prominently absent in spite of the fact that we are to-day legislating for the relief of the ryot and that feature is this. This Bill is intended for the purpose of relieving the ryots in zamindaris and in the inams. While so intending, we have to take note and see whether the relief which we are seeking will really relieve the actual tillers of the soil. What is exactly wanted is just to see that the millions and millions of cultivators who are the actual tillers of the soil in estates are benefited by this Bill. The extent of reliefs that is sought under this Bill is after all intended to relieve a number of pattadars who own hundreds and thousands of acres of land. Yet the pattadar gets the reduction of rent under this Bill and the tenant who is a sub-lessee under him is not at all relieved. There is absolutely no provision made in this Bill to relieve the actual tiller of the soil. From the Statement of Objects and Reasons to the Bill, we see that there is a growing agitation for the reduction of the high rents which prevail now in the zamindari estates and so Government considered that some immediate relief should be given to ryots in those areas. The object of the Bill is to provide for the reduction of rents in estates roughly to the level of the assessment prevailing in the neighbouring ryotwari areas. If that be the case, I see no reason why this relief should not be given to the actual cultivator instead of to the pattadar who is in a better position than even the inamdar. The actual cultivators are different from the pattadars and some provision should be made in the Bill to give relief to the actual cultivator. So, this Bill should embody a provision, according to me, where you see this relief is extended to the actual cultivator of the soil and there is absolutely no difficulty in making such a provision in this Bill. Sir, at the beginning when they contemplated the abolition of

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zamindaris they did not include a provision for rent reduction. The Rent Reduction Bill has come only with a view to giving relief to the actual tenants while the abolition of the zamindaris would relieve their actual distress. So Government felt that the fair and reasonable basis would be the ryotwari basis even in respect of the estates. That being taken as the fair basis I see no reason why a man who seeks equity, should not allow the lessee under him, to pay a fair rent and why he should not be given a better rate than what he pays at present. In this case, Government may make a provision not only for the lessee but also for the under-lessee in an estate or estates and there need not be any cumbersome procedure in respect of this matter because we are here taking into account the assessment value of estate lands and we are trying to see what is the ryotwari rate we can adopt to particular tarams. In such a case the actual cultivator of the soil in respect of whom we have to give relief may equally be enabled to pay only such a rate and not a higher rate than that. The Government need not also adopt any other special procedure for purposes of establishing the relationship of the parties or for purposes of ascertaining the actual rent that the under-lessee need pay to his lessor. For that, the rate of rent that has to be assessed for a land will be the rate of rent payable by the under-lessee the land being the same. In this case, there is no relief given to the under-tenant as will be seen from the Statement of Objects and Reasons. Otherwise, I would not have pressed for it. The reason why we are hastening with this legislation is for giving relief to the tenant. I feel that while we are contemplating the abolition of zamindaris, it does not actually relieve the distress of the tenant. If you want to give him any relief, it is necessary you must also contemplate simultaneously a Rent Reduction Bill. In those circumstances, I see no reason why an under-lessee should not be given the relief. For that, I suggest a simple proposition wherein it can be extended to the under-lessee also. In Section 2, it is said 'The Provincial Government may appoint a Special Officer for any estate or estates, for the purpose of determining fair and equitable rates of rent for lands in such estate or estates.' To this a slight modification can be made so that it might enable relief to be extended also to the actual tiller of the soil, who is actually tilling the soil night and day and is semi-starved. He is the person who is responsible for the production whereas his crop is taken away from him and given to others. In his case, it is not the zamindar that is responsible for rack-renting, but it is the person that actually sits in the village and sets one sub-tenant against another and thus exacts his utmost pound of flesh from the sub-lessee. Such tenants have nothing to live upon and nothing remains for them from the crop they have raised except probably the husk on which they have to live and it is these people that require to-day relief under this Act. I would therefore submit to the Hon. Minister to give them this relief by making a slight modification in this Bill itself because it will enable relief to be extended to millions of the agriculturists in this Province who likewise will be looking for such relief after

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this Bill is passed. The responsibility of the Government for relieving the distress of these under-lessees will be all the more greater the moment this Bill is passed, because tomorrow you will be faced with an agrarian situation which you may not be able to surmount. When such an occasion arises and there is already an agitation going on, perhaps you will have to look to those people for help. I therefore see no reason why you have not made any provision to help these people.

"In this respect, I think, we have overlooked one aspect of the matter. Rent reduction has nothing to do with compensation. Some of the members who spoke on this question did not consider the case of the bona fide purchaser. For instance, a humble person, out of his earnings, was able to purchase two or three acres of land and it is not clear whether such a person should be given reasonable compensation or not or whether he should be reduced to penury. That is a thing which has to be considered in connexion with the abolition of the Zamindari Bill. But, so far as the question of rent reduction is concerned, I would submit that it has to be considered in relation to the position and the status of the actual tiller of the soil. How are you going to relieve his case? Now the landlord is a poor man and the lessee is also a poor man and is it fair on our part to ask him to pay a higher rent which he feels iniquitous. If you grant the ryotwari basis as the equitable basis beyond which one has no right to ask, then why should any lessee or sub-tenant or under-tenant, by whatever name he may be called and who is the actual tiller of the soil, be asked to pay a higher rent to the pattadar who is looking to the Government for relief. He must be prepared to concede this right and this dharma to his under-lessee; otherwise he has no right to ask for rent reduction. On this basis, I would suggest making suitable provision in this Bill itself by amending clause 2 (1) of the present Bill. After the words 'equitable rates of rent' the following words might be inserted namely 'for lands either held by the tenant or under-tenant in such estate or estates.'"

MR. SPEAKER:—"The hon. Member cannot move an amendment now."

* SRI B. S. MALLIKARJUNA RAO:—"Sir, I may not be in the Select Committee and so I am making this as a suggestion so that this aspect may be considered by the Select Committee and since this would be the proper time for making the suggestion I am saying this, Sir. If a slight modification as indicated above is made both in section 2 and section 3 you will be able to extend this relief also to the under-lessee. That is exactly what I want should be done and the main object for which this legislation is brought forward will be fulfilled if this is done and you will be relieving not a mere handful of people but lakhs and millions of ryots who form the basis of the society. It is said that it is the middle class people that form the basement of the society. It is absolutely wrong to say that the middle-class form the basement of the society. On the other hand, it is the tiller of the soil

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that constitutes the basement of the society and it is for that man I am asking for relief when you are contemplating relief for the agrarian population. I also appeal to the Government to consider this aspect of the question.

"In regard to the procedure to be adopted for assessment, it is not a difficult thing because the procedure you adopt for the ryotwari tenant will be the same procedure to the under-tenant in estates and there need be no cumbersome or double procedure in respect of this matter. I would appeal to Government to accept my amendment and see that this Bill extends relief to these people also."

DR. S. SUBRAHMANYA AYYAR:—"Mr. Speaker, Sir

MR. SPEAKER:—"Order, order. Hon. Members who have taken part previously in the discussion have covered almost all the points and I hope Dr. Subramanyam will not take more than five minutes."

* DR. S. SUBRAHMANYA AYYAR:—"Sir, my only excuse for participating in this debate is that I represent the ryots of the Zamindari of Sivaganga. Myself and my hon. Friend Mr. Swaminathan represent about six lakhs of the ryots of the Sivaganga zamindari which is one of the richest zamindaris in South India. The rents there are very high and even last year we had much difficulty in collecting rents. Most of us, leaders, had to go and tell the ryots that the Bill would be coming up next year and as such they had to pay the rents due to the zamindar. We had also to approach the zamindar telling him that the ryots were not prepared to pay because they were expecting the Rent Reduction Bill very shortly and that it would only be fair to give them a reduction in rent. He gave a reduction of about 25 per cent and naturally he was able to collect a bumper rent of about 26 lakhs. Again, Sir, there is a large amount of waste land in the Sivaganga estate and the only explanation that could be offered for this is that the ryots are not very much interested in cultivating the land because they have to pay as rent half the produce if it is on the grain basis and Rs. 24 per acre if it is on cash basis. There are also certain cases I know of where the rent was fixed years ago between the great grandfather of the present tenant and the then zamindar, which has not yet been liquidated and it now comes to about Rs. 65 to 80 per acre. I am mentioning this because there is something like rack-renting in the case of such persons and they will be very much affected if the Bill is not passed in this session itself. I am sure that so far as the zamindars are concerned, they are not going to collect a single pie even this year because the tenants are not prepared to cultivate the land unless an assurance was given that the Rent Reduction Bill would be coming up immediately. So, I support the Hon. the Revenue Minister for having brought forward this Bill even at this stage. It is doubtful whether it will be able to bring about the reduction that is desired. I hope it will at least bring about a fifty per cent reduction in the rent paid by the ryots.

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"Now, Sir, with regard to inams I have got only one word to say. There has been so much agitation about temple inams being included in this Bill. In this country where there is no old age pension, etc., these temples have been offering shelter and food to the poor and the needy and I hope that the existing order of things will not be disturbed till some other arrangement is made to compensate for this. With these few words I support the motion."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I thank the hon. Members for the various suggestions they have given in the course of the present discussion on the motion for referring the Bill to a Select Committee. When I first introduced the Bill a few days ago I stated in detail the reasons for introducing this Bill. This Bill is after all a temporary one like the previous one which this House was so good as to support and adopt. This Bill is intended in particular to reduce the rents in estates. This reduction, as I told you already, is due to the fact that the ryots throughout the Presidency are, and have been, agitating for a very long time for a reduced rental and unless prompt relief is given to them it will not be just on our part to ask them to wait and wait till Doomsday. When we thought of a scheme of legislation for the abolition of the zamindaris and we planned certain things. For instance, when we have decided to abolish the zamindari system—whenever I used the word zamindari you may take it that it includes the inamdaris also—we wanted to see what should be the basis of compensation; how best to abolish them; how best to avoid litigation and how best to bring relief to the tenants. It would of course have been easy to add one or two more clauses to that Bill and say that the rents are reduced to the ryotwari level if the purpose were simply to give a basis for the compensation that we propose under that Bill. But, there is really another aspect of the question which is also involved in this, namely, the relief that we ought to give to the tenant immediately. This arises because though in the scheme of the Zamindari Abolition Bill the rent will be reduced to the ryotwari level, for a scientific survey and settlement it would take some time. We cannot measure away all lands all of a sudden. Till that is achieved there cannot be a perfect abolition of the zamindaris as such. Therefore, there is an interim period between now and then and this period may be estimated between three to four years. To ask all the tenants in the zamindari areas to wait for about four years in order to get relief, is not fair or just.

"Therefore, in order to give as much relief as possible within the intervening four years to these rack-rented tenants of the estate areas, we had to bring forward this Bill in advance of the other Bill. That is the main reason and therefore, all arguments that have been advanced with reference to the basis of compensation for the coming zamindari abolition, I think, had better be reserved for the time when we discuss that Bill. I wish to state it again that the purpose of this Bill is to cover the gap and in a temporary manner and you can see from the Bill itself that the purpose

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is to reduce the rates not on a scientific basis but on a rough and ready method. That rough and ready method is also criticized simply because it is said that the Government may make their own rules. I may tell you, Sir, in that connexion that the Government are not going to bring in something from off the magician's hat; the Ryotwari Settlement Rules are already there in the Board's Standing Orders and they are the rules that have been followed for so many years and they form the basis for the rough and ready methods envisaged in the Bill. (An hon. Member: 'They change every day.') I have myself said more than once that not only do they change every month, they change even every day. (An hon. Member: 'Every morning.') Every day begins with a morning and so I accept the suggestion as it simply bears out what I have said. I was eloquent in my pleading in the past that the ryotwari basis is not the correct basis and I still stick to my views whether I am a private member, a Minister or a tenant. All my attempts to get it revised failed till to-day. I attempted to bring about reforms when Mr. Prakasam was the Minister for Revenue. We did make an advance and the Hon. Minister made really good attempts to bring it on the statute book but that objective was not achieved. I raised the point when the Marjoribanks Committee Report was published, regarding the remission of revenue to the tune of Rs. 75 lakhs. It is true that I wanted the balance of four to five lakhs available then should be given to relieve those areas where the water-tax was very much on the increase and Mr. Prakasam was good enough to approve of that idea in those days and we must thank him for that. But I must invite the attention of the House to the fact that he put me the question when he spoke on the Bill as to why I, who pleaded so eloquently then, failed to reduce it from the basis of ryotwari settlement to-day. I must remind the hon. Gentleman that in September 1946, when he introduced his first Budget, I pleaded that the remission of these 75 lakhs of rupees which was reimposed by the Adviser regime after a lapse of nearly twelve years should be reduced by us. My hon. Friend Sri K. R. Karanth who was then the Revenue Minister did not reply to my query then. I must thank the hon. Member Sri Prakasam for having taken it upon himself to reply by saying that this should be considered immediately. But, Sir, the second Budget that the hon. Gentleman framed failed to provide for such a remission. That is the same Budget, Sir, with which we are working to-day. No other Budget has been framed by the present Government. If that gentleman to-day taunts me about my plea in connexion with the remission of 75 lakhs of rupees, I must humbly point out to him that he himself did not heed my words and he did not accede to my plea when he was in charge though he had the opportunity of preparing two Budgets in a single year. So I am very sorry that I am not to be the person who should be made the target of an attack. None the less the logic of it is there; the question of the cancellation of percentage increases suggested in the Marjoribanks' Report is there and the matter will be gone into at the proper time. I may tell the House that this Government is not going to stop with the

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simple question of the abolition of the zamindari but that they will push things to logical conclusions. I have mentioned more than once that the Government would soon after the present business is finished, wish to bring in a codification of land revenue laws and that will be the proper time to bring on the statute book a system of land revenue which will be progressive and will not be regressive in nature. Shortly I hope with your blessings, Sir, and the blessings of Mr. Prakasam, I shall be able to achieve the fulfilment of those ideas which he taught me and the country. (The hon. Sri Prakasam: 'We may not be here.') You will be here and even if you are in a different legislature—he may be there, I may be there or somebody else may be there—nobody can break this chain of events to which we have pledged ourselves in the Congress manifesto. (Cheers.)

"I have been narrating from the beginning that with reference to the base of compensation being on a ryotwari basis, is a thing that can be dealt with when we come to the other Bill.

"Then there is the question of inams. It has been said that this Bill will affect all inams. As I have been telling, the word 'inam' is too wide; there are various types of inams and of course propaganda is done that this Bill is intended to cover all types of inams and I say that is not true. What is sought to be covered is only such of those inams which were converted into estates in 1908 or 1936 only and all the others (and their number is very big and covers a large extent of land) are not covered by this Bill and therefore, the general criticism that something is being taken away from the small man is not correct."

SRI A. VAIDYANATHIER:—"I would like the Hon. the Revenue Minister to say what is the extent of the other inams not covered by this Bill."

SRI K. VARADACHARI:—"Also whether there are whole inams."

THE HON. SRI KALA VENKATA RAO:—"There are many types of inams, of which whole inams form one category and my Friend knows the definition well himself. I do not have with me figures which my hon. Friend Mr. Vaidyanathier wants."

SRI A. VAIDYANATHIER:—"And yet the statement is made that they comprise a major portion."

MR. SPEAKER:—"It is unparliamentary for two hon. Members to demand the ear of the House simultaneously. The Hon. Minister is in possession of the House."

THE HON. SRI KALA VENKATA RAO:—"I still think that the extent of the other types of inams is more than whole inam areas. But still when an authority like Mr. Vaidyanathier questions me, I should not be dogmatic. I will go into that question and answer the hon. Member at the proper time, namely, at the time when I will move the other Bill on the floor of the House.

"Regarding inams, I may tell the House that I am not doing anything new. They were there in 1802; they were there in 1908

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and they were there in 1936. Those who were in charge of the Bills, when they discussed the reform of the zamindari system, included certain categories of inams into the definition of estates coming within the scope of those Bills. If something wrong were done in 1936—whether it is just or unjust is entirely another question—I think that it cannot be gone into now in 1947. See what the implications of such a suggestion would be. In 1936, certain inams were brought within the scope of estates and the result was that a large number of tenants—cultivating tenants got into possession of lands in such estates with all the rights appertaining to property; they could sell that land; they could inherit that land and they could gift that land away and they became the real owners of the land. To-day it is not the inamdar but it is the cultivating tenant that is in possession of the land and if you want to exclude those inams here, you will be simply asking us to go behind a legislation that was passed and became law 12 years ago and you will be suggesting to Government to uproot a person from his land in respect of which he has got so many rights appertaining to property. I think that it is not a just demand and it will not be just on our part to exclude them from the scope of this Bill. Mr. Vaidyanathier quoted from the Prakasam Committee Report about inams. I must tell the House that Mr. Prakasam who wrote that report—he was the real author of the report—stated before this House when the discussion on this Bill took place the other day that the times have changed and that 1936 is not 1947 and he had no complaint—if I understood what he said aright—regarding bringing such inams within the scope of the Bill.

“Then there is the question of charitable inams and temple inams. I have been complimented both as a godly person and criticised as coming very near to Communists—as a matter of fact one hon. Gentleman called me as a Communist. It does not matter; I have more in me the Gandhian ideal and the Gandhian doctrine and the Prakasam ideal and the Prakasam doctrine than the Communist doctrines and so I have escaped being a Communist and if at all there is anything in me good it is either due to Mr. Prakasam or to Mahatma Gandhi.

“It has been mentioned that Government are robbing Peter to pay Paul and that they are taking away the culture and the civilization of ages and that this will destroy the temples. There is only one simple answer to those criticisms. You are getting into new ways of life and tomorrow we do not know whether the present form of Government will be here or not; tomorrow the personnel of Government may change and whether it is a question of grant of land or grant of money, it will be open to that Government to abrogate all those things and say they would not pay anything to anybody. On that plea, we should not judge anything. We should see what the need is. There is the question of charitable inams and there is the ordinary inam. It is agreed that the rent should be on a uniform level but what that uniform level will be and whether it needs reform and whether it should be placed on an improved footing, are all matters, as I told you, that will have to be gone into at a time when another legislation comes up before the House for

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its consideration. But subject to that, when the whole Province pays at the rate of Rs. 2 per acre, is it right that in a charitable inam alone, the tenants should be asked to pay Rs. 8 or Rs. 10 per acre. The demands of those ryots to be taxed on the basis of the universal rate obtaining elsewhere will be unanswerable and it will be natural and just and if we do not meet that demand there will be no peace and you cannot keep in check this demand for long. It will only amount to asking for a little more trouble.

“Therefore, Sir, it is better we take the question on hand and try to solve it in the best way possible. 4-45 p.m.

“My hon. Friends have suggested various means. There is the question of giving Mohini grant and other grants, giving greater compensation on a higher basis. These things can be considered at the proper stage when we will go into that question. Mr. Hameed Khan raised the question ‘what about the voice of God?’ I would say that ‘the voice of the people is the voice of God.’” (Hear, hear and there were clappings.)

MR. SPEAKER:—“Members are not allowed in Parliament to clap hands.”

THE HON. SRI KALA VENKATA RAO:—“I have not clapped, Sir.”

MR. SPEAKER:—“I know you did not but somebody else has done it.”

* THE HON. SRI KALA VENKATA RAO:—“As a matter of fact, Sir, I think that God will be very glad to see that his income is eaten away if at all by the masses of the people than by a few trustees now administering His properties. With regard to the safeguarding of the rights of culture and of charitable institutions, of the schools, hospitals which are serving a social purpose I am one with the people who wish for their retention and we will put our heads together and evolve some formula which will not sacrifice these things while giving the Zamindari ryot the much-needed relief like the neighbouring ryotwari ryot.

“Then, Sir, Mr. Viswanathan raised the question which he characterised as a lacuna as between sections 2 to 6 and 7. I have already answered his point that the rules which now govern the ryotwari settlement will govern this settlement also temporarily and with reference to the rules that will have to be framed permanently when the settlement comes through as a result of the next bill we can go into greater detail and make proper provisions therein but this is a temporary thing and therefore questions like levelling up and the levelling down will delay matters and will not serve the purpose of this Bill. This has been simply introduced as I told you for giving relief to the tenant in the interim period.

“Then, Sir, the question was raised that the tenants will not pay rents now. My predecessor Hon. Mr. Karanth told publicly that we would give relief even during the last official year but at least this official year we must give relief and therefore no delay

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can be thought of. Therefore, if we have provided some rough and ready methods it does not mean that a scientific basis will not be arrived at at the proper moment.

"With regard to peishkush and the rate of rent collected, Government will arrive at a proper equity basis that no hardship is caused to any one.

"Then, Sir, Mr. Mallikarjuna Rao raised a pertinent question that the reform refers only to the pattadar and questioned what about the under-tenant? It is a reasonable question and I would like to tell him this. After all a reform as I told you has to be brought about in stages. We have two types of tenures (1) the State and the cultivating pattadar in ryotwari system and (2) the State, Zamindari and the pattadar in the Zamindari system. Now the Zamindari is being abolished. Then we will have a uniform ryotwari system throughout this Presidency, after this Bill becomes law. The next stage will be to rectify that ryotwari system and restrict on a scientific basis and codify land revenue law and give relief. Then, Sir, the stage will come for defining the relations between under-tenants and the pattadars. As a matter of fact, Sir, my predecessors in office appointed one Special Officer to go into this question. His report has since been submitted to the Government and it is now under print and I hope it will be published as soon as it is ready and it will be placed before the country and this House when the question can be fully discussed. We will then undertake the question of tenancy reform also. With regard to the tenancy reform, it will be taken up at the earliest possible moment and help will be rendered to either category of the tenants, not only the Zamindari under-tenant but also the under-tenant in ryotwari lands.

"There are some other pertinent points which can be taken up at the next time of the next Bill.

"Meanwhile I would request the House to accord its sanction to refer the Bill to the Select Committee. I thank all the members for their various suggestions."

MR. SPEAKER:—"The motion before the House is that the Madras Estates Land (Reduction of Rent) Bill 1947 be referred to a Select Committee consisting of:

The Hon. Kala Venkata Rao.

Sri K. Bhashyam.

Sri N. S. Varadachari.

Sri B. Venkatanarayana Reddi.

Sri Pyndah Venkatanarayana.

Sri Alluri Satyanarayana Raju.

Sri R. V. Swaminathan.

Sri P. S. Kumaraswami Raja.

Sri C. K. Govinda Nair.

Sri A. Vaidyanathier.

Kumararaja Sir Muthiah Chettiar of Chettinad.

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[Mr. Speaker]

The Raja of Venkatagiri.

Mahboob Ali Baig Sahib Bahadur.

Sri R. Subba Iyer.

M. A. Muhammad Ibrahim Sahib Bahadur."

The motion was put and carried.

MR. SPEAKER:—"I appoint Hon. Sri Kala Venkata Rao as the Chairman of the above Committee."

SRI K. ANANDAN NAMBIYAR:—"On a point of information may I know, Sir, why the name of Sri P. Venkateswarlu has been omitted in the list that was just read. I will request you to read it once more so that we may be satisfied as to its omission or not."

MR. SPEAKER:—"I have read the list that was given to me."

THE HON. SRI KALA VENKATA RAO:—"You have read the correct list, Sir, and it is not an omission."

SRI B. S. MURTHI:—"May I know Sir on a point of information why the name of a Harijan has been omitted from the list. Is it because that Harijans will not be useful in the case of this Bill?"

THE HON. SRI KALA VENKATA RAO:—"There are a number of Bills. In the previous Bill there was a Harijan. It is not a question of averages, Sir. Sometimes their number is more than one in the Select Committee."

SRI B. S. MURTHI:—"I wish to know why no Harijan has been included in this Select Committee."

THE HON. SRI KALA VENKATA RAO:—"There was no particular purpose in including one."

MR. SPEAKER:—"Order, Order. The Hon. Finance Minister will move the motion that stands in his name."

VII.—THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1947.

THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I beg to introduce the Madras Entertainments Tax (Amendment) Bill, 1947, and move that the Bill be referred to a Select Committee consisting of the following members:—

Mr. John Moses Wilson.

Begum Sultan Mir Amiruddin.

Abdul Hameed Khan Sahib Bahadur.

Mrs. Rukmini Lakshmipathi.

Sri R. V. Swaminathan.

Sri P. Ratnavelu Tevar.

K. Subrahmanyam.

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K. Varadachari.

P. Kakkan.

Dr. U. Padmanabha Mallayya.

Sri B. S. Murthi.

Sri K. B. Narayana Reddi.

Mr. H. B. Walford.

The Hon. Sri K. Chandramouli.

The Hon. Sri B. Gopala Reddi.

"The entire tax collected by this is given away to local bodies from 1945-46 and the municipalities and the Corporation and the district boards are vitally interested in this tax. Ninety per cent of it is given away to the local authorities and so I have tried to put in members who have served as Mayors, Municipal Chairmen and Presidents of District Boards. The Minister in charge of Local Administration is also a member and I am also glad to say that there are two Harijan members included in the Select Committee, Mr. Kakkan and Sri B. S. Murthi. So Mr. Murthi cannot have any complaint.

"From 1945 the rates were enhanced and it is now yielding about 55 lakhs or so and when we increase the rates we expect that it will be somewhere between 90 to 100 lakhs of rupees and the local bodies will be benefited by this Act.

"With your permission, Sir, I will just read the existing rates and compare them with the proposed rates—

The existing rate for not more than two annas the tax is three pies.

For more than two annas but less than six annas the tax is nine pies.

Six annas and more but less than twelve annas—six pies.

For twelve annas or more but less than Rs. 1-8-0—three annas.

Rupees 1-8-0 and more but less than Rs. 2-8-0—six annas.

Rupees 2-8-0 and more but less than Rs. 3-8-0—twelve annas.

and it goes on like that.

"The purpose of the amendment is to have an uniform tax of 33½ per cent on the entertainments. I do not think this will be a burden in these days of inflation when people are buying cinema tickets standing in queue for hours together. As I said already, Sir, 90 per cent of this tax goes to local bodies which are in dire need of finances for various schemes of their own, education, communications, etc., and I hope the House will accord its sanction for referring this Bill to a Select Committee."

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MR. SPEAKER:—"The motion before the House is that the Madras Entertainments Tax (Amendment) Bill, 1947, be referred to a Select Committee consisting of members whose names were read out by the Hon. the Finance Minister."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, this Bill, that has been introduced by the Hon. Finance Minister and asking that it be referred to a Select Committee, on the face of it appears to be an innocent and harmless Bill. My hon. Friend the Finance Minister not only but other members of the Government have improved upon the procedure that has been adopted with regard to the previous legislations. There was a desire on the part of the Government in the past to rush through with these Bills. I think it is with a view to satisfy members sitting on this side of the House that they are not rushing through with Bills . . ."

MR. SPEAKER:—"The hon. Member may continue his speech day after tomorrow. Now the half an hour debate on the motion that stands in the name of Sri B. S. Murthi will begin."

VIII.—DEBATE UNDER RULE 14 OF THE ASSEMBLY RULES RE 5 p.m.
PROVISION OF HOUSES FOR THE HOUSELESS AND LANDS TO THE LANDLESS HARIJANS.

SRI B. S. MURTHI:—"Mr. Speaker, Sir, I thank you for the permission you have given to me to speak to you, to the hon. members of this House, and through this House to the Government about the very grave situation that has arisen in the rural parts of this Presidency. Sir, the situation has almost gone out of control after the 15th of August 1947. It is but natural that Harijans, along with other Communities, should feel the joy and pleasure of Independence. But, this is not tolerated by the capitalist section of the caste Hindus residing in the scores of villages in the rural parts of this Presidency. We are told that India is free. But, I assure you, Sir, that the shackles that have been for centuries on the Harijans have been tightened after the advent of the Dominion rule in India. I do not accuse all the caste Hindus. I know there are several caste Hindu friends who have sympathy for the lot of Harijans, but the capitalist section and the landed aristocracy among the caste Hindus are to-day trying to conspire against a helpless community, and see that they are reduced to the position of serfdom and slavery. This cannot be tolerated, but as Harijans are disorganised, poor, illiterate, and are the real 'have-nots', they are not able to resist the onslaughts of the caste Hindus. I do not want to take much of the time of the House, because several of the Harijan Members of this august Assembly are desirous to ventilate the grievances of their constituencies. Therefore, I would like to give you a few instances occurred in certain places so as to substantiate that the Harijans to-day are suffering a great deal, and instead of being free, instead of enjoying the free air of the Dominion of India, they are subjected to worse treatment. The atrocities perpetrated in some of the places are blood-curdling. I may also bring it to your notice that any sign of independence, any sign for better

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conditions of living, any sign to learn the three R's and anything that helps them to progress and advancement are not at all tolerated, and they are being persecuted."

MR. SPEAKER:—"I have allowed half an hour debate on the subject of houses for the houseless and lands for the landless. The hon. member should confine himself to the subject."

THE HON. SRI KALA VENKATA RAO:—"Am I to take cognizance of the speech on lands for the landless, Sir?"

MR. SPEAKER:—"If the hon. Minister wants to reply to the debate, I have no objection. I will allow him time for that."

SRI B. S. MURTHI:—"I have spoken on this only as an introduction, because Harijans have been houseless and landless for centuries. After 15th August 1947, they have been asking for accommodation. They have been asking for lands to cultivate. But these things are not tolerated, and in several places they are being subjected to abuse, arson, ejection, beating, police atrocities, and finally penal servitude. Now, Sir, I would like to bring to your notice some instances of suffering of landless and houseless Harijan agriculturists and labourers in Nellore district, wherefrom the Hon. Minister for Finance hails. There is a place called Yellayapalem, 10 miles from Nellore. There, the rich caste Hindu ryots have purchased by force house-sites of Harijans, and have begun to dig them out for use as manure to their fields. Is there any humanity in those caste Hindu ryots, the landed aristocracy, in purchasing lands that have been inhabited by Harijans and removing their huts . . ."

THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, the matter is in Court now."

MR. SPEAKER:—"The hon. Member should not touch that point. It is *sub judice*."

SRI B. S. MURTHI:—"I thank the Hon. the Finance Minister for calling the attention of the Speaker to the matter in Court, so that I may not voice forth the grievances of Harijans."

MR. SPEAKER:—"If it is before the Court, the hon. Member should not touch that point. It is *sub judice*."

SRI B. S. MURTHI:—"I am appealing not to the hearts of judges there."

MR. SPEAKER:—"When it is *sub judice*, the hon. Member should not speak on that point."

SRI B. S. MURTHI:—"I bow to your ruling, Sir. In one more place in the same district, namely, Muthukur, where Harijans have cultivated lands, the caste Hindus allowed those lands to be run over by cattle and everything was grazed down.

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When Harijans wanted to prevent that, they were arrested and sent to Police custody. In another place, namely, Orugunta in the same district crops were raised, and when they were about to be harvested, those fields were grazed down by the cattle belonging to caste Hindus. There is a social boycott to bully and compel Harijans to agree to the terms of the caste Hindus, to obey them, and serve them day after day. Now, Sir, I go to Guntur district. Though the incident there is not of recent origin—it happened in 1946—the whole village of Appikatta has migrated from that place. (Interruption by Kallur Subba Rao.) We have not seen independence. But we have seen only shackles. Mr. Subba Rao must sympathise with the lot of Harijans. In Appikatta village, nearly 200 families of Harijans have migrated from their ancestral place and have gone several miles from their old village, and they are all now residing near Bapatla, because, they were not able to withstand the rigours of the social boycott imposed upon them by the capitalist section of the caste Hindus. I invite your attention, Sir, to the fact that my attack here and my pleading here is not against caste Hindus as caste Hindus. I draw a difference between caste Hindus and capitalist caste Hindus, who are rich landlords, and who have no heart at all and who want to suck the blood of all people including those caste Hindus who are poor. But the Harijan, being the poorest of the poor, is the first and easy victim. Therefore, I request that I should not be misunderstood by the caste Hindu M.L.As. in this Assembly. My plea is that you must be aware of the facts, and you must be aware of conditions that are existing. I now go to West Godavari where in several places Harijans are being ill-treated, and Harijans have been prescribed. Harijans have been beaten in Peddevam and in Lingapuram in Narasapur taluk. Especially in Lingapuram, lands in possession of Harijans for several years have been taken by force and when this was remonstrated against, the capitalist caste Hindus organized themselves to bully the Harijans. In Tadepalle-gudem taluk, several acres of land that has been in possession of Harijans for the last 25 years was relieved of these Harijan peasants. In Ellore taluk, there is a place called Kovvali. It is a very big story of which every one is aware. I do not want to take much of the time of the House about this Kovvali. It is really an eye-opener to the capitalist caste Hindus. In Kondavaram village of East Godavari district, recently, Harijans were beaten, and the village munsif and his family led the caste Hindus in this brutal activities. The Harijans had to fly away from their houses, and even Harijan women were not left out from their atrocities."

MR. SPEAKER:—"Am I to understand from the hon. member that because the lands belonged to the caste Hindus, they are driving out the Harijans?"

SRI B. S. MURTHI:—"I am sure that you as well as all of us are aware that a Harijan is born landless. But these lands that have been cultivated are lands that belonged to the Government. During the Advisers' regime, under the Grow More

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Food scheme, several hundreds of acres were allotted to Harijans, and Harijan men, women and children toiled and milled day in and day out, and they brought these unarable land under cultivation. When these lands are about to yield, the caste Hindu has cast his eye upon this fertile land, and he wants to have the land for himself. Therefore, Sir, all these troubles are coming. When these Harijans ask for land, when they ask for house sites, they are shown not only no sympathy, but active opposition. In many places the caste Hindu capitalist is proclaiming 'we are to-day the rulers; the Englishman has gone away; therefore you must be our slaves; our bond slaves; we are your burgomasters'. Therefore, all these troubles are happening. As several of my colleagues want to speak on this subject, I do not want to take much time. But I must bring one thing to the notice of this House before I close my speech. Harijans have now realized that they are human beings. Harijans have to-day realized that they have a share not only in the lands but also in the governance of this land. Harijans are to-day able to recognize their political strength and are conscious that without them no society, Hindu or otherwise, can exist. Therefore, I must tell the several capitalist friends who are inside or outside this House that if they do not realize the dangers of persecuting the Harijans there will very soon be a bloody revolution which will set right things. Harijans are prepared to shed their lives and see that their self-respect is not injured; their women are not insulted; their houses are not burnt; and their lives are not kept in perpetual danger. I would very much like that this Government, which is a popular Government, and of which my hon. Friend Mr. Omandur Ramaswami Reddiar, a devotee and disciple of Ramana Maharishi who preaches *samathvam* and who also says that all people are equal—is the head, to see that these Harijan friends are encouraged to fight for their rights. They must be made . . . (The gong was sounded.) With these words, Sir, I appeal to Government to constitute a committee and find out whether there is any truth in these allegations. If they do not want to appoint a committee, I request the Government to appoint a Special Officer so that he can go from place to place and investigate, and submit a report to Government on the changes that have now taken place since August 15th, 1947."

MR. SPEAKER:—"The hon. Member should close his speech. Some other members want to take part in the debate."

SRI B. S. MURTHI:—"In the morning, the hon. Minister for Rural Development stated on the floor of this House that he was aware of riots taking place here and there between Harijans and caste Hindus. I request the Minister for Rural Development and all other Ministers to devote much time on this question and see that a community consisting of one crore of people are not deprived of their civil and political rights."

MR. SPEAKER:—"I am going to allow only three minutes for each member."

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* SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, 5.15 p.m.
myself and other Harijan friends are grateful to the Government for the small mercies that have been shown to us during the last two or three years. With the advent of independence we thought there will be an end to all our troubles and we thought the Harijans who are occupying the last rungs of the ladder in politics and society and in other things would be raised; but our hopes were shattered to pieces. Sir, whether it is in the mufassal or in the City of Madras, what has happened as told by Mr. B. S. Murti is true; in practice we, Harijans, are very badly treated. Recently I have been touring in Malabar and South Kanara in connexion with the Harijan Welfare Enquiry Committee. During our tour I had to visit several places. Wherever I went, the first question or rather complaint made to me as also to the other members of the committee was about the eviction that was taking place in Malabar. Fearing that the Malabar Tenancy Act may soon be revised, the jenmis have taken up the question of evicting Harijans from the *kudiyiruppu* and other places occupied by them. This matter was brought to the notice of the Collector and I do not know what will happen to it. It is known to all of us that Mahatma Gandhi has enunciated as a first principle that every man should be given a habitation. That privilege has not been given to us. I shall bring to your notice what happened in South Kanara, as one of the great atrocities. There, Harijans were evicted from their houses, they were deprived of their lands to cultivate, they were treated as chattels, as slaves. Left with no means of livelihood on the plains, they were recruited to work in the plantations and the story of their sufferings in the plantations is simply heartrending. All this is due to the fact that Harijans do not possess any habitation of their own or any land for their own use. While I was in Olavakode, at Tirur, at Ponnani, Calicut, Chiruvattur and Payyanur, along with me was Mr. Raghavan and we heard everywhere the pitiable situation to which Harijans have been reduced. I am sure Government should come forward with an ordinance and promulgate it at once so that all eviction can be set aside and prevented for some time. I feel, Sir, that the Government should come out with a dynamic plan to improve the lot of Harijans. Otherwise, what we have been looking forward for the last so many years could never come to fruition. Government should fix a date after which any eviction should be declared illegal."

SRI A. S. SAHAJANANDAM:—"தலைவர் அவர்களே, ஹரிஜனங்களுக்கு கிராமங்களில் நடக்கிற அக்கிரமங்கள் பல இருக்கின்றன. சமீபத்தில் கள்ளக்குறிச்சி தாலுகாவில் வெள்ளையர் கிராமத்தில் ஹரிஜனங்களில் செத்துப்போனாலும் இன்னும் அவர்கள் செத்துக்கொண்டிருக்கிறார்கள். அந்த லிங்கநாதலும் அதற்காக ஹரிஜனங்களை ஹிம்சைப் படுத்தினார்கள். அந்த விஷயமாக கனம் ஜில்லா கலெக்டரும் நமும் குப்ரண்டெண்டும் அந்த ஹரிஜனங்களுக்குச் சென்று கூட்டத்தைக்கூட்டி சமாதான முறையில் இருக்கும்படி சொல்லி வந்தோம். பிறகு யாது காரணமாகவோ யாருடைய தூண்டுதலோ"

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லாலோ அந்த ஊரில் இருக்கும் ஹரிஜனங்களை பிடித்து அடித்து ஹிம்சை செய்தார்கள். பள்ளிக்கூடத்தில் வாசிகமும் ஒரு பையனைக்கூட அரஸ்ட்டு செய்திருக்கிறார்கள். அங்கிருக்கும் மிராசுதார்கள் நேரில் போய் சொல்லியும் கூட அக்கிரமங்களை நடத்தக்கொண்டு வருகிறார்கள். விருத்தாஜலம் தாலுகாவில் ஆதனூர், திட்டகுடி முதலிய கிராமங்களிலும் சிதம்பரத்திலும் இந்த விதமாக பல விதமான அக்கிரமங்களை நடத்தக்கொண்டு வருகின்றார்கள். ஹரிஜனங்களுடைய முன்னேற்றத்திற்கு மிராசுதார்கள் முனைந்து வரவே இல்லை. ஹரிஜனங்களுக்கு அவர்கள் செய்கிற கொடுமைகளுக்கு அளவே இல்லை. சர்க்கார் இந்த விஷயங்களில் தீவிரமாக கவனித்து நடவடிக்கைகள் எடுத்துக்கொள்ளவேண்டியது. இன்னும் ஹரிஜனங்கள் இருக்கிற பனைகளை விட்டுப்போகும்படி துரத்தி யடிக்கிறார்கள். இது விஷயத்தை கனம் ரெவின்யூ மந்திரி அவர்களிடமும் சொல்லி இருக்கிறேன். ஹரிஜனங்கள் இருக்கிற இடங்களை அவர்களுக்கு சொந்தமாக்கு என்று உத்திரவு போட வேண்டும். மிராசுதார்கள் வலைக்கு வாங்கி விடுகிறார்கள். சர்க்காருக்கு அடமானம் செய்வது கிடையாது. பாகம் பிரித்துக்கொள்ளுகிறகாலத்தில் என் மனை இது என்று எழுதிக் கொள்ளுகிறார்கள். இது தான் அவர்களுக்குள்ள ரிகார்டுகள். மிராசுதார்களுக்கு யாதொரு பாதயமும் கிடையாது என்று சர்க்கார் ஒரு உத்தரவு போடவேண்டும். கனம் B. S. மூர்த்தி சொன்னது போல் ஒரு கமிட்டியை ஒவ்வொரு ஜில்லாவிலும் தாலுகாவிலும், கிராமங்களிலும் ஏற்படுத்தி அவர்களுக்கு என்ன குறைகள் இருக்கின்றன என்று ஆராய்ச்சி செய்து சர்க்காருக்கு ரிப்போர்ட்டு பண்ணும்படி ஏற்பாடு செய்ய வேண்டும் என்று நான் கேட்டுக்கொள்கிறேன்.”

* SRI K. VARADACHARI:—“Sir, I really welcome this debate. It does not require a narration of those tales of woe, to which Harijans are subject, and it does not require any speech from Harijan members. All of us know about these things. But the remedies could have been begun long ago by the Cabinet. I find that the Harijan Minister who is now functioning has been the most idle Minister possible. He ought to have seen to it that measures are taken, even when he was sponsoring the Bill with regard to the removal of civil disabilities, to see that the atrocities of the kind that have been narrated are prevented. I have been pressing for the abolition of the cheri system for a long time. That idea must have caught him at least, if not others. I have been also saying that all lands whether in ryotwari areas or in zamindari areas, whether forests in the real sense or otherwise could easily be assigned to them and sufficient help given by Government to clear off the forest and introduce intensive cultivation. These things could have been done. Apart from these things, wherever atrocities of the kind mentioned by Mr. Murthi have been perpetrated, the judicial system of investigation should be liberalised a little in favour of Harijans, by shifting the burden of proof on to the other side. For where ordinary people are involved, it will be difficult for them to get adequate evidence against the powerful landowners and rich tenants. There is a similar case in Chittoor district. A few Harijans had been long in Natal; they came back to Chittoor some time back with a lot of money; they purchased lands and lived there; after some time they became addicted to drink; recently the caste Hindus evicted them and took away their lands. There are several such things happening everywhere. What I say should be done is this: wherever there

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is a case of trespass or taking away of property or anything of the sort, the rules of evidence should be liberalised to the needs of the poorer classes and Harijans, so that the burden of proof may be thrown on the other side, to prove that the transaction has been fair, reasonable and for valuable consideration. Some such thing should be done and should be possible.”

* THE HON. SRI KALA VENKATA RAO:—“Sir, I would like to speak on two points only. I can assure the hon. Friend who spoke on this occasion with reference to land assignment that though the policy of Government is not yet published, the active consideration of it is almost finished, and I may tell him that future land assignment will be in favour of the landless people, particularly, Harijans. Therefore there need not be any anxiety on that point. If Harijans cultivating lands under the Grow More Food Scheme were displaced by rich Hindu peasants, if such instances were brought to the notice of Government. . .”

SRI S. NAGAPPA:—“Several instances were brought to the notice of the Government and no action had been taken.”

THE HON. SRI KALA VENKATA RAO:—“No, Sir. I say if such instances were brought to the notice of the Government, they would certainly take action in the matter.

“Then, with reference to kudiyruppu, about which Mr. Muniswami Pillai spoke at length, if it is a question of total eviction from land or where Harijans were sent out of their abodes, I will write to the Collector immediately and see what action is necessary, and if necessary, legislative action will be taken. Mr. Murthi criticised me by saying that in pushing through revenue reforms I was working with my head and not with my heart. It is only proper and right that in legislative matters I should work with my head, and in Harijan uplift and social amelioration I should work with my heart; and my heart is always with Harijans.”

THE HON. SRI V. KURMAYYA:—“Mr. Speaker, Sir, I am glad some of the Harijan members have ventilated the grievances of Harijans as whole in the presidency. I know some Harijans have been put to a lot of difficulty in some places by capitalist caste Hindus. As soon as Government receive any complaint from Harijans or M.L.As., Government immediately attend to them. It is the duty of Harijan M.L.As. to bring such cases to the notice of Government. As regards social boycott and atrocities committed by caste Hindus against Harijans, it is left to the society as a whole to see that the change of heart is felt between Harijans and caste-people. Harijans have been put to all the social difficulties for centuries. To-day, as Mr. B. S. Murthi pointed out, the Harijan is conscious of his right; and on account of that consciousness, even though there are a few stray cases of

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social injustice, they are magnified and published in newspapers. I know the difficulties of the Harijans can be tackled only by the co-operation of Harijans and caste Hindus. There is no use of rushing to the Press and publishing them. Mr. B. S. Murthi is a public worker for a long time, and as President of the Harijan Sevak Sangh, he knows how Harijans and other backward communities have been treated by the capitalists. It is not easy either for the Government or to any of the leaders—leaders like Mr. Murthi or even for Kurmayya—to settle all these things amicably within a short time. It is the duty of the Government to see that such atrocities in future are stopped by taking necessary action by the officials.

8-30
P.M.

"This morning Mr. Murthi pointed out that a Harijan woman was beaten by a caste Hindu while drawing water from a well. I may straightway tell the House that it is true that she was beaten. But I may also tell the House that the man has paid a fine of Rs 100 and the whole village's caste people apologised for that. This sort of compromise will really bring a change of heart on the part of the caste Hindus towards the Harijans. We should not forget the principal enunciated by Mahatma Gandhi. It is only Mahatma Gandhi who has brought this social consciousness or political consciousness to the Harijans. (Interruption.) Even Mr. Nagappa is not true to him. He has forgotten the principle of non-violence preached by Mahatma Gandhi. He must have patience and give sufficient time to the Government to take up all these things. We know there is a procedure. There are so many laws which require amendments. After the necessary amendments are carried out everything can be done to the Harijans and the labourers."

"Mr. Murthi has narrated instances where the Harijans were beaten. In Appikatla the Harijans were beaten. But the reasons and circumstances were different. I myself went to the village and conducted an enquiry. The reason for dispute was the difference of party feelings between the Congress and the Communist candidates. I went there and enquired. I was told that the Communists instigated the Harijans to rebel against the caste people during the elections and with the help of those people some of the caste Hindu candidates were beaten. Mr. Murthi also went there along with me and brought about a compromise. Of course it failed later on. The dispute there was not on account of the ill-feelings of the caste Hindus towards the Harijans but on account of some other matters like the elections."

SRI B. S. MURTHI:—"On a point of information, Sir. Is it not a fact that the compromise arrived at by both the leaders of the caste Hindus and the Harijans in the presence of B. S. Murthi who was then Parliamentary Secretary (Interruption). I am putting it this way because I went to mention that there was Government authority not because that there is anything superior about the Parliamentaryship. Is it not a fact that the compromise has broken down and the Harijans have left the place?"

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THE HON. SRI V. KURMAYYA:—"That is known to Mr. Murthi because he sponsored the compromise. The Harijans themselves said: 'On account of Mr. Murthi we accepted this' and later on they themselves left the place seeking a better place to live in. We instructed the Collector to provide house-sites for them in a better place. All this took place because of the election and the different feelings of the Communist and the Congress candidates. (Interruption.) (Mr. Speaker: 'Order, order.') I know that. All these atrocities have been committed against the Harijans on account of the Communist people in connexion with the elections. Therefore we should not attribute motives to any casteman and say that a Harijan was beaten. The Harijans there told me plainly on my enquiry that the Harijans helped the Communists and some of them went to the caste Hindus and beat them. Such things should be avoided. It is the duty of the Harijan M.L.As. and other leaders—including the Ministers also to guide them properly. I have been touring village after village and I have enquired into complaints. I take more interest because I was born in the Harijan community with a view to serve them. I even preached to the caste Hindu people whenever I have been touring and I am trying to do my best."

"Then as regards the social boycott it is left to us to bring about a change of heart. The Government have passed the Removal of Social Disabilities Act and the Temple Entry Act. It is now up to Mr. Nagappa and other M.L.As. and leaders to see that the legislations are translated into action. (Order, order.) The Government is trying its level best to see that the Harijans are helped all round. Sir, it was also suggested that a Committee may be constituted to go into the allegations or complaints made by the people. A Committee has already been constituted, namely, the Provincial Welfare Committee and they have been asked to report to the Government about the legislations passed by this august House. It is up to Mr. Murthi and Mr. Muniswami Pillai who are members of the committee to report to the Government as to what action should be taken."

SRI B. S. MURTHI:—"May I remind the Hon. Minister that this specific point is not one of the terms of reference for the Committee he has appointed and of which he is the Hon. the Chairman?"

THE HON. SRI V. KURMAYYA:—"It is one of the specific points referred to that Committee and I myself want to know how these Acts are working among the people. As regards the complaints made by Mr. Murthi and others with regard to the eviction, I may say that in some cases it is true and as my hon. Friend Mr. Kala Venkata Rao has stated, it is the duty of the Harijan M.L.As. and other leaders to bring to the notice of the Government such cases and see that such evictions are stopped hereafter. As Mr. Varadachari has said the ordinary procedure is there, the civil courts are there and the judiciary is there. When complaints are

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filed in civil courts the Harijans should thumb them over with evidence. I am sorry to note that some people are won over by the caste Hindus. Then it will be impossible for any Harijan to succeed in either civil or criminal courts when such cases are taken up. It will be better if the hon. Members of this House, especially those belonging to the Harijan community, work more vigorously for the uplift of the Harijans. If all the thirty M.L.As. in all the districts take up this work it will be easy for myself or for the Government to do whatever is possible. (Interruption.) The Government have done a lot of things to improve the economic conditions of the Harijans. Special licences have been sanctioned to the Harijans to run cloth shops and to deal in cloth and rice. In several cases the Harijans have been exempted from the provisions regarding basic period. In every district about 100 or 60 Harijans have been given licences to deal in cloth and yarn . . .

SRI S. NAGAPPA:—"On a point of information, Mr. Speaker, the Hon. Minister was saying that he has been kind enough to grant 160 licences. I say it is a false statement." (Order, order.)

THE HON. SRI V. KURMAYYA:—"What I said was, Sir, that 100 or 60 Harijans in every district have been granted licences. It is the order of the Government that in every village where the population is 1,000 Harijans and Christians may be given a licence. It was the order of the Government. If it is followed by the District Committees, I think more than 100 licences in every district will go to the Harijans. (Interruption.) Mr. Nagappa is one of the Members of the Welfare Committee which is to be consulted by the District Committee. In order to provide more facilities to the Harijans the Collectors have been issued instructions that the Harijan Welfare Committees should be consulted."

DR. D. S. RAMACHANDRA RAO:—"On a point of information, Sir. I want to know from the Hon. Minister whether the riots were due to feeling between the caste Hindus and the Harijans or merely to the capitalist and labour question? May I also know whether it was always the caste Hindus who were responsible for these riots or whether the Harijans also were in some cases responsible for them?"

MR. SPEAKER:—"The debate is taking a different turn. The debate is with regard to the question 'House for the houseless and land for the landless.' I allowed Mr. Murthi to dwell on that point because he told us that simply because the depressed classes were not having lands and they were not having their own houses the caste Hindus were driving them out of the land. The hon. Member representing the Indian Christian constituency of Madras-cum-Chingleput has referred to that point again. In my opinion it is not correct."

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SRI GUNTUR NARASIMHA RAO:—"As a matter of fact the whole speech of Mr. Murthi and others were only on that point. They have gone on beyond the point."

MR. SPEAKER:—"I have carefully followed it. The hon. Member also should be aware of the fact that I told Mr. Murthi that the debate was about the question of house for the houseless and land for the landless. Mr. Murthi told us that simply because the members of the scheduled caste were not owning lands of their own the caste Hindus were giving them a lot of trouble."

THE HON. SRI V. KURMAYYA:—"Mr. Speaker, the real point on which you have permitted us to speak have been left off by the speakers. I have to answer the points raised by the hon. Members."

"As regards the point raised by Dr. Ramachandra Rao, I agree that it is due to the economic trouble of labour and capital. On account of this only the troubles have been going on and not on account of the question of Harijans and caste Hindus."

"All the points raised by Mr. Murthi and others were confined to the eviction of Harijans from the sites on which they have built houses. This is a trouble between capital and labour. As regards the house sites to be provided to the Harijans the Government have already appointed the Provincial Welfare Committee. It is now investigating. After its report has been submitted to the Government they will certainly take up the question of providing house sites to the Harijans. As regards the points raised by Mr. Muniswami Pillai, namely, eviction of Harijans from houses constructed on the lands belonging to the jenmis in Malabar the Government is contemplating legislation. This problem is there not only in Malabar but in many of the other districts in the south in Tamilnad. This question is new in Andhra Desa. When I was touring the Tamilnad districts the Harijans have brought to my notice that they have been living in houses constructed on the lands belonging to the jenmis or mirasdars for centuries and that they are now trying to evict them because the Harijans are not willing to work under them for lower wages. The Government's attention has been invited to this and they are thinking that a suitable legislation should be brought forward."

SRI S. NAGAPPA:—"On a point of information, Sir. As regards the point of providing lands to the landless, the Hon. Minister has not at all answered the point. I just want to know about this. It was I who put the question and I had no time to make a speech on it. My point is that the Hon. Minister for Rural Development has been in charge of granting house sites. I want to know how many such house sites have been allotted to the Harijans. Every application that was sent has been sent to the Collector which goes to the Revenue Inspector and the village

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munsif and they stand in the way. Every application that is given here goes there and even when the Labour Officer wants to grant a particular site they always stand in the way."

THE HON. SRI V. KURMAYYA:—"If Mr. Nagappa wishes to know the number of sites sanctioned in the Province, he may put a separate question and I will call for the information and give him. (Interruption.) I said, Sir, that the Provincial Welfare Committee has been constituted. We are chalking out a five-year programme through which period all the Harijans without houses will be provided house sites. After the report of the committee is received the Government will certainly scrutinize the question and try to provide the Harijans with house sites. With these few words, Sir, I resume my seat."

MR. SPEAKER:—"The debate is over. I adjourn the House till 11 o'clock to-morrow."

The House then adjourned.

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

Election—Anakapalle, Ellore, Gudiyattam and Karaikudi Municipal Councils—Instructions issued—G.O. No. 1714, L.A., dated the 10th October 1947.

THE MADRAS LEGISLATIVE ASSEMBLY

Thursday, the 30th October 1947

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Prevalence of cholera in Tinnevely district.

* 314-A Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that there have been many deaths recently due to cholera in the Tinnevely district;

(b) if so, the number of deaths which have occurred so far; and

(c) what precautionary measures have been taken to prevent infection?

THE HON. SRI A. B. SHETTY:—" (a) There have been some deaths due to cholera in the Tinnevely district.

" (b) The number of deaths reported up to 25th October 1947 is as shown below:—

Tinnevely district—296.

Tirunelveli Municipality—86.

Palamcottah Municipality—46.

Tuticorin Municipality—2.

" (c) The usual precautionary measures have been taken to prevent infection. The measures are chlorination of water-supply, disinfection of infected houses and surroundings, improvement of sanitation by the employment of extra staff, prophylactic cholera inoculation, prevention of water-supply from contamination by posting watchmen and preventing people from using water which is suspected to be contaminated.

The Assistant Director of Public Health (Epidemics) has visited the district during the period 13th October 1947 to 15th October 1947 and inspected the precautionary measures as far as possible."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister how many attacks there were in the beginning?"

THE HON. SRI A. B. SHETTY:—"I cannot give figure off-hand."

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SRI K. T. KOSALRAM:—" May I know when the first case of attack took place? "

THE HON. SRI A. B. SHETTY:—" The first case was reported on the 13th September. "

SRI K. T. KOSALRAM:—" Will the Hon. Minister kindly give weekly statements from the beginning of the attack? "

THE HON. SRI A. B. SHETTY:—" The hon. Member may kindly give notice if he wants this information. "

DR. S. SUBRAHMANYA AYYAR:—" Can the Government tell us when the last attack took place so that may know whether the disease has subsided or is still in the same state? "

THE HON. SRI A. B. SHETTY:—" The figures of deaths reported are up to 25th October. Daily reports are being received from the Tahsildar and weekly reports from the Health Officer. "

DR. S. SUBRAHMANYA AYYAR:—" In view of the fact that there have been deaths on the 25th October also, will the Government inform this Assembly every week as to the state of affairs in most of the southern districts, as there is prevalence of cholera in an acute form in Madura, Ramnad and Tinnevely? "

THE HON. SRI A. B. SHETTY:—" The information can be given, but how I am to give it to the Assembly, I do not know. "

DR. S. SUBRAHMANYA AYYAR:—" May I request the Government to place it on the table of the House so that we may be posted with the information. "

THE HON. SRI A. B. SHETTY:—" I have no objection, Sir, to place the weekly reports on the table of the House. I may tell the hon. Member that from the daily reports received from the Tahsildars in the last few days, it is found that the epidemic is showing signs of slight subsidence. "

SRI D. V. RAMASWAMI:—" Has there been any decrease in the number of deaths? "

THE HON. SRI A. B. SHETTY:—" That is what I mean by signs of subsidence. "

SRI K. T. KOSALRAM:—" Is it a fact, Sir, that there were only a few attacks and deaths till the beginning of the disease in October? "

THE HON. SRI A. B. SHETTY:—" I am not able to understand the hon. Member. "

SRI K. ANANDAN NAMBIYAR:—" May I know, Sir, how many deaths occurred due to cholera in Trichinopoly district? "

THE HON. SRI A. B. SHETTY:—" We are now dealing with Tinnevely district. "

MR. SPEAKER:—" The hon. Member may put a separate question. "

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DR. S. SUBRAHMANYA AYYAR:—" Will the Hon. Minister kindly give us accurate figures with regard to the inoculations made in the Tinnevely district? "

THE HON. SRI A. B. SHETTY:—" The number of anti-cholera inoculations done up to 25th October 1947 is—

Tinnevely district 36,622 (up to 18th October 1947).

Tirunelveli Municipality 22,792 (up to 25th October 1947).

Palamcottah Municipality 17,804 (up to 25th October 1947).

Tuticorin Municipality 12,713 (up to 25th October 1947).

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" As Members from these cholera affected districts have come to this House, will the Hon. Minister take immediate steps to get them inoculated for the protection of this House? "

MR. SPEAKER:—" No answer. "

Interviews to Advocates by Special Officer for Anti-Corruption.

* 315 Q.—SRI ALLURI SATYANARAYANA RAJU: Will the Hon. the Premier be pleased to state whether it is a fact that the Special Officer for Anti-Corruption gives interviews to Advocates in the matter of persons charged with corruption?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. the Premier):—" The hon. Member apparently refers to the Special Officer for Departmental Enquiries. The Special Officer allows accused officers to engage vakils wherever he considers that the latter would be prejudiced if legal assistance was not given. "

SRI ALLURI SATYANARAYANA RAJU:—" May I know, Sir, whether the Special Officer is to try the cases judicially or whether he is empowered also to interfere and instruct officers investigating cases? "

THE HON. DR. P. SUBBARAYAN:—" I do not know what the hon. Gentleman means by 'to interfere and instruct' departmental officers. He sits as a quasi-judicial officer to enquire into cases that are put before him by the Government departments concerned. "

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" Are the Government aware, Sir, that the Special Officer's son who happens to be an advocate, appears before him in these departmental enquiries? "

THE HON. DR. P. SUBBARAYAN:—" The fact that an officer enquiring into a case happens to be the father of an advocate does not preclude his son from appearing before him. As I have said there are no considerations of relationship with the officers of Government who make enquiries. You can trust them to be impartial in these matters. "

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SRI ALLURI SATYANARAYANA RAJU:—" May I ask whether the Government do not think that the continuance of one particular individual in such an office will not lead to prejudice and miscarriage of justice and whether the Government will consider the appointment of a tribunal as and when each case arises? "

THE HON. DR. P. SUBBARAYAN:—" I do not grant the hon. Gentleman's premises and therefore the question does not arise."

DR. S. SUBRAHMANYA AYYAR:—" Will the Government give us departmentwar the number of punishments inflicted on the subordinates in service? "

THE HON. DR. P. SUBBARAYAN:—" It is rather a surprise question to me and I should like to have notice of it."

M. S. ABDUL MAJID SAHIB BAHADUR:—" Is it a fact, Sir, that the officer is too old and he is not able to record evidence properly? "

MR. SPEAKER:—" That is dealt with in the next question."

THE HON. DR. P. SUBBARAYAN:—" I am afraid the hon. Gentleman is entirely wrong in his presumption."

MAHIN SCHAMNAD SAHIB BAHADUR:—" May I know, Sir, whether the anti-corruption officers were selected from all the departments or from only the Police department? "

THE HON. DR. P. SUBBARAYAN:—" The anti-corruption and black-marketing branch called the X-branch is entirely confined to the Police department."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" Arising out of the reply of the Hon. the Home Minister, may I enquire whether it is right on the part of the officers who are to appear for enquiries to make use of the son of the enquiring officer who is also incidentally an advocate and also whether it is right on the part of the Government to allow such a thing? "

THE HON. DR. P. SUBBARAYAN:—" As I have said, there is no relationship observed between Government officers and their sons in the matter of their official duties. The fact that an officer happens to have an advocate as his son should not preclude his son from getting the practice which he would legitimately be entitled to get."

K. M. SEETHI SAHIB BAHADUR:—" May I know, Sir, how many times his son has appeared in the court of his father in connexion with anti-corruption enquiries? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid I should have notice of the question."

SRI K. ANANDAN NAMBIYAR:—" Apart from advocates, are other persons also allowed to appear before anti-corruption enquiry officers? "

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THE HON. DR. P. SUBBARAYAN:—" The person concerned with the enquiry will naturally be allowed to appear before the officer to state his case, but not every member of the public."

SRI N. S. VARADACHARI:—" Will it be made clear, Sir, that the Special Officer for these enquiries is only to enquire after the investigation is completed in order that it may not appear that the investigation itself is sometimes partially affected by the Special Officer? "

THE HON. DR. P. SUBBARAYAN:—" The hon. Gentleman is quite correct in the statement he has made."

SRI M. BAPINEEDU:—" May I know what is the practice in the High Court? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid, this question does not deal with the High Court."

SRI V. RAGHAVAYYA:—" May I know whether this officer has been able to send at least one case to the courts so that people might be aware of what is happening? "

THE HON. DR. P. SUBBARAYAN:—" This is a question of departmental enquiry and departmental action is taken. The courts do not come into this business at all."

SRI S. NAGAPPA:—" May I ask the Government whether they are satisfied that the Special Officer is above corruption? "

THE HON. DR. P. SUBBARAYAN:—" I am afraid, Sir, this question should not be allowed."

MR. SPEAKER:—" I rule it out of order."

DR. S. SUBRAHMANYA AYYAR:—" Will the Government tell us who investigates corruption cases against police officers? "

THE HON. DR. P. SUBBARAYAN:—" The X-branch investigates and the hon. Member can take it from me that they are quite capable of investigating cases against their own officers."

Age of the Special Officer for holding departmental enquiries.

* 316 Q.—MUHAMMAD RAZA KHAN SAHIB BAHADUR (on behalf of Mohamed Abdul Salam Sahib Bahadur): Will the Hon. the Premier be pleased to state— 11-15 a.m.

(a) the present age of the Special Officer, appointed for holding Departmental Enquiries against Government servants; and

(b) the names of the advocates that appeared before him as defence advocates?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. the Premier):—" (a) 62.

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“(b) The Government regret that the Special Officer is unable to furnish the information since the records relating to the enquiries held by him have been sent to the concerned disciplinary authorities along with his reports.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“ May I enquire whether this Special Officer is paid a salary of Rs. 1,700 plus his pension? ”

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

[* 317 Q.—

MR. SPEAKER:—“ The hon. Member is not in his place. The answer will be printed in the proceedings. ”]

Cases arising out of communal disturbances in Madura.

* 317 Q.—SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state—

(a) the number of cases against the Muslims and against the Hindus of Madura till 1st March 1947 arising out of the Madura communal disturbances in June 1946;

(b) the number of cases which had to be dropped as unproved against Muslims and Hindus; and

(c) whether the present District Superintendent of Police, Deputy Superintendent of Police and the Inspectors in charge of the Madura City are Muslims or non-Muslims?

THE HON. DR. P. SUBBARAYAN:—

“(a) Number of cases against Muslims	..	..	..	24
Number of cases against Hindus	..	..	..	49

“(b) Number of cases dropped as unproved against Muslims	10
Number of cases dropped as unproved against Hindus	25

“(c) The District Superintendent of Police, Madura North and the Deputy Superintendent of Police, Madura Sub-division, are neither Muslims nor Hindus. The Inspectors-in-charge of Madura City were Hindus but of the seven Sub-Inspectors who investigated the cases, two were Muslims and five were Hindus.”

Alleged ban on Telugu drama “ Ma Bhumi ” in West Godavari district.

* 318 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that the District Magistrate, West Godavari, banned the performance of a Telugu drama “ Ma Bhumi ” in West Godavari district on 5th August 1947; and

(b) if so, for what reasons?

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THE HON. DR. P. SUBBARAYAN:—“(a) & (b) The drama was not banned by the District Magistrate, West Godavari. A request of the Director of the Kistna District Praja Natya-mandali for the grant of permission to enact the drama was refused by the then District Magistrate as he found the drama to be objectionable. The present District Magistrate has since accorded permission to enact the drama in the West Godavari district.”

SRI PILLALAMARRI VENKATESWARLU:—“ May I know on what grounds the previous District Magistrate refused permission to enact the drama? ”

THE HON. DR. P. SUBBARAYAN:—“ For the simple reason stated in the answer that he found the drama to be objectionable.”

SRI PILLALAMARRI VENKATESWARLU:—“ May I enquire whether the Government are aware of the fact that the District Magistrates of other districts did not have any objection to this drama being enacted? ”

THE HON. DR. P. SUBBARAYAN:—“ The hon. Member ought to know that discretion is vested in the District Magistrates. In order to maintain law and order, it is entirely within the discretion of the District Magistrate to decide whether a particular drama is objectionable or not. Of course, an appeal lies to the Government who may either modify or confirm the order of the District Magistrate.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ In view of the wide divergence of view between two District Magistrates on the same matter in the interests of civil liberty would it not be better that no drama should be banned unless it is proscribed by the Government? ”

THE HON. DR. P. SUBBARAYAN:—“ I do not accept that position.”

SRI B. S. MURTHI:—“ May I request the Government to lift the ban on books imposed by the previous Governments? ”

MR. SPEAKER:—“ It is a request, not a question.”

SRI ALLURI SATYANARAYANA RAJU:—“ When there was no necessity for banning this drama in other districts, may I know what made the District Magistrate ban the drama in the particular district? ”

THE HON. DR. P. SUBBARAYAN:—“ As I said, it is entirely within the discretion of the District Magistrate concerned. He is to judge the occasion and the requirements of law and order. He felt that the drama was objectionable, and refused permission which he had every right to do. The persons affected could have appealed to the Government if they chose.”

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SRI V. M. RAMASWAMI MUDALIYAR:—"Is it not essential that Government should proscribe a drama or book and that discretion should not be vested in the District Magistrate?"

THE HON. DR. P. SUBBARAYAN:—"If it was so, it could not have happened."

SRI D. V. RAMASWAMI:—"In the matter of banning literature may I know whether, after the attainment of independence, the Government should not be a little more liberal in using their arbitrary powers?"

THE HON. DR. P. SUBBARAYAN:—"In view of the disturbed conditions after the attainment of independence the Government have got to be very careful and they have to pay more attention to what may happen. Therefore District Magistrates have been asked to be more careful."

SRI N. S. VARADACHARI:—"In the cultural interests of the country, is it not necessary that the literature should not be allowed to be tarnished by pinchbeck dramas?"

THE HON. DR. P. SUBBARAYAN:—"I entirely agree with the hon. Member."

SRI B. S. MURTHI:—"Will the Government lift the ban on books that were imposed during the time of the Advisers' regime?"

THE HON. DR. P. SUBBARAYAN:—"Certainly, Sir."

DR. S. SUBRAHMANYA AYYAR:—"If the situation differs in different districts, are not the District Magistrates entitled to come to different opinions?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman is correct in his presumption."

SRI K. ANANDAN NAMBIYAR:—"In spite of the appeal made against the order of the District Magistrate, may I know why the Government did not at all interfere in the matter?"

THE HON. DR. P. SUBBARAYAN:—"Because the Government felt that the District Magistrate was correct in the conclusions he came to."

Firing in Gazulalanka, Kistna district.

* 319 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Home Minister be pleased to state—

(a) whether any report has been submitted by the Enquiry Committee, appointed by the Government, to enquire into the firing in Gazulalanka, Kistna district; and

(b) if so, whether the Government propose to publish the report?

THE HON. DR. P. SUBBARAYAN:—" (a) Yes.
" (b) No."

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SRI PILLALAMARRI VENKATESWARLU:—"May I know why the Government do not propose to publish the report?"

THE HON. DR. P. SUBBARAYAN:—"It is a report to the Government, and the Government felt that it was not necessary to publish it."

SRI PILLALAMARRI VENKATESWARLU:—"My question was not at all answered. I asked the reason why..."

MR. SPEAKER:—" 'Why', as being argumentative is not allowed in the Central Assembly. So I disallow the question."

SRI K. ANANDAN NAMBIYAR:—"This is not Central Assembly."

MR. SPEAKER:—"Even here we follow some of the rules of the Central Assembly."

SRI PILLALAMARRI VENKATESWARLU:—"May I know the reasons for not publishing the report submitted by the Congress members of the enquiry committee?"

THE HON. DR. P. SUBBARAYAN:—"It is entirely a matter of law and order."

Cancellation of certain gun licence.

* 320 Q.—MAHIN SCHAMNAD SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state whether it is a fact that the gun licence for C. L. Moideenkutti of Chemmanad village, Kasaragod taluk, South Kanara district, has been cancelled?

THE HON. DR. P. SUBBARAYAN:—"The licence was cancelled on the ground that the licensee was an active partisan of one of the two hostile parties of Moplas in the Kasaragod taluk of the South Kanara district. Petitions from the licensee for the reconsideration of the orders cancelling his licence, were rejected by the District Magistrate after careful consideration. The District Magistrate has now asked the District Superintendent of Police, South Kanara, to ascertain and report whether the original factions are still in existence in Kasaragod and whether the restoration of the petitioner's licence is in any way objectionable from the security point of view."

MAHIN SCHAMNAD SAHIB BAHADUR:—"May I know whether the actual evidence in support of the grounds for cancelling the licence was recorded in the Station records or whether the grounds existed only in the imagination of the police officials?"

THE HON. DR. P. SUBBARAYAN:—"It is not necessary to record the reason for refusing a licence. In the opinion of the District Magistrate there was a faction between two parties and this person belongs to one of the factions. I entirely agree with the District Magistrate in cancelling the licence."

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SRI R. V. SWAMINATHAN:—"Will the Government consider the desirability of removing the unnecessary restrictions in the grant of licences and enable the public to have arms to protect themselves?"

THE HON. DR. P. SUBBARAYAN:—"District Magistrates have been instructed to issue licences to deserving persons."

SRI S. NAGAPPA:—"In view of the prevailing communal tension, will the Government consider the desirability of either withdrawing all licences or provide every one with arms?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid such an undertaking cannot be given."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know whether the Government will restore licences which were cancelled as a result of the Satyagraha movement?"

THE HON. DR. P. SUBBARAYAN:—"The District Magistrates have been asked to restore licences to those persons who apply for the restoration of such licences."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer of the Hon. Minister that he entirely agrees with the District Magistrate, may I know whether the District Magistrate entirely agrees with the Hon. Minister?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of the District Magistrate agreeing with the Hon. Minister. He has got to carry out the orders of the Government." (Hear, hear.)

P. K. MOIDEEN KUTTI SAHIB BAHADUR:—"In view of the fact that this is no more a slave country, will the Government recommend to the Government of India the repeal of the Indian Arms Act?"

THE HON. DR. P. SUBBARAYAN:—"Certainly not, Sir. Control of arms is necessary even after attaining independence."

SRI KALLUR SUBBA RAO:—"May I know whether the Government have issued any new instructions to the authorities concerned to be more liberal in issuing licences?"

THE HON. DR. P. SUBBARAYAN:—"These are confidential matters which I am not prepared to disclose."

The Pasumalai Mahalakshmi Mills, Madura.

* 321 Q.—**SRI K. ANANDAN NAMBIYAR:** Will the Hon. Minister for Food be pleased to state—

(a) whether the Government are aware that the management of the Pasumalai Mahalakshmi Mills in Madura have so far not implemented the award of the adjudicator on interim relief made in November 1946 and the award of the Textile Tribunal in June 1947;

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(b) whether the workers in these mills went on strike recently to press for the above interim relief;

(c) whether in consequence thereof the workers have been locked out; and

(d) whether the Government propose to take any action against the mill management for flouting the award of the adjudicator and accepted by the Government?

THE HON. DR. T. S. S. RAJAN:—" (a) to (c) Yes, Sir, but the lock-out has been lifted and the strike continues."

"(d) The management has been prosecuted."

SRI K. ANANDAN NAMBIYAR:—"May I know why the strike continues after the lock-out has been lifted?"

THE HON. DR. T. S. S. RAJAN:—"The question is as to who continues the strike. If the workers refuse to enter the mills, the Government cannot force them."

SRI K. ANANDAN NAMBIYAR:—"Have any representations been received from the workers or the mill management about the continuance of the strike?"

THE HON. DR. T. S. S. RAJAN:—"No, Sir."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer that the management has been prosecuted, may I know whether the management has been actually arrested?"

THE HON. DR. T. S. S. RAJAN:—"The question of arrest does not arise. It is the question of prosecution in which the Government are engaged. The consequences of the prosecution shall necessarily follow."

SRI S. NAGAPPA:—"In view of the fact that the adjudicator's award has been flouted by most of the managements, will not the Government consider the desirability of bringing in suitable legislation to take immediate action?"

THE HON. DR. T. S. S. RAJAN:—"There is enough provision in the law to deal with managements. If the Government think that it is not enough, they will consider the matter."

SRI PILLALAMARRI VENKATESWARLU:—"May I know under which Act the management has been prosecuted?"

THE HON. DR. T. S. S. RAJAN:—"Under the Industrial Disputes Act."

SRI C. M. KOTHARI:—"May I know whether the Government can arrest a company or the management?"

THE HON. DR. T. S. S. RAJAN:—"No, Sir."

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Enforcement of the Industrial Disputes Act.

* 322 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have enforced the Industrial Disputes Act of 1947 of the Government of India in this Province; and

(b) if so, whether the Government have appointed the Works Committee and Conciliation Boards as provided under sections 3, 4 and 5 of the said Act?

THE HON. DR. T. S. S. RAJAN:—“(a) The Act which came into force on 1st April 1947 extends to the whole of British India as from that date.

“(b) The Government will consider the question of formation of works Committees after getting the views of the representatives of the employers and the workers at the proposed tripartite conference. The constitution of a Board or Boards of Conciliation will be considered when occasion arises as there is no provision in the Act for constitution of permanent Boards of Conciliation.”

SRI K. ANANDAN NAMBIYAR:—“May I know whether the Government have made any arrangements to convene a tripartite conference to know the views of the workers as well as the employees regarding the formation of Works Committees?”

THE HON. DR. T. S. S. RAJAN:—“The Government are already making arrangements.”

SRI K. ANANDAN NAMBIYAR:—“May I know the approximate time when it will be convened?”

THE HON. DR. T. S. S. RAJAN:—“It is very difficult to say now. A conference of international labour organizations is going on in Delhi now. As soon as our officers are relieved there, the question will be considered.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know the reasons for the delay in not convening the conference till now?”

THE HON. DR. T. S. S. RAJAN:—“Some months ago, the question of calling a tripartite conference was considered and a date was actually fixed. But a number of people who could partake in the conference made some stipulations or were in jail. The Government could not order a general release for taking part in the conference. Hence it had to be postponed.”

SRI B. S. MURTHI:—“May I know whether agricultural labour will be represented in the tripartite conference?”

THE HON. DR. T. S. S. RAJAN:—“The tripartite conference is for industrial labour, managements and the Government. The question of agricultural labour is separately under the consideration of the Government.”

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SRI B. S. MURTHI:—“As the present conference in Delhi has laid stress on the representation of agricultural labour, will the Government see the necessity of giving representation to agricultural labour?”

THE HON. DR. T. S. S. RAJAN:—“As I have already said, this tripartite conference is confined to industrial labour, managements and the Government. The question of agricultural labour is separately under the consideration of the Government.”

SRI B. S. MALLIKARJUNA RAO:—“May I know the personnel who have been invited to take part in the conference to be convened?”

THE HON. DR. T. S. S. RAJAN:—“That has not yet been decided.”

Irrigation schemes in the Tinnevely district.

* 323 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there are any irrigation schemes in Tinnevely district under the consideration of the Government; and

(b) if so, what the schemes are and the extent of land they are expected to bring under cultivation?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) Yes.

“(b).

Name of Scheme.	Probable additional ayacut that will be benefited (in acres).
(1) Manimuthar Reservoir ..	Will be known after detailed investigation.
(2) Restoration of Sivalaperi tank	550.
(3) Restoration of Vayali and Malayaddipatti tanks ..	780.
(4) Construction of a new anicut over the Vaippar above the present anicut supplying Vilathikulam tank.	Too early to be known.
(5) Construction of a reservoir at the foot of the ghats in the Valai Maliar and Kotta Maliar river.	Too early to be known.
(6) Remodelling the Tambaraparani channels.	Provision of better irrigation facilities to the existing ayacut.
(7) Reservoir on the Ramanadhi	Too early to be known.
(8) Giryar project	1,000.
(9) Gatananadhi reservoir ..	7,150.
(10) Constructing an anicut across a jungle stream (and diverting supply to Karisalkulam and other tanks ..	200.

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11-30
a.m.

SRI K. T. KOSALRAM:—" May I know, Sir, from the Hon. Minister whether there are any proposals for putting up new dams and making improvements to river-beds in general and in particular, to the Karumunai River in the Tiruchendur taluk and the Nambi river in the Nanguneri taluk? "

THE HON. SRI M. BHAKTAVATSALAM:—" I should like to have notice, Sir."

SRI K. T. KOSALRAM:—" Is there any proposal to cut a new channel from Ambasamudram to Trichendur taluk for the benefit of the ryots in that taluk, which is a deficit area? "

THE HON. SRI M. BHAKTAVATSALAM:—" Again, I should like to have notice, Sir."

Scale of pay of peons.

* 324 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Finance be pleased to state—

(a) the scale of pay of peons working in the various departments of the Government; and

(b) the scale of pay given to duffadars?

THE HON. SRI B. GOPALA REDDI:—" (a) Rs. 16— $\frac{1}{2}$ (annual)—25.

" (b) Rs. 22— $\frac{1}{2}$ (annual)—30.

" These are the revised scales sanctioned with effect from 1st January 1947."

SRI S. NAGAPPA:—" May I know, Sir, whether the Government is satisfied that the salaries paid to the peons and other menials are adequate to maintain their wife and children in these hard days? "

THE HON. SRI B. GOPALA REDDI:—" The Government are satisfied, Sir, but I do not know whether they are satisfied."

SRI G. KUMARASWAMI:—" Is it a fact, Sir, that the duffadars working in the Revenue Department in the various districts were hitherto given an allowance of Rs. 2 more than that given to the peons and that they are not now paid the same? "

THE HON. SRI B. GOPALA REDDI:—" Yes, Sir. I suppose the hon. Member did not listen to the answer I have given just now. While the peons get Rs. 16—25, the duffadars get Rs. 22—30 per mensem."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I ask the Finance Minister whether he considers Rs. 16 a living wage and whether he remembers that the Congress at Karachi passed a resolution fixing Rs. 30 as the minimum living wage even before the cost of living index had risen to such a high figure as at present? "

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THE HON. SRI B. GOPALA REDDI:—" Many of the Karachi resolutions are mere ideals which have yet to be reached; but we are quite satisfied that the present minimum wage is quite sufficient."

SRI V. RAGHAVAYYA:—" While thanking the Hon. Finance Minister for having treated those resolutions, as mere ideal resolutions—if not idle resolutions—may I ask him whether he considers the desirability of fixing a reasonable minimum pay for these low-paid servants, particularly because they lack the talent of making noise? "

THE HON. SRI B. GOPALA REDDI:—" These salaries were revised only from 1st January of this year and we do not think it advisable to revise them again, Sir."

SRI B. S. MALLIKARJUNA RAO:—" May I know what exactly is the conception of the Government as regards the living wage under present market conditions? "

THE HON. SRI B. GOPALA REDDI:—" Though the salary of a peon is Rs. 16, he gets Rs. 5 as house-rent allowance and another Rs. 16, dearness allowance—Rs. 37 in all—and I think that Rs. 37 is a fair living wage at present."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I know whether the Government have received any petitions from the Peons' Association in the Secretariat? "

THE HON. SRI B. GOPALA REDDI:—" Yes, Sir. We have received petitions not only from peons, but from everybody."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" May I ask what the Government have done in regard to that matter and whether they do not consider that their claims are just and proper? "

THE HON. SRI B. GOPALA REDDI:—" It is not a question of justness or propriety, but it is a question of the Government's ability to pay. The Government are unable to pay anything more, Sir."

SRI C. M. KOTHARI:—" In view of the fact, Sir, that the industrial worker is asked to be paid three annas for every point of rise in the cost of living index, will not the Government adopt the same rule in regard to their servants? "

THE HON. SRI B. GOPALA REDDI:—" The Government is not a profit-making concern, Sir."

SRI B. S. MURTHI:—" Does not the Hon. Minister consider that the mamools and bakshises are due to the low-scales of pay that are paid to them, and will he consider the necessity for raising their scales of pay, so that such mamools and bakshises may be put an end to? "

THE HON. SRI B. GOPALA REDDI:—" I do not know about mamools, Sir, but I think, bakshis is paid out of the abundance of joy which the visitors get."

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SRI ALLURI SATYANARAYANA RAJU:—"Will the Government consider the advisability of revising the pay of peons more liberally, Sir?"

THE HON. SRI B. GOPALA REDDI:—"Not at present, Sir."

DR. S. SUBRAHMANYA AYYAR:—"May I know, Sir, whether the peons are paid any remuneration for working in officers' houses as household servants?"

THE HON. SRI B. GOPALA REDDI:—"They are not supposed to serve as domestic servants, Sir."

DR. S. SUBRAHMANYA AYYAR:—"If they are not supposed to serve as domestic servants, will the Government issue orders that such practice should be stopped forthwith?"

THE HON. SRI B. GOPALA REDDI:—"Instructions are already there, Sir."

SRI PILLALAMARRI VENKATESWARLU:—"May I know Sir, whether the Government are aware of the terrible discontent among the peons who are standing before us and that they are on the verge of resorting to strike-action, and if so, what steps the Government are going to take to meet their demands, and whether they are going to appoint a committee to enquire into their grievances?"

THE HON. SRI B. GOPALA REDDI:—"If and when they go on strike, we shall deal with them."

Nationalization of industries.

* 325 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government propose to nationalize the heavy and key industries including mines; and

(b) if so, the steps so far taken in this direction?

THE HON. SRI H. SITARAMA REDDI:—" (a) & (b) The Government are awaiting the final report of the Industrial Planning Committee, appointed to advise the Government on the industrialization of the Province. The question of the nationalization of heavy and key industries, including mines will be taken up for consideration after the final report is received by the Government."

SRI V. RAGHAVAYYA:—"In view of the fact that the Government have launched upon huge projects, will they consider giving higher priority to the manufacture of cement, in the nationalization of industries?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, I have already said that the question can be considered only after the final report of the Industrial Planning Committee is received. It would not be right for us to anticipate their decisions now, Sir."

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SRI M. BAPINEEDU:—"May I know at what stage the report is?"

THE HON. SRI H. SITARAMA REDDI:—"The Interim Report has been published, Sir, and it will be circulated to all members of the Legislature."

SRI M. BAPINEEDU:—"May I know, Sir, when the final report will be published?"

THE HON. SRI H. SITARAMA REDDI:—"It is expected that the final report will be available very soon, Sir."

SRI S. NAGAPPA:—"May I know, Sir, whether this report excludes all the recommendations that have already been made by the Rayalaseema Economic Development Board?"

THE HON. SRI H. SITARAMA REDDI:—"I believe the hon. Member is confusing the issues."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, what action the Government are going to take on the Interim Report?"

THE HON. SRI H. SITARAMA REDDI:—"The Interim Report is published to ascertain the reactions of the public and after the reactions of the public are known, the Committee will examine them and if necessary modify their proposals that have already been published."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it the idea of the Government to nationalize industries merely for the sake of nationalization or will they go into the *pros* and *cons* of the industry before they launch upon nationalization?"

THE HON. SRI H. SITARAMA REDDI:—"Before the Government come to any decision, they will certainly go into the *pros* and *cons* of each question and decide it on its merits."

SRI K. ANANDAN NAMBIYAR:—"Are textile mills also included in this enquiry, Sir?"

THE HON. SRI H. SITARAMA REDDI:—"Textile Mills are also an industry, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"In view of the importance of the subject, may I know whether the Government will give this House an opportunity to discuss the Committee's report, Sir?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot give that assurance now, Sir, but I shall consider the suggestion of my hon. Friend."

SRI GUNTUR NARASIMHA RAO:—"May I know, Sir, whether the Government realise the importance of chemical industries in our Province and whether in their attempts to nationalize it, they will not curb its growth?"

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THE HON. SRI H. SITARAMA REDDI:—"Sir, I would invite my hon. Friend to place his views before the Committee for its consideration."

Appointment of Controllers for spinning mills.

* 326 Q.—SRIMATHI V. LAKSHMI AMMAL: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that authorized Controllers were appointed for all the Indian-owned spinning mills in Madura except the British concern of Messrs. Madura Mills Company, Limited, Madura; and

(b) if the answer to the above is in the affirmative, what is the reason for this distinction?

THE HON. SRI H. SITARAMA REDDI:—" (a) Yes, Sir.

" (b) It is not the intention of the Government to discriminate between the Indian and the British owned mills. The question of appointing authorized Controllers for all the remaining mills in this Province is under the consideration of Government."

SRIMATHI V. LAKSHMI AMMAL:—"May I know whether an authorized Controller has been appointed for the Harvey Mills at Papanasam?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot answer the question off-hand, but I have already said definitely that there is no discrimination between one mill and another."

SRI B. S. MURTHI:—"May I know, Sir, how many authorized Controllers have been appointed and for what mills?"

THE HON. SRI H. SITARAMA REDDI:—"Notice, Sir."

SRIMATHI V. LAKSHMI AMMAL:—"Will the Government consider the desirability of appointing authorized Controllers for the Madura Mills and the Papanasam Mills?"

THE HON. SRI H. SITARAMA REDDI:—"I invite the attention of the hon. Member to my answer to clause (b)."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, if it is a fact that the Controller for the textile mill at Pandalapaka has been transferred?"

THE HON. SRI H. SITARAMA REDDI:—"Notice, Sir."

[* 327 Q.—

MR. SPEAKER:—"The hon. Member who put the question is not in his place; the answer will be printed in the proceedings."]

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'Super-phosphate' manufacturing factory in the Province.

* 327 Q.—S. MUHAMMAD ISMAIL SAHIB BAHADUR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government considered any proposal to start a 'Super-phosphate' manufacturing factory in this Province;

(b) if so, on what lines it will be run and at what place; and

(c) what is the estimated cost the Government propose to incur on this account?

THE HON. SRI H. SITARAMA REDDI:—" (a) Yes, Sir.

" (b) & (c) The question is still under consideration."

Madura Municipal Elementary School teachers strike.

* 328 Q.—SRI R. V. SWAMINATHAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether Municipal Elementary school teachers of Madura City went on strike during the last week of June 1947;

(b) if so, on what grounds;

(c) whether the Government received any strike notice from the Teachers' Union;

(d) if so, on what date;

(e) what is the amount of time intervening between the date of notice of strike given to the Government and that of the actual date of strike; and

(f) what steps the Government took to avert the strike?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

" (a) Yes.

" (b) For increased scales of pay and house rent allowance.

" (c) to (e) No notice was received by Government. It was given to the Commissioner, Madura Municipal Council. The teachers resolved to strike work from 25th June 1947 if their demands were not conceded. The resolution of the Teachers' Union was passed in accordance with the decision of the Provincial Teachers' Conference held at Madras.

" (f) Yes. A second revision of salaries of teachers was made to meet the representation of teachers for higher salary."

SRI R. V. SWAMINATHAN:—"Is it a fact, Sir, that the Municipal Commissioner dismissed all the teachers on the instructions given by the Government?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"Yes, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, the number of teachers that have been dismissed?"

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The answer was given to the hon. Member's question yesterday, Sir.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“In view of the fact that these poorly-paid unfortunate teachers resorted to the last weapon in their armoury, namely strikes, knowing as the Hon. Minister knows that their case was just, may I know what was it that made the Government decide to dismiss them?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Sir, dismissal is the only thing that the Government could do. The Government revised the salaries of these teachers twice in the course of a year, and I may state for the information of the hon. Member that nearly Rs. 2½ crores is the cost of increased pay given to teachers on account of the revision and more than that the Government cannot afford to pay at the present moment.”

SRI R. V. SWAMINATHAN:—“Is it a fact that the teachers were asked to apologise for going on strike?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Naturally, if they want to be reinstated, they will have to apologise for going on strike.”

DR. S. SUBRAHMANYA AYYAR:—“Will they get another increase, if they go on strike again, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Let them try it, if they can?”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Is the Hon. Minister aware that there is a feeling among teachers that the Minister for Education is not at all sympathetic towards them?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“That is one of the mischievous opinions which is being propagated and also by certain Members of this House which must be deprecated, Sir.”

SRI K. ANANDAN NAMBIYAR:—“Were the teachers paid during the days they went on strike?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“No, Sir.”

11-45 a.m. ABDUL HAMEED KHAN SAHIB BAHADUR:—“Before I put further questions, may I ask the Hon. Minister not to make any such statement that some hon. Members of this House are indulging in such mischievous propaganda?”

MR. SPEAKER:—“It is not right for the Hon. Minister to cast aspersions on the Members; it is better he withdraws the expression.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“In deference to the suggestion of the Hon. Speaker, I withdraw aspersions, if any, cast; but let me say that no aspersion was ever intended. I would also request the Members of the

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House to have a proper restraint over what they say, so that they may help the administration of the country in these difficult times.”

SRI R. V. SWAMINATHAN:—“I want to make a submission before putting further supplementary questions. I have put this question down here relating to the teachers' strike. I have got yet three or four supplementary questions to put . . .”

MR. SPEAKER:—“The supplementary questions of the hon. Member look more like a cross-examination; I cannot allow the Member to put questions which will amount to a cross-examination.”

SRI R. V. SWAMINATHAN:—“Is it a fact that request for the reconsideration of the dismissal order made by the Secretary of the Teachers' Union was rejected and that all the teachers were insisted on to apply individually for reinstatement, with a view to break the Teachers' Union?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am afraid the rules are not understood by the hon. Member. For the reinstatement of one person, another person cannot apply; the individual that wants the reinstatement should naturally apply.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask whether in view of the general resumption of work by these teachers, the Government will be generous enough to see that there is no victimization of any kind?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The Government have been very generous; there has been no victimization of any sort. All have been taken back at the intercession of Government, and they have been placed in their old position, without any punishment being meted out to them.”

SRI R. V. SWAMINATHAN:—“May I know from the Hon. Minister how many working days were lost due to the strike?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I think the hon. Member must know it.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Is the Hon. Minister aware that the tone and the language used by him are responsible, more than the propaganda?”

MR. SPEAKER:—“The Hon. Minister has already apologised to the House and it is not necessary for the hon. Member to refer to that question again.”

Lack of facilities for the transport of groundnut oil cakes.

* 329 Q.—SRI A. SUBRAHMANYAM: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government are aware that about two lakhs of bags of groundnut oil cake are lying without transport facilities in the districts of Bellary and Kurnool;

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(b) if so, what arrangements the Government propose to make for their transport and whether any arrangements have already been made; and

(c) whether it is a fact that about 100 tons of oil cake are lying without transport facilities in Vayalpad in Chittoor district?

THE HON. SRI K. MADHAVA MENON:—“(a) There are no accumulation of stocks of groundnut oil cake in Bellary and Kurnool districts for want of transport to the extent stated by the hon. Member. The stocks awaiting clearance from the mills on 1st September 1947 in both the districts were 6,049 tons or 84,686 bags only.

“(b) The stocks are being moved to deficit districts like North Arcot, Chingleput, Chittoor, Madura and Ramnad. The Director of Agriculture has addressed the Regional Controller of Railway Priorities for the provision of necessary wagons.

“(c) The answer is in the negative.”

SRI A. SUBRAHMANYAM:—“May I know, Sir, whether the Government will at least in the future make speedy arrangements for transport facilities for manure, etc., for agricultural purposes in these days of scarcity of food in the country?”

THE HON. SRI K. MADHAVA MENON:—“I cannot grant the premises that speedy arrangements were not made before.”

SRI R. V. SWAMINATHAN:—“Are the Government aware of the fact that it is already too late now for cultivation and cultivation is difficult for want of groundnut cakes?”

THE HON. SRI K. MADHAVA MENON:—“It is not correct to say that in respect of the district to which the hon. Member belongs.”

SRI S. NAGAPPA:—“May I ask the Government if they are not in a position to give transport facilities? At least, why not allow the people of Chittoor, Bellary, Cuddapah and Kurnool to use the groundnut cake which is available in their own districts?”

THE HON. SRI K. MADHAVA MENON:—“I never said that Government are not able to give transport facilities; and it is not possible to allow the people of Bellary and Kurnool districts to use the groundnut cake there themselves, because we have now province-wide rationing and pool and all parts of the country should get their quota.”

SRI V. RAGHAVAYYA:—“Is it a fact that this year the groundnut cake has been made available to the bonus receivers four or five months after the necessity for manure arose and that consequently the bonus part of the manure issued this year will not be useful for raising additional crops?”

THE HON. SRI K. MADHAVA MENON:—“It is not at all correct; bonus coupons were issued only about a month ago.”

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SRI GUNTUR NARASIMHA RAO:—“Is it not a fact that the South India Oil Millers' Association sent up a memorandum, requesting to impose movement control on seeds, so that the groundnut now going out of the country may be retained here and the oil cake may be made available to the tillers for use as manure?”

THE HON. SRI K. MADHAVA MENON:—“Yes, Sir; the Government have received such a memorandum.”

Enforcement of Pawn-Brokers' Act in certain parts of Malabar.

* 330 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have received representations from the small money-lenders of the Kottayam taluk and other parts of Malabar requesting that the Pawn-Brokers' Act should not be made applicable to them at least in so far as the provisions empowering the Police to exercise surveillance and control are concerned; and

(b) what orders have been passed on the said representations?

THE HON. SRI K. MADHAVA MENON:—“(a) No representations have been received from the small money-lenders of Kottayam taluk as such of the Malabar district. A representation was received from certain merchants and money-lenders of Tellicherry town pointing out, among others, that the powers of control should not be given to police officers. The Government have also received a memorandum from the Malabar Private Bankers' Association, Calicut, which includes certain suggestions made by the merchants and money-lenders of Tellicherry.

“(b) The suggestions made in the representations are under the consideration of the Government.”

K. M. SEETHI SAHIB BAHADUR:—“Does not the Government consider that the provision for inspection of records kept by the money-lenders, by the head constables, would be an engine of oppression so far as the money-lenders are concerned and is liable to be abused by these officers?”

THE HON. SRI K. MADHAVA MENON:—“I do not consider it so. Necessary precautions will be taken to see that it is not abused.”

DR. S. SUBRAHMANYA AYYAR:—“Do the Government realize that this surveillance has been responsible for the unearthing of many thefts and stolen properties from these merchants?”

THE HON. SRI K. MADHAVA MENON:—“That was the main reason why the Act was made applicable throughout the Province.”

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K. M. SEETHI SAHIB BAHADUR:—" May I know when this Act came into force? "

THE HON. SRI K. MADHAVA MENON:—" In 1943, Sir."

SRI PILLALAMARRI VENKATESWARLU:—" May I know if the Government realize that the police surveillance department is misusing its position? "

THE HON. SRI K. MADHAVA MENON:—" I am not aware."

Extent of cultivable lands in the Presidency.

* 331 Q.—SRI V. I. MUNISWAMI PILLAI (on behalf of Sri S. C. Balakrishnan): Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the extent of poramboke and uncultivated lands in this Presidency; and

(b) the extent of the cultivable lands?

THE HON. SRI KALA VENKATA RAO:—" (a) The information available in the Season and Crop Report is furnished in the statement ^a annexed.

" (b) It is presumed that the Hon. member refers to waste lands that are cultivable. The Government have no information regarding the total extent of waste lands in the Province that are cultivable. There are, however, lists with the Collectors of districts showing waste and fallow lands fairly near the margin of cultivation in respect of ryotwari villages only. These lists have been called for. As regards proprietary areas, a statement ^a showing the extent of 'cultivated and cultivable area' in certain proprietary estates is annexed. The extent of cultivable land in other proprietary areas is not available."

SRI V. I. MUNISWAMI PILLAI:—" With reference to the answer to clause (b), Statement II, will it be possible for the Government to collect figures as far as cultivable lands are concerned and give them by district? "

THE HON. SRI KALA VENKATA RAO:—" In respect of each of the districts, so far as ryotwari areas are concerned, we have the information; but with reference to the zamindaris, I hope figures will be ready only at the time of the survey and settlement which we propose to undertake."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Arising from the answer given by the Hon. the Minister, may I know whether the Government did not make any effort to see that lands in the zamindari areas were brought under use in connexion with the Grow More Food campaign? "

THE HON. SRI KALA VENKATA RAO:—" Many concessions were given to the zamindars; even the Advisers' Government

^a Printed as Appendix on pages 174-175 infra.

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said that if the zamindars let out the land to anybody for temporary cultivation, the ordinary law of leasehold right would not apply."

SRI V. I. MUNISWAMI PILLAI:—" Arising out of the answer of the Hon. Minister for Revenue, may I ask him if he will kindly consider the question of placing the figures, when collected, before Members of this House? "

THE HON. SRI KALA VENKATA RAO:—" Yes, Sir, when they are ready, I shall be glad to do so."

SRI S. NAGARAJA MANIGAR:—" If the Government do not have figures of the entire extent of cultivable land in the province, how can we find out whether the Grow More Food Campaign is working effectively? "

THE HON. SRI KALA VENKATA RAO:—" My hon. Friend may rest assured that with reference to the ryotwari areas, the Government are liable to maintain statistics and we have published them. It is only with reference to the zamindari areas with reference to which we have not at present any survey and settlement control that we have to get the figures."

SRI N. S. VARADACHARI:—" Do the Government agree that at present the Grow More Food Scheme and the reclamation of cultivable waste lands are under very confused management, three departments interfering with them at the same time? "

THE HON. SRI KALA VENKATA RAO:—" Better put the question to the other concerned Minister. As far as I am concerned, there is no confusion at all."

SRI R. V. SWAMINATHAN:—" May I know whether the Government are aware of the fact that the extent of poramboke and uncultivable lands in zamin and inam areas is larger due to the negligence of the zamindars and the inamdars? "

THE HON. SRI KALA VENKATA RAO:—" It may be so, Sir."

Scarcity of water-supply in Cuddapah town.

* 332 Q.—SHAH ALAM KHAN SAVOI SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government have received representation from the people of Cuddapah town regarding the scarcity of water-supply to the town on account of the breakdown of the machinery and that this has been allowed to continue for the last several years; and

(b) if so, what action the Government propose to take to give relief to the people of Cuddapah in this matter?

THE HON. SRI A. B. SHETTY:—" (a) Certain representations were received from the people of Cuddapah regarding the

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scarcity of water on account of the partial failure of electricity. The breakdown in the supply of electricity was first reported in February 1946.

“(b) The Government have sanctioned the installation of an oil-engine at the water works to tide over the difficulties caused by failure of electricity, but no engine could be procured so far. Attempts are still being made to procure one. The question of the Government taking over the Cuddapah licensee's electrical undertaking is also under consideration. If this becomes an accomplished fact, there may not be any difficulty in the supply of water. However, it may take some months before proper arrangements are completed for the supply of electric energy, since suitable oil-engines are still difficult to obtain.”

SRI P. NATESAN:—“May I know why the Government are considering the question of taking over of the electricity supply concern in Cuddapah?”

THE HON. SRI A. B. SHETTY:—“Because the private licensee is not able to give a regular and uninterrupted supply.”

Admission to Madras Medical College.

* 333 Q.—SRI K. VARADACHARI (on behalf of Sri T. Viswanathan): Will the Hon. the Minister for Public Health be pleased to state—

(a) what are the rules prescribed for admission of students in the Madras Medical College; and

(b) whether applicants with higher marks are generally given preference over those with lower marks?

THE HON. SRI A. B. SHETTY:—“(a) The attention of the hon. Member is invited to the copy of the rules relating to the admission of students to medical colleges laid on the table of the House with reference to clause (d) of Assembly Question No. 153 answered on 26th September 1947.

“(b) Yes.”

Enforcement of the Civil Disabilities Act.

* 334 Q.—SRI M. P. PERIYASWAMI: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether the Government have informed the Scheduled Classes by tom-tom regarding the passing of the Temple Entry Act and the Removal of the Civil Disabilities Act;

(b) whether it is a fact that in spite of the Removal of the Civil Disabilities Act, Scheduled Classes are not allowed into hotels; and

(c) whether the Government have received any information regarding the beating of the Scheduled Classes for entering into a hotel in Mohanur, Namakkal taluk, Salem district?

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THE HON. SRI V. KURMAYYA:—“(a) No.

“(b) Certain instances where Harijans were not admitted to hotels even after the passing of the Act, have come to the notice of the Government and the representations on the subject have been sent to the District Magistrates concerned, for necessary action.

“(c) No.”

SRI M. P. PERIASWAMI:—“மேற்படி சட்டங்களின் ஷரத்துக்களை இராமங்கலில் மக்களுக்கு அதிகாரிகளின் மூலமாக தண்டோரா போட்டுத் தெரிவிக்க சர்க்கார் உடனே முயற்சி செய்வார்களா?” noon

THE HON. SRI V. KURMAYYA:—“Yes, Sir.”

SRI B. S. MURTHI:—“Will the Government see the necessity of appointing special officers in taluk centres to take note of the provisions of this Act and help the Harijans that are affected?”

THE HON. SRI V. KURMAYYA:—“I do not think it is necessary to appoint any special officers at present. After the report of the Provincial Harijan Board is submitted, the Government may consider the question of appointing special officers.”

SRI V. I. MUNISWAMI PILLAI:—“Will the Government call for information from the concerned District Collectors to see how the provisions of this Act have been applied and with what results?”

THE HON. SRI V. KURMAYYA:—“Yes, Sir.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know whether the Government will use the Police department for enforcing this Act?”

THE HON. SRI V. KURMAYYA:—“As far as the provisions of the Act are concerned, I think the Police have certainly taken such action as is necessary under the Act.”

SRI P. KAKKAN:—“Is it a fact, Sir, that most of the village munsifs are not willing to enforce the Act properly?”

THE HON. SRI V. KURMAYYA:—“It is the duty of the Harijans wherever they are refused admission to prefer complaints to the police and the police will take necessary action.”

SRI B. S. MURTHI:—“Will the Government consider the necessity of having sign-boards placed at public places including hostels and hotels so that Harijans can easily get admission?”

THE HON. SRI V. KURMAYYA:—“I do not think that sign-boards are necessary at this stage especially as the people have been informed of the provisions of this Act by means of tom-tom.”

SRI S. NAGAPPA:—“May I know whether the Government are aware that as a result of these Harijans entering a well in

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Gutapalli village in my district, there is trouble and the lives of those Harijans are in danger and that they have sent a wire to the Hon. the Home Minister?"

THE HON. SRI V. KURMAYYA:—"I am not aware of the fact. I just now take the information from the hon. Member."

SRI B. S. MURTHI:—"Is the Hon. Minister aware that in certain hotels there are sign-boards which say that Harijans are not allowed? In view of that fact, is it not desirable that sign-boards saying that Harijans are allowed must be placed in those places?"

THE HON. SRI V. KURMAYYA:—"Wherever there are sign-boards stating that Harijans are not allowed into the hotels, it will be ordered that those sign-boards should be removed."

SRI P. KAKKAN:—"May I know, Sir, whether the Government have given instructions to munsifs to inform the provisions of the Act through tom-tom and other means?"

THE HON. SRI V. KURMAYYA:—"Tom-tom will be made, Sir."

SRI V. I. MUNISWAMI PILLAI:—"Arising out of the answer given by the Hon. the Minister for Rural Development, may I request the Government to see whether it will be possible for them to have sign-boards at least in some places to find out whether the provisions of the Act are being followed?"

THE HON. SRI V. KURMAYYA:—"If it is the wish of some hon. Members that there should be sign-boards saying that Harijans will be allowed in such hotels, Government will certainly consider that suggestion."

SRI K. ANANDAN NAMBIYAR:—"In certain tea-shops and coffee-hotels supply of tea or coffee is made in coloured glasses for Harijans alone and these glasses are kept separately. Will the Government see that such things are stopped forthwith?"

THE HON. SRI V. KURMAYYA:—"There is a clear provision that such separate glasses should not be kept and separate supply should not be made. If complaints of this nature are brought to the notice of the Government, necessary action under the provisions of the Act will be taken."

SRI K. VARADACHARI:—"May I know, Sir, whether it would be possible for the Government to consider the suggestion that if any hotel does not put a sign-board inviting Harijans also, its licence will be cancelled and that a licence will not be issued thereafter?"

THE HON. SRI V. KURMAYYA:—"I do not think it is necessary to have sign-boards inviting Harijans into the hotels."

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SRI N. S. VARADACHARI:—"Is it not the duty of all of us to substantially increase the amount of goodwill in the country and thus try to enforce the reform rather than resort to force in implementing the provisions of the Act?"

THE HON. SRI V. KURMAYYA:—"It is with the good-will and the support of all the people that we are enforcing the provisions of this Act. It is the duty of every Member of this House and every member of this Province to support us so that the provisions of this Act may be fully implemented."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer given by the Hon. Minister—because it is prevalent in most cases and there are sign-boards saying that Harijans are not allowed—will the Government consider the necessity of having sign-boards that Harijans will be allowed in such hotels?"

THE HON. SRI V. KURMAYYA:—"So far as my knowledge goes, no sign-boards are attached in hotels that Harijans will not be allowed. If such sign-boards are attached, they will be asked to remove them."

SRI KALLUR SUBBA RAO:—"May I know from the Hon. Minister what is the percentage of literate population among the Harijans who can read these sign-boards?"

THE HON. SRI V. KURMAYYA:—"I agree with the implication of the hon. Member who put the question that the percentage is small."

SRI B. S. MURTHI:—"May I know, Sir, whether goodwill by the Caste-Hindus, who have been obstructing these Harijans all these years, will be shown towards them hereafter?"

THE HON. SRI V. KURMAYYA:—"On account of their goodwill, Harijans to-day are conscious of their rights and they are having all these rights."

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

II.—OBJECTIONABLE FEATURES OF CERTAIN QUESTIONS PUT BY MEMBERS.

MR. SPEAKER:—"I wish to bring to the notice of the House one matter. The hon. Member, Sri S. Nagappa, put a question to-day questioning the character of an officer. Such questions suspecting the character of officers without foundation should not be put in the House. It is not possible for the Chair to see beforehand what question will come out of the mouth of the Members. It is for the Member to be careful in putting questions. I may tell the House that such questions will not be allowed hereafter."

* THE HON. DR. P. SUBBARAYAN:—"I must thank the Hon. Speaker for this ruling. I would like to request hon. Members to desist from putting such questions which impugn the character of officers concerned for the simple reason that

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they are not present here and the only way open to them is that they can be defended by the members on the treasury bench. If there are any objectionable features against any officer which any member has within his knowledge, it is open to that member to visit the Minister concerned and speak about him. Naturally the Minister concerned will take into consideration the remarks made by hon. Members of this House who have a responsibility to the people of this country. But, at the same time, I would like to request hon. Members to avoid making remarks which impugn the character of officers concerned for the simple reason that they are not members of this House and are not here to defend themselves."

SRI S. NAGAPPA:—"May I ask when Members are given the privilege of putting supplementary questions, how is it that questions pertaining to certain officers cannot be put in this House?"

MR. SPEAKER:—"The particular question which the hon. Member put about the officer was whether he was above corruption. The question is tantamount to asking whether a particular Judge or even the Chair is above corruption. So, hon. Members should not put such questions and I will not allow such questions to be put in this House."

* SRI K. VARADACHARI:—"Arising out of the statement made by the Leader of the House, may I ask whether he is indicating to us that the procedure that we are to follow is ear-biting the Minister concerned about every officer or does he want us to put it in writing so as to take a responsibility for the statement made against any officer?"

* THE HON. DR. P. SUBBARAYAN:—"If the members of the Government to whom the report is made are not convinced of the genuineness of the complaints they may ask for a written statement and the hon. Members are welcome to put it in writing if they wish to do so."

NON-OFFICIAL BUSINESS.

III.—RESOLUTION re INSTRUCTION THROUGH THE MEDIUM OF URDU IN SCHOOLS AND COLLEGES—cont.

(The discussion on the above resolution was resumed.)

MR. SPEAKER:—"The other day, the hon. Member Mr. Abdul Majid was speaking on this resolution. Before I call on Mr. Majid, I think it is better if hon. Members Begum Sultan Mir Amiruddin and Mr. Muhammad Ismail Sahib move their amendments so that discussion may go on simultaneously on the amendments and on the main resolution."

BEGUM SULTAN MIR AMIRUDDIN:—"I am not moving my amendment, Sir."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I have the honour to move the following amendments:—

- (1) After the word "students," the words "whose mother-tongue is Urdu" shall be inserted.
- (2) For the word "Urdu", the words "that language" shall be substituted.
- (3) The following shall be added at the end:—
"Provided there is a sufficient number of such students in the locality."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I second the amendments, Sir."

M. S. ABDUL MAJID SAHIB BAHADUR:—"கனம் தலைவர் அவர்களே, அன்றையதினம் நான் என்னுடைய பேச்சை நிரூபிக்கொள்ளும் சமயம் சென்ற ஆண்டில் அண்ணாமலை கலா சங்கத்தில் கனம் கல்வி மந்திரி அவர்கள் நிகழ்த்திய சொற்பொழிவில் தாய் பாஷை சம்பந்தமாக தெரிவித்த விஷயத்தை தங்களுக்கும், தங்கள் மூலம் கண்ணியம் பொருந்திய இந்த சபை அங்கத்தினர்களுக்கும் தெரிவித்தேன். ஒருவன் தன்னுடைய கலையை வளர்க்கவேண்டுமானால் அவனுடைய தாய் பாஷையின் கொள்கையாக சரியான சாதனமென்பது கனம் கல்வி மந்திரி அவர்களின் கொள்கையாக இருக்கிறது. அதுவே உலக மக்களின் கொள்கையும் ஆகும். உலகத்தில் எத்தனையோ மனித கூட்டங்கள் தங்களின் தாய் பாஷையின் மூலமாகத் தான் அவர்களின் கலையையும், கலா சாரத்தையும், நாகரீகத்தையும் வளர்க்கின்றார்கள். எத்தனையோ சமுதாயங்கள் அவர்களின் தாய் பாஷையின் உதவி இல்லாததின் காரணத்தால் . . ."

SRI P. NATESAN:—"On a point of order, Sir. I would like to know whether it is in order for an hon. Member to speak in Tamil because the Secretary has sent a written circular asking the Members in what particular language he is going to speak. I suppose we are committed to that particular language. The hon. Member is so well conversant in English that I would rather like him to speak in English. But, if he wants to show himself off in Tamil, I would also like to speak in Tamil hereafter."

MR. SPEAKER:—"I have already told you that at that time section 85 was enforced but now it has been repealed. The hon. Member may continue his speech."

M. S. ABDUL MAJID SAHIB BAHADUR:—"கனம் தலைவர் அவர்களே, இன்றையதினம் நான் தமிழில் பேசுவது எனக்கு தமிழ் பாஷை தெரியும் என்பதை தங்களுக்கும், இந்த சபை அங்கத்தினர்களுக்கும், பறைசாற்றுவதற்கல்ல. இன்றைய தீர்மானம் தாய் பாஷை சம்பந்தமாகியிருப்பதால் எனது தாய் பாஷையாகிய தமிழில் என் அபிப்பிராயத்தைத் தெரிவிக்க முன்வந்துள்ளேன். இது சம்பந்தமாக அன்றையதினம் நான் Deputy Speaker மீமதி அம்மண்ண ராஜா அவர்களிடம் எனது தாய் பாஷையில் பேசுவதற்கு உத்திரவு கேட்ட சமயம் அவர்கள் எனக்கு உத்திரவு கொடுத்தார்கள். அந்த உத்திரவுமீதுதான் . . ."

MR. SPEAKER:—"நான்தான் அக்கிராசனம் வகித்து உத்திரவு கொடுத்தேன்."

M. S. ABDUL MAJID SAHIB BAHADUR:—"தலைவர் அவர்களும் எனக்கு உத்திரவு கொடுத்ததற்கு நான் எனது நன்றியைத் தெரிவித்துக்கொள்கிறேன். நான் தெரிவிப்பது என்னவென்றால் உலக

[M. S. Abdul Majid Sahib Bahadur] [30th October 1947]

சரித்திரத்தில் தோன்றிய பல மனித சட்டங்கள் தங்களுடைய கலையையும், கலாசாரத்தையும் அவர்கள் தாய் பாஷை மூலமாகத்தான் வளர்த்தார்கள். தாய் பாஷையின் உதவியில்லாத சமூகத்தாரின் கலை நீரற்ற பயிறு போல், வாடி வதங்கி, யாதொரு சின்னமுமற்று மறைந்துவிட்டன. இன்றையதினத்தில் இருக்கக்கூடிய எத்தனையோ சமுதாயங்கள் அவர்களுக்கு தாய்பாஷை என்னும் சாருனம் இல்லாமல் இருப்பதால் அவர்கள் கலையற்று மக்களாக வாழாமல் மக்களாக மலைகளிலும், காடுகளிலும் திரிந்துகொண்டிருக்கிறார்கள். ஆகையால் தாய்பாஷை ஒருவன் கலையை வளர்ப்பதற்கு அத்தியாவசியமான கருவியாக இருக்கிறது. இம்மாதிரித்தான் வதியும் முஸ்லிம்கள் அவர்களின் தாய்பாஷை தமியாயிருந்தால் தமியிலும், மலையாளமாக இருந்தால் மலையாளத்திலும், உர்துவாக விருந்தால் உர்துவிலும், அவர்களுடைய பாடங்களைக் கற்றுக்கொடுக்க வேண்டுமென்பதுதான் நமது “பேசும் அடீருத்தின்” அவர்களின் தீர்மானத்தின் நோக்கமாக இருக்கிறது. இந்த நோக்கத்திற்கு அல்லது இந்தத் தீர்மானத்திற்கு அபிப்பிராய பேதங்கள் ஏற்படுவதற்கு அவசியமில்லை. கனம் பொருத்திய இந்த சபை அங்கத்தினர்கள் சிலரிடே இவ்விதமான அபிப்பிராய பேதம் இருப்பதை நான் காண்கிறேன். குறிப்பாக அறிவில் சிறந்தவர்கள் என்று சொல்லக்கூடியவர்களில் ஒருவரான கனம் என். எஸ். வரதாச்சாரியார் அவர்கள் சொற்பொழிவிலும் அவ்விதமான அபிப்பிராய பேதம் இருக்கிறது. அதைக்காண எனது மனம் மிகவும் வருந்துகிறது. ஏனென்றால் இந்த ஒரு சிறிய பிரச்சனைக்கு இவ்வளவு அக்கரைக் காட்ட வேண்டியது அவசியமில்லை. சிறுபான்மையாக இருக்கக்கூடியவர்களை ஆதரிக்கவேண்டியது பெரும்பான்மையோர்களின் கடமையாக இருக்கிறது. உலகத்தில் எத்தனையோ பிரச்சனைகள் இருக்கின்றன. அப்பிரச்சனைகளில் முக்கியமான பிரச்சனை சிறுபான்மையோரின் பிரச்சனையாகும். ஒரு அதிகார வர்க்கத்தினரின் தன்மையையும், நாட்டின் தன்மையையும் சிறுபான்மையோர் தெரிந்துகொள்ளவேண்டுமாயின் அதிகாரிகள் அவர்களுடைய கலைக்குக் காட்டும் ஆதரவின் மூலமாகத்தான் தெரிந்துகொள்ள முடியும். சிறுபான்மையோரை அவமதித்து அடக்கி ஆளும் தன்மை எல்லாம் இப்பொழுது உலகத்தைவிட்டு மறைந்துவிட்டது. ஒரு கூட்டத்தினர் எவ்வளவு சிறுபான்மையினராக விருந்தாலும் அவர்களை எந்த அதிகாரமும் நசுக்கமுடியாது. அந்த சிறுபான்மை ஒருவரைக் கொண்டதாக விருந்தாலும் நசுக்க முடியாது. அந்தக்காலத்தில் Socrates என்பவரை Hemlock என்ற விஷத்தைக் கொடுத்துக் கொன்றார்கள். இன்றைய தினம் அவர் போதித்த தத்துவங்கள், மேல் நாட்டினரின் விஞ்ஞானத்திற்கு அடிப்படையாக விருக்கிறது. அக்காலத்தில் சிறுபான்மையினராகயிருந்த ஒருவரை சிலுவையிலரைந்தார்கள். இன்றைக்கு அவரின் போதனை உலகத்தில் பரவியிருக்கிறது. நான் இதை எதற்காகச் சொல்லுகிறேன் என்றால் இப்பொழுது உலகத்தில் அதிகாரப் பீடத்தில் அமர்ந்திருப்பவர்கள் சிறுபான்மையினராக யிருக்கக்கூடியவர்களின் விருப்பத்தை, கவனிக்கவேண்டிய அவசியத்தை ஞாபகமூட்டுவதற்காகவே. இன்றையதினத்தில் நாம் சுதந்திரமுடைய மக்களாக இருக்கிறோம். பண்டித ஜவஹர்லால் சொன்னது போன்று சுதந்திரமுடைய மக்களாக நாம் நடந்துகொள்வோம். சிறுபான்மையோரின் விருப்பத்தை கவனிக்க வேண்டுமென்று நான் உங்களுக்குச் சொல்லப்பிரியப்படுகிறேன். நாம் தாராளத்தன்மையுடன் வாழவேண்டும், அவ்விதம் வாழ்வதால், நமக்குச் சிறப்புண்டு, பெருமையுண்டு, ஆசியா கண்டத்து மத்தியில் செல்வாக்குடன் வாழ இடமுண்டு. உலக மக்கள் நம்மைப் புகழ்ந்து போற்றுவார்கள். சுதந்திரமடைந்த இந்திய நாட்டின் நடவடிக்கைகளை உலக வட்டாரங்கள் கண்ணுங்குத்துமாக கவனித்து வருகிறார்கள். எந்த அரசாங்கமாகயிருந்தாலும் சரி, இந்திய டொமினியனாகயிருந்தாலும் சரி, பாகிஸ்தானாகயிருந்தாலும் சரி, அவர் சிறுபான்மையோரின் கலையையும், கலாசாரத்தையும் ஒழுங்காக ஆதரிக்கவில்லையானால், அவர்களை உலகத்தார்கள் கேலி செய்வார்கள். அவ்விதமாக நடக்கும் அரசாங்கங்களும் மறைந்துவிடுமென்று சொல்லவும் பிரியப்படுகிறேன். ஆகவே ஒவ்வொரு அரசாங்கத்திலும் வாழும் சிறுபான்மையோரின் விருப்பத்தை பூர்த்தி செய்வதற்காக அந்த அரசாங்கங்கள்

30th October 1947] [M. S. Abdul Majid Sahib Bahadur]

கங்கள் அவர்களுக்கு இருக்கக்கூடிய எல்லா அதிகாரங்களையும் உபயோகிக்க வேண்டியது. சிறுபான்மையோரின் தாய்பாஷையில் அவர்களின் பாடங்களைக் கற்றுக்கொடுக்கவேண்டும். அவர்களுக்குத் தனிப் பள்ளிக்கூடங்களை ஏற்படுத்தித் தரவேண்டும், அதிகாரிகள், அதிகாரப் பீடத்தில் இருந்துக் கொண்டு அவர்களுக்கு இருக்கும் அதிகாரங்களை நல்ல முறையில் கொண்டு செலுத்தவேண்டும். ஒரு அரசாங்கம், ஒரு காரியத்தைச் செய்கிறதென்றால் அக்காரியம் இன்றைக்காகச் செய்வதல்ல. இன்றைக்கு நம்மைப் பலர் புகழ்வதற்காகச் செய்வதற்கல்ல. இந்த உலகத்தில் நாம் என்றுமிருப்போமென்பதும் நிச்சயமல்ல. ஆகவே நாம் செய்யும் காரியம் என்றும் நீடித்திருக்கக்கூடிய காரியமாக இருக்கவேண்டும். இன்றைக்கு உலகத்தார் நம்மைப் புகழ்வதற்காகவும் கைதட்டுவதற்காகவும், அவர்கள் நம்மைப் பெருமையாகப் பேசுவதற்காகவும், நாம் ஒரு காரியத்தைச் செய்யவில்லை. அப்படிச்செய்தால், அச்செய்கை கேலிக் கூத்தாகத்தான் முடியும். இந்த விஷயங்களை நான் அழுத்தமாக கனம் கல்வி மந்திரி அவர்களுக்குச் சொல்லத் தேவையில்லை. அவர்களே ஒருவரின் கலையும், அறிவும் வளர்வதற்கு தாய்பாஷைதான் சரியான சாதனமென்று சொன்ன விஷயத்தை நான் உங்களுக்குக் குறிப்பிட்டேன். ஆகவே இவ்விஷயங்களை நான் அவரிடத்தில் அழுத்திச் சொல்ல முற்படுவது கொல்லனிடத்தில் ஊசி விற்கச் சென்றதுபோலிருக்கும். அதிகாரத்திலிருப்பவர்கள், அதிகாரத்தின் பிரதிநிதியாக இருப்பவர்கள், சிறுபான்மையாக இருக்கக்கூடிய மக்களுக்கு நியாயமாகச் செய்யவேண்டிய உதவியைச் செய்தால் சிறுபான்மையோர் சந்தோஷமாகயிருப்பார்கள். எந்த அரசாங்கத்திலும், எந்த அதிகாரத்திலுமிருக்கக்கூடிய சிறுபான்மையோர் சிறப்பாகயிருந்தால்தான், சந்தோஷமாக யிருந்தால்தான், அந்த அரசாங்கமும், அந்த அதிகாரமும் சிறப்பாகவும், சந்தோஷமாகயிருக்க முடியும். சிறுபான்மையோர்களுக்கு கஷ்டங்கள் ஏற்படுமாயின் அவர்களிருக்குமரசாங்கத்திலும் கஷ்டங்கள் ஏற்படத்தான் செய்யும். அக்காலத்தில் நாம் ஒரு ஏகாதிபத்தியத்தின் அடிமையாக இருந்தோம். அச்சமயத்தில் நாம் எந்தக்காரியம் செய்யத்தின் அடிமையாக இருந்தோம். அச்சமயத்தில் நாம் எந்தக்காரியம் செய்தாலும் அதை யாரும் கவனித்திருக்கமாட்டார்கள். அந்தக் காலத்தில் இருந்த அரசாங்கங்கள்போல் இக்காலத்தில் அரசாங்கங்கள் இருக்கவில்லை. இக்காலத்தில் எல்லா நாட்டினிடையும் ஒரு தொடர்பு ஏற்பட்டிருக்கிறது. ஒரு நாட்டில் ஏற்படும் விஷயத்தை உலக அரசாங்கம், கேட்கும்படியான நிலைமை ஏற்பட்டிருக்கிறது. பாலஸ்தீன் பிரச்சனை, இந்தோநேஷியா பிரச்சனைப்போன்ற சிறியப் பிரச்சனைகள் எல்லாம் உலகப் பிரச்சனையாக மாறிவிடுகின்றன. ஆகையால் நாம் செய்யக்கூடிய காரியம், நாளைக்கு நமக்குப் புகழைத் தரக்கூடிய காரியமாகச் செய்யவேண்டும். நமக்கு அதிகாரம் வந்துவிட்டது. அதிகாரத்தின் மூலம், சிறுபான்மையோரை நசுக்கவேண்டுமென்று நாம் நினைக்கப் பார்ப்பது சற்றும் நியாயம் ஆகாது. அது சமுதாய நீதிக்கு ஒத்ததாகவும் எனக்குத் தெரியவில்லை. சிறுபான்மையோரின் விருப்பத்தைத் திருப்தி செய்யவேண்டியது ஒவ்வொரு அரசாங்கத்தின் கடமையுமாகும். அதை நான் அழுத்தமாகச் சொல்ல விரும்புகிறேன். இந்த நியாயம் இந்த அரசாங்கத்துக்கு மாத்திரமல்ல எந்த அரசாங்கமாக யிருந்தாலும், பாக்கிஸ்தான் உள்பட, சிறுபான்மையோரைச் சரியாக நடத்தி லுத்தான், அவர்கள் வாழமுடியும். பாகிஸ்தானை உதாரணமாக எடுத்துக் கொள்வோம். அவர்கள் சிறுபான்மையோரை அடக்கி ஆள முயற்சித்தால் அந்த நாடு உலகத்திலிருக்க அவசியமில்லை. அழிந்துபோகட்டுமென்று நான் தைரியமாகவும் சொல்வேன். இந்த நியாயத்தை உலகத்தில் உள்ள எல்லா நாட்டு மக்களுக்கும், எல்லா அதிகார வர்க்கத்தினருக்கும், சொல்லப் பிரியப்படுகிறேன். சிறுபான்மையாக இருக்கக்கூடிய முஸ்லிம்கள் தங்களின் கலையையும், மார்க்கத்தையும், அவர்களின் தாய்பாஷை மூலமாகத் தெரிந்துகொள்ள விரும்புவதை அதிகாரிகள் அக்கரையுடன் கவனிக்கவேண்டும். இந்த மாகாணத்தில் முஸ்லிம்கள், மிகவும் சிறுபான்மையோராக இருக்கின்றார்கள். நாங்கள் எதையோ செய்துவிடுவோமென்று யாரும் அஞ்சவேண்டியதவசியமில்லை. சிறுபான்மையோரைக் கண்டு, பயப்படவேண்டாமென்று, மஹாத்மா காந்தியும் சொல்லியிருக்கிறார்கள். உர்துவை தாய்பாஷையாகக் கொண்ட முஸ்லிம்கள் அவர்கள்

[M. S. Abdul Majid Sahib Bahadur] [30th October 1947]

பாடங்களை தாய்பாஷையில் கற்றுக்கொள்ளும் சமயம், உலகப்போக்கை உணர்ந்து அவர்கள் இம்மாதிரி மந்திரி அவர்கள் சொன்னது போன்று Language யையும், கனம் கல்வி மந்திரி அவர்கள் சொன்னது போன்று கட்டாயம் கற்றுக்கொள்ள வேண்டுமென்று அழுத்தமாகச் சொல்ல பிரியப் படுகிறேன். எந்த முஸ்லிமுக்கு உந்து தாய்ப்பாஷையாக இருக்கிறதோ, அவருக்கு உந்து மூலமாகப் பாடங்களைக் கற்பிக்கவேண்டும். இதைத் தழுவிதான் எங்கள் தலைவர் கனம் இஸ்மாயில் சாஹிப் அவர்கள் ஒரு திருத்தத் தீர்மானத்தைக் கொடுத்திருக்கிறார்கள். நாங்கள் கேட்பதும் மிகவும் நியாயமானது. இந்த நியாயமான பிரச்சினைக்கு அதிக யோசனை செய்யவேண்டியதவசியமுமில்லை. அதிகார பீடத்திலுமர்ந்திருக்கும் கனம் கல்வி மந்திரி அவர்கள், உயர்ந்த நோக்கமுடைய தமிழகத்தில் பிரந்த கனம் மந்திரி அவர்கள், ராமகிருஷ்ண பரமஹம்சாவின் பரந்த ஞானசாகரத்தில் நீர்ப்பருகும் கனம் கல்வி மந்திரி அவர்கள், தங்களுக்கு கல்வித் திட்டத்தைத் திரும்பத் திருத்தி அதில் முஸ்லிம்களின் விருப்பத் திற்கோர் இடமளித்து முஸ்லிம்களின் நன்றியறிதலை பெறுவார் என்று நான் நினைக்கிறேன். ஒரே பிடிவாதமாகப் பேசிக்கொண்டிருப்பதில் என்ன பிரயோஜனம். இந்த நாட்டிலிருந்துவரும் நாங்கள் என்றும் நியாய முள்ளவர்களாகவேயிருந்து வந்தோம். உந்து பாஷையில் பாடங்களைக் கற்பிப்பதால் முஸ்லிம்களின் தேசாபிமானம் குறைந்துபோகப் போவதில்லை. எங்களுக்கு தாய்நாட்டிற்காக எல்லாத் தியாகங்களையும் என்றும் செய்ய நாங்கள் தயாராக இருக்கிறோம் என்பதை நான் கனம் மந்திரி அவர்களிடம் சொல்லப் பிரியப்படுகிறேன். தாய் பாஷையில் பாடங்களைக் கற்றுக்கொடுக்க கூடாது, தனிப்பட்டப் பாடசாலைகளை ஏற்படுத்தக்கூடாது என்று வற்புறுத்திச் சொல்ல சிலர் முயல்வது சற்றும் நியாயமாகவிராது. தாய்பாஷை உந்து வாக இருக்கிறவர்கள் அதைக் கற்றுக்கொண்ட பிறகு, மற்ற பாஷைகளையும் கற்றுக்கொள்ள வேண்டுமென்ற அவசியத்தை எனது முஸ்லிம் சகோதரர் களுக்கும் சொல்லப் பிரியப்படுகிறேன். கண்ணியம் பொருந்திய இந்த சபை அங்கத்தினர்களில் சிலர் இன்னும் பல தீர்மானங்களைக் கொண்டுவந்திருக்கிறார்கள். முஸ்லிம்களுக்குத் தனிப் பள்ளிக்கூடங்கள் இருக்கக்கூடாது, முஸ்லிம்களுக்கு உத்தியோகங்களில், அதிகப்படி இடங்கள் கொடுக்கக்கூடாது என்று அவர்கள் அந்தத் தீர்மானங்களில் சொல்லியிருக்கிறார்கள். பெரும் பாண்மையோரின் பலத்தைக் கொண்ட ஒரு அதிகாரத்தினர் தாங்கள் நினைத்தால் எதையும் செய்ய முடியும். ஆனால் செய்யும் காரியம் நியாய மானதாகவும், என்றும் அழியாததாகவும், புகழுடையதாகவுமிருக்கவேண் டும். நாம் ஒரு காரியத்தை இன்று செய்துவிட்டுப் போய்விடலாம். அதற் காக பலர் மாலைச் சூட்டிவிடுவார்கள். அதற்காக பலர் புகழ்ந்து டேசி விடுவார்கள். ஆனால் உலக அரசாங்கங்களில் சம அந்தஸ்தும், சம உரிமை யுமுடைய ஒரு அரசாங்கமாக நாம் இன்று இருக்கிறோம். ஆகவே உலக வட்டாரங்களில் நாம் செய்யும் காரியத்தை கவனமாக பார்க்குவருகிறார்கள். உலக மக்கள் நம்மை புகழும்படி நல்ல காரியங்களைச் செய்து நமது புகழை நிலைநாட்டவேண்டும். பெருந்தன்மையுடன் நாம் காரியங்களைச் செய்தால் கண்ணியமுடைய நாடென்று நம்மைப் பலர் பேசிப் புகழ்வார்கள். என் பிரசங்கத்தை இன்னும் அதிகம் நீட்டிக்கொண்டுப் போகப் பிரியப் படவில்லை.

“கடைசியாக நான் சொல்வது இந்த மாகாணத்திலிருக்கக்கூடிய முஸ்லிம்களில் எவருடைய பாஷை உந்துவாக இருக்கிறதோ, அந்த பாஷை யில் அவர்களுக்கு பாடங்களைக் கற்றுக்கொடுங்கள் என்று பிரேரபிக்கும் இந்தத் தீர்மானத்தைச் சபையில் இருக்கக்கூடிய எல்லா அங்கத்தினர்களும், மனப்பூர்வமாக ஆதரிப்பார்கள் என்று நான் எதிர்பார்க்கிறேன். அவர்கள் ஒரு பெரும்பான்மை கூட்டத்தினரைச் சேர்ந்தவர்களாயிருக்கிறார்கள், அதில் அதிகம்பேர் தமிழ் நாட்டைச் சேர்ந்தவர்களாயிருக்கிறார்கள், தமிழ் நாடு ஒரு பெரும் தத்துவத்தை வாய்ந்தநாடு, தமிழ்க்கலை, தமிழ்ப் பாஷை, தமிழ்க் கலாசாரம் என்றும் உலகத்துக்கு வழிகாட்டக் கூடியனவாக இருக்கிற தென்பதை நான் தைரியமாகச் சொல்வேன். இந் நாடு பறந்த நோக்கமுடைய நாடு, பொது நோக்கமுடைய நாடு. இந்தநாட்டு

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மக்கள் எல்லா இனத்தவரையும் அன்புடன் அழைத்து இந்நாட்டிலிருக்கச் செய்து ஆதரித்து வருகிறார்கள். எல்லா இனத்தவருடனும், பெருந்தன் மையுடன் நடந்துக் கொள்ளுகிறார்கள். இத்தன்மையை, மற்ற இடங்களில் காணமுடியாது. ஆகவே நமக்கு மற்ற மாகாணங்கள் வழிகாட்ட அவசிய மில்லை. நாம் வட நாட்டிற்கு வழிகாட்டவேண்டும். ஒரு சிறிய பிரச்சினை யைப் பெரிதாக வளர்த்திக்கொண்டு போவதில் பிரயோஜனமில்லை. தமிழகத்தின் பெருமை உலகத்தினர்ப் போற்றக்கூடியதாக இருக்கிறது. தமிழ் நான் எத்தனையோ பாடல்களைப் படித்திருக்கிறேன். அதில் மிளிரும் கலையும், கலாசாரமும், நாகரீகமும், நமக்குப் பெருமையைக் கொடுக்கும் படியாக இருக்கிறது. நான் படித்த பல பாடல்களை இவ்விடத்தில் தெரிவிக்கப் பிரியப்படவில்லை. குறிப்பாக ஒன்றை மாத்திரம் சொல்லப் பிரியப்படுகிறேன். பதினெட்டுச் சித்தர் பாடல்களில் கருவூரார் பூஜாவிதி என்றுச் சொல்லுவது ஒரு பாடலாகும். அறிவுடையோர் பலர் இங்கிருக்கின்றார்கள். ஞானம் படைத்தவர்கள் பலர் இங்கிருக்கின்றார்கள். அவர்கள் நான் தெரி விக்கப்போகும் பாடலின் பெருமையை நன்றாகத் தெரிந்துக்கொள்வார் கள் :—

‘பாரேது, புனலேது அனலுமேது
பாங்கான காலேது வெனியுமாகும்
நாரேது, பூவேது வாசமேது
நல்ல புட்பந்தானேது, லுறை ஏது
ஊரேது, பேரேது, உலகமேது
ஓஹோஹோ அதிசயந்தான் என்ன சொல்வேன்
ஆறேது, குளமேது, கோயிலேது
அதிவஸ்தை அறிவினாலரியலாமே’

இவ்விதமாகத் தமிழ் மஹான்கள் ஞானத்தை உலகத்திற்கு புகுத்தி இருக்கின்றார்கள். சிறிய விஷயங்களில் மனங்கொணாது, தாராளமாக மனம் விட்டுக் கொடுத்து, சிறுபான்மையோரின் மனம் புண்ணாகாது காரியங்களை சாதிக்குமாறு வேண்டுகிறேன். நான் பேச்சின் போக்கிற்காக ஏதையோ சொல்லுகிறேன் என்று நினைக்கவேண்டாம். இன்று இங்கே இருக்கக்கூடிய நாம் சரித்திரச் சம்பந்தப்பட்டவர்களாக இருக்கிறோம். கனம் கல்வி மந்திரி அவர்களும் சரித்திர சம்பந்தப்பட்டவர்களாக இருக்கிறார்கள். அவர்கள் செய்யும் காரியம் இன்றோடு அழிந்துபோகக் கூடியதாயில்லை. என்றும் நீடித்த இருக்கக்கூடிய காரியமாக அவர்கள் செய்வார்கள் என்ற முழு நம்பிக்கையுடன் என் பேச்சை நிறுத்திக்கொள்கிறேன்.”

SRI KALLUR SUBBA RAO :—“అధ్యక్షా ! 4వరి 12.38
అమీరు 12.38 p.m.

దీనిని ప్రతిపాదించిన శ్రీకృష్ణమూస, దానికీ విస్తృత సవరణలను సేసు ప్రతిపాదించు చున్నాను. దీనికి ముఖ్య కారణము లన్నవి. ఇంతవరకు మిగిలిన మతములూ మాత్రమే ప్రాచీనమును వివరించు వారివారి మాత్రమే వారికి విద్య చెప్పించుట ప్రయత్నం చేస్తున్నారు. వారి అధికారముతో సేసు మేకీఫిలింబులను.

“మన దేశములో మూడు భాషలు వాడము లన్నవి. రాజ భాష, మాతృ భాష, దేశ భాష. ఏదో సేవ చేసినట్లుకు విడి అనుగుణ్యమైనది వివరముగా వివరించి వివేకముతో నిర్ణయించవలెను. మన రాజధాని సహద్రులనున్న నైజాము సంస్థానములో రాజ భాషకు ముఖ్య ప్రాధాన్యమివ్వబడింది. నిజాం రాజ్యమున తెలుగు, కన్నడ, మహారాష్ట్ర ప్రాంతములనున్న ప్యటికీ నైజాం సవామ ముస్లిము. మత స్థానములకు ఉపాధి భాషకు ఉన్నత స్థాన మున్నాయనాడు. అది భాషాసాధన చెప్పక, చెప్పకే మన ముస్లిం సభ్యులు ప్రాంతీయ భాష వివేకముతో మాత్రమే భాష ప్రసక్తి నున్నదేని భూ భాషల విద్యా బోధన జరుగవలసిన వాదించుచున్నారు. ప్రాంతీయ భాషలకు మాత్రమే ప్రాంతీయ భాష వాడము ప్రోత్సహించి ; రాజ భాషకన్న, మాతృ భాషకన్న దేశ లేక ప్రాంతీయ భాష వాడము ప్రోత్సహించి ; అవరణ మొగ్గుచేసింది. అంతమాత్రాన మాతృ భాష వలదనను. ఎందుకన సాధా

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రణముగ ప్రతి ప్రదేశమునందును యెక్కువ సంఖ్యాకుల మాతృ భాష ఆ ప్రాంత్య లేక దేశ భాషగా వర్తిల్లుచున్నది. ఏ ప్రభుత్వమునకైనను ప్రజల భాషలో ప్రజల యోగక్షేమాల సరళి ప్రజాభ్యుదయమున కవసరముగు పవిత్రత, ప్రతిభ, ప్రావీణ్యత పెంపొందించి చక్కని పౌరులుగా ప్రజలు తయారగుటకు వలయు విద్య గరపించుటయు ఆయా ప్రాంత్య భాషలభివృద్ధిచేయుటయు విద్యుత్త ధర్మమని గమనించవలెనని ప్రతి భాషకు వేరువేరు పాఠశాలల నేర్పాటుచేసి ప్రజలలో ప్రత్యేతకు తాహసంగుట ధర్మముకాదు. దానివలన ప్రజా సముదాయ సభ్యతకు, వికృతకు ముప్పులు వాటిల్లును.

“మద్రాసు రాష్ట్రములో నలుగురు — తెలుగు, తమిళము, కన్నడము, కేరళము, మాతృ భాషకల వారున్నారు. ఉరుమా భాషయొక్కదో అక్కడక్కడ మాట్లాడు వారుయొక్కచో లేక విడివిడిగా కొందరున్నారు. ఏ ప్రదేశములోను అధిక సంఖ్యా కులు లేదు. కావున ఏ భాషమున ఏ భాష మాట్లాడువారు ఎక్కువగా నున్నారో ఆ దేశ భాషలో వారిని విద్యావంతుల చేయుట యుక్తమైనది. వివిధ భాషలలో వేర్వేరు పాఠశాల లేర్పరచి వదులు చెప్పించుట సహజముకాదు. సజ్జదాయకమైన పని. విద్యా బోధన తత్వమునకు విరుద్ధము.

“విద్యయొక్క పరమార్థము అండము, ఆర్థము, ఆనందము అన్నారు పెద్దలు. ఏ ప్రాంతమున యెక్కువ సంఖ్యాకులు యే భాష మాట్లాడుచున్నారో ఆ భాషలో ఆ ప్రజలకు విద్య నేర్పించి విజ్ఞానవంతులుగ, వికాసవంతులుగ, వివేకవంతులుగజేసి ప్రభుత్వ కార్య నిర్వహణ కార్యముల బాధ్యత వహించు శక్తిని నొసంగుట ప్రభుత్వ కర్తవ్యమని తెలియవలెను. ఈ సందర్భము సందోక గొప్ప ఉదాహరణము జూప తలంచెదను. విద్యావగరాధీశులు శ్రీ కృష్ణదేవరాయలవారి నొకప్పుడు తెలుగు భాష తెందుకు గొప్ప పాఠాస్యత నిచ్చినారని ప్రశ్నింపగా చెప్పిన చక్కని పద్య మొకటి జుట్టి చిచ్చినది :

‘తెలుగుదేల యన్న దేశంబు తెలుగు యేను
తెలుగు వల్లభుండ వెం గొకండ
ఎల్ల నృపులు మెచ్చ యొరుగవే బాసాడి
దేశ భాషయందు తెలుగు లెన్ను.’

అన్నాడు.

“కావున దేశ భాషా వాద పాముఖ్య మానాదే ప్రాధాన్యత వహించినది. అంతే కాక విజయనగరి రాయల కాలమున ముసల్మాను లనేసలు దేశ భాషల కుండితు లుండిరి. “ఇబ్రహీం” అనునతడు తెలుగులో కుండితుడై “మల్కీ” పట్టుమును పొంది ప్రజల మన్ననలకు పాతృడై “మల్కీ భరాము” డని కేరెన్నిక పొంది తెలుగు కావ్యము ల. కితము వడసినాడు. దేశ భాషలు నేర్పవంత మాత్రాన ఇస్లాము మతమునకు సంస్కృతికి నష్టము వాటిల్లదు. ప్రతి మహమ్మదీయుడును ప్రాంతీయ భాషను నేర్పవలెను. మాతృ భాషను ఆభ్యసించవచ్చును. దానికి తగు యేర్పాటు ప్రతి విద్యా మందిరములోను యేర్పాటు చేయబడినది. అయ్యది వానికి లాభదాయకము.

“ప్రతి పౌరుడును యే మతమునకు చెందినను ప్రభుత్వ ఉద్యోగముల పాల్గొన వలసియున్నది. ఉర్దూ మాతృభాషగా విద్య సభ్యశించవలసిన వాదించు ప్రతి ముసల్మానుకు నేనొక ప్రశ్న వేయవచ్చును. ప్రజల భాష నేర్పక ప్రభుత్వ ఉద్యోగముల

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పాల్గొనుటకు వీలుండునా? నిజముగా మీరు పరిపాలనాధికారముల భాగదారులు కావలసియున్నచో ప్రాంతీయ లేక ప్రజల భాషలో పాండిత్యము సంపాదించవలెను. లేకున్న హాన్యాస్పదు లగుదురు. ఉర్దూ భాషలో మాత్రమే విద్య సభ్యశించిన ప్రజా ప్రభుత్వములలో యెవ్వరూ భుద్యోగము లివ్వరు.

“తన తల్లి మాటలలో విద్య నేర్చుకొనుట ప్రతివాని జన్మ హక్కుని వాదించు వారె ల్లిరు గమనించవలసిన నొకటున్నది. తల్లిలకు తల్లి దేశీయ తల్లి. దేశ భాషయే తల్లి భాష. ‘జననీ జన్మ భూమిశ్చ స్వరాదపిగీ యసీ’ యనియు ‘కన్న తల్లిశ్చ ఊ డొరు మిన్న’ అనియు పెద్దల పలుకు. అందున తల్లి భాషకంటెను దేశ లేక ప్రాంతీయ భాషను ప్రభుత్వము ప్రజలు అదాంచి అభివృద్ధిచేయుట పరమ ధర్మము. దేశ భాషా సిద్ధాంత మాధారము జేసికొనియే పూర్వపు రాజా లనేకులు వారి మాతృ భాష వేర్వేరు యెక్కువ సంఖ్యాకులైన వారికుల భాషను ప్రోత్సహించి ప్రజా భాషు శ్యమునకు విద్యలు చెప్పించినారు.

“ముస్లిములు మాతృ భాషను నేర్చుకొనవచ్చును. ఇప్పుడు చాలా పాఠశాలలలో ఉర్దూ రెండవ భాషగా (second language) ఉన్నది. నేను కన్నడను, నా తల్లి నుడి కన్నడము కాని నివసించు ప్రాంతము తెలుగు దేశము. కావున నేను యెక్కువ సంఖ్యాకులు మాట్లాడునట్టి తెలుగు భాషలోనే విద్య నేర్పవలయును. కన్నడము రెండవ భాషగా నేర్చుకోవచ్చును. మాతృ భాషకు అవసరమగుచో సహకార మొసర్చి దేశ భాషకు ప్రాధాన్య మిచ్చుట ప్రభుత్వమువారి ధర్మమని చెప్పుచున్నాను.”

* K. M. SEETHI SAHIB BAHADUR:—“Mr. Speaker, Sir, I support the resolution moved by the hon. Member Begum Sultan 12.45 p.m. Mir Amiruddin, not because it is a resolution relating to the lan- p.m. guage in which the Muslims of certain provinces and certain parts of this Presidency are interested in and not because the hardship that might be caused to the students of this Presidency if the request contained in this resolution is not complied with might fall on Muslim students, but I support the resolution on account of the innate and inherent justice of the demand made therein and also on account of the hardship that might be caused to a very influential and numerous section of the student population of this Presidency if the request is not granted by the Government. In fact, a good lot of prejudice is centering round this demand for the introduction of Urdu as the medium of instruction in schools where Muslim students whose mother-tongue is Urdu make a demand for it and that is because of extraneous considerations which should not have been imported into a discussion relating to this resolution. Unfortunately, it is very often forgotten that Urdu is not the language of the Muslims alone. It is a common language of the Muslims and the Hindus and it is a common heritage of these two great communities of India. The Hon. Minister for Education might perhaps be aware that Urdu literature can boast of a large number of Hindu poets and Hindu writers of great distinction and reputation and that even among the living poets and writers there are a number of Hindu gentlemen who are Urdu writers and poets commanding esteem throughout the Urdu-speaking world. Sir, as has been pointed out by my hon. Friend, Mr. Anwar, even the mother-tongue of the Nehru family and of numerous other Hindu families in the United Provinces is Urdu and so it cannot

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be contended for a moment that Urdu is the peculiar or special language of the Muslim community. Therefore, if you cast aside that prejudice, I feel that much of the criticisms that is levelled against the request made in this resolution will become pointless—criticisms which might have been avoided by several of the speakers from the other side of the House. As a matter of fact, Urdu is spoken by a large number of people in this continent of India than any other language. So, Sir, when a language of such importance happens to be the mother-tongue of certain sections of the people it becomes obligatory on the part of the Government, which provides for State education, that adequate provision should be made for imparting instruction to those sections through the medium of that language. It is almost a universally admitted fact and a fact admitted by all the educational experts and educational thinkers that instruction should be imparted through the mother-tongue of the students. It will be an intellectual waste for a student to be called upon to think in his own mother-tongue and to study in a foreign tongue. It became a sad irony of fate in this country that our people had to get instruction through a foreign tongue with the result that, as one of the distinguished countrymen of ours said some years ago, that Indians have become foreigners in their own country. The extent to which that foreignization might go or the anglicising effect of the foreign tongue might go, was very strikingly illustrated by the hon. Mr. P. Natesa Mudaliyar, whose mother-tongue I believe is not English but Tamil, taking very serious objection to Mr. Majeed speaking in Tamil even though Tamil happens to be Mr. Majeed's mother-tongue and Mr. Natesa Mudaliyar's mother-tongue and which is likely to be better understood than an English speech made by Mr. Majeed. That shows how far we have gone in the neglect of our mother-tongue and the vernaculars of the country. I hope that that this attitude will not continue by the sort of opposition that is now levelled against the very legitimate request made by mover of the resolution that as far as those whose mother-tongue is Urdu the medium of instruction should be Urdu and not the regional language as it is called, either Tamil, Telugu or Malayalam, which will be as foreign to the student whose mother-tongue is Urdu as any other language which might be called a foreign language. It would be simply subjecting the students to a sort of intellectual torture if they, who think in their own mother-tongue, that is the language which they have studied in the laps of their mothers, have to translate the ideas which they entertain in the mother-tongue into a language which is not their mother-tongue, which means a sheer intellectual waste and what can be learnt by a student in one day through his mother-tongue will take a week or more for him to study in a different language and that too with a good lot of effort and strain on his intellectual powers. So, Sir, if a great educationist like the Hon. the Minister for Education cannot sympathise with a demand of this nature because it is made on behalf of Muslims, I simply despair of the future of this country and the future of the minorities of this Province. In fact, whenever

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questions relating to the education of Muslims and for the provision of certain facilities for Muslims are asked, all the prejudices are imported into the discussion and no dispassionate view of the matter is taken by non-Muslim speakers who participate in such discussion. I fail to see why this prejudicial outlook is still being continued by our countrymen and when they expect us to have confidence in them and when they are expected to inspire confidence in our minds by making it certain that they will not make inroads on our culture, our educational needs and our educational aspirations. After all, Sir, what does the Muslim in this country ask? The Muslim believes that he has got a religion of his own, he has a culture and outlook on life, an ideology and philosophy of his own and that he wants to live here as a Muslim with full protection for his religion and culture. It is a colossal misconception to think that Islam breeds or engenders separatism or hatred of the non-Muslim. It is just the other way round. Wherever the Muslim had ruled, according to the tenets of Islam, the non-Muslims enjoyed the fullest protection and most generous treatment at the hands of the rulers and some of the highest officers of Muslim rulers were none other than the members of the Hindu community of this sub-continent. Sir, if therefore, history is correctly remembered this injustice, this suspicion about the Muslim demand for the preservation of their culture would be found to be absolutely unwarranted and unjustified. Probably the existing political prejudices are to a very great extent responsible for the biased outlook which is now brought to bear upon discussions relating to these matters. Perhaps the gentlemen responsible for tabling the resolution recommending the abolition of separate Muslim schools will soon come to realise that after all they have not done a service to the country or anything to promote inter-communal harmony, peace or amity that one would so much desire. In fact, the Muslim when he asks for provision being made for imparting instruction through the medium of Urdu is not asking that Urdu must be made the medium of instruction for all the Muslim students—in fact the position has been cleared by the amendment proposed by the hon. the Leader of the Opposition—but it is only in the case of Muslims whose mother-tongue is Urdu that this request has been made. I respectfully submit that even if a demand is made that as the language of their culture, Urdu should be encouraged and facilities should be provided for instruction being imparted through the medium of Urdu, I would go to the extent of saying to the Hon. Minister for Education if it were practicable for him to do so he should concede the request. But now that demand has not been made. What I respectfully submit is that in these matters where the minorities in the country ask for special safeguards and protection for their religious and cultural interests, the utmost sympathy should be brought to bear upon the consideration of such demands and that an unsympathetic and hostile attitude would be most tactless and unwise in the extreme.

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"Sir, I think separate schools in this country are not responsible for the disharmony, lack of peace and the turbulent conditions which prevail in certain parts of the country today. You might be surprised to hear how the Muslim and Hindu students are getting on in an institution, which is not even a State institution, but a private institution run by the Muslim community, I mean the Muslim University at Aligarh. While communal disharmony and riots were the order of the day in Aligarh, it is only within the portals of the Muslim University that one could see the utmost fraternization between the Hindu and Muslim students. There was the greatest amount of friendship and harmony among them with the result that the Hindu students of the University issued a statement that they were getting on in a harmonious way with the Muslim students and there was no room for complaint against Muslim students or the University authorities. You will also be surprised to hear that ever since the institution was started the authorities of the institution had made every facility for the Hindu students to have their cultural instruction in Sanskrit, I know a large number of students availed themselves of this opportunity and took Sanskrit as their optional subject. Again if you go to the hostels of the university you will be agreeably surprised to find the cordiality that exists between the Muslim and Hindu students. The fact that a large number of Hindu students seek admission to the Muslim University is an eloquent testimony to spirit of cordiality between the two communities which this separate institution engenders. This goes to prove that after all these so-called separate institutions are not factors for separation between Hindus and Muslims as they are wrongly believed by some. On the other hand they are factors which will ensure the confidence and sense of security of communities in respect of their cultural needs and add to the communal harmony in the land and remove the causes for suspicion, friction, distrust and discontent and would also add to the unity of the land. The truth is very often forgotten and a tirade is waged against separate institutions as they are wrongly called. They are not separate institutions. As will be admitted by hon. Members in these institutions, there are a large number of non-Muslim students also. For instance in the Muslim Government. High School of Malappuram, out of a total strength of 600, we have as many as 200 non-Muslim pupils and they are getting on very well there and they do not feel that they are exclusive Muslim institution where their cultural interests are in danger. If that is so, why should we clamour about the existence of these schools. One cannot shut one's eyes to the simple truth, namely that the Muslims do not want to live in this land as Muslims. They do not want to have their religion, culture, traditions and history wiped out because they happen to be Indians. The Muslim in fact believes that he is a follower of Islam and that is the reason why he is called a Muslim. Just as the Hindu is really proud of his culture, of his religion and his heritage, so

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also the Muslim is proud of his own religion, culture and tradition. In a very important department of life, namely Education, where children get instruction and their minds are formed and their intellect developed, the influence of religion and culture cannot be ignored and cannot be forgotten. It is in the stage of education that human mind is shaped and formed; at that stage the Muslim pupil cannot forget that he or she is a Muslim and he or she should get an opportunity to study the principles of his or her religion, and to imbibe his or her culture history of his religion and the traditions of his community. In fact, when Macaulay spoke disparagingly about oriental culture, both the Hindus and Muslims felt insulted and they protested and they said: 'We have a culture, the oriental culture relating to the Muslims and Hindus and it is a very valuable asset to both Hindus and Muslims.' When a westerner spoke disparagingly of it, they reminded him that they had a separate culture of their own and they were proud of it. That is why in the matter of the re-organization of national education in this country, they stressed the preservation of Hindu culture for Hindus and Muslim culture for Muslims. But now to say that no provision should be made for Muslims in regard to their culture is not just and proper. After all where is the harm about the special schools? If Muslims are given certain facilities for instruction in their own religion and culture and if at the same time they are given opportunities of mixing and of moving with students belonging to other communities, which is all that is being done in these institutions what is the earthly harm? On the other hand, it is very seldom that graduates who leave the portals of the Aligarh Muslim University are narrow-minded bigots who do not want to fraternize with students belonging to other communities and to move intimately with them. So many gentlemen who are with the Congress and who are supporting the ideology of the Congress and who are ultra-nationalists are really the alumni of the Muslim University. Could it be contended for a moment that narrow-mindedness and bigotry get entrenched in the minds of students who leave the portals of such institutions? Some of the gentlemen who are now considered to be narrow-minded bigots and who are responsible for the division of this country, are not the products of special or separate schools; they are the products of general schools, where it is expected that their mental outlook will be free from all prejudices, communal and cultural."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"May I point out to the hon. Member that there is a separate resolution regarding separate schools and that we are discussing a resolution regarding instruction through the medium of Urdu. I suggest the hon. Member might confine himself to the resolution under discussion."

* K. M. SEETHI SAHIB BAHADUR:—"With great respect to the Hon. Minister, I suggest that I do not stand in need of being

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reminded on that point; in fact I know there is such a resolution coming up later. But even before that resolution came up.

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“ I meant no disrespect to the hon. Member; I only said that this matter of separate schools does not belong to this resolution.”

* K. M. SEETHI SAHIB BAHADUR:—“ In fact several speakers were referring to this matter of separate schools in the present discussions and were dilating upon the baneful influences of separate schools in their speeches, that is the reason why it has become necessary for me to refer to that subject. It is not an issue directly arising out of this resolution I know and it is not in that sense that I have referred to it. I had to do it because it is my duty to dispel certain misapprehensions caused by the previous speakers. We have to view things in a larger perspective and with a liberal outlook instead of being guided by slogans and shibboleths about national outlook and sectarian institutions, separate institutions and such other things. We should have a rational, sympathetic and a liberal outlook in dealing with these matters. Things obtaining in this presidency afford a very happy and refreshing contrast to what is happening elsewhere. Members belonging to the majority community have been remarkable in adopting an attitude of friendliness to Muslims and they have been evincing a liberal policy in their dealings with the Muslim community. Indeed we can be proud of the fact that among the various statements issued and speeches made by non-Muslim leaders in Upper India, it fell to the lot of a distinguished Madras gentleman who happens to occupy the position of the Governor of West Bengal, to give a correct lead to the majority communities in India. We read his statement with pleasure in this morning's papers. That statement is a very happy contrast to the many statements openly and secretly encouraging communal hatred made by gentlemen who call themselves leaders and who occupy responsible positions in the political field. It is a rare tribute to this province that the gentleman—it is no other than Mr. C. Rajagopalachariyar, whose statement we read in this morning's paper—has given a valuable and correct lead to this country and if only his advice is followed by his followers or those that claim to be his followers, it will certainly remove a good lot of prejudice in discussions like this and would inspire confidence in the minds of minorities and would bring about the harmony and inter-communal peace for which we are all striving in our own humble way. With these words, I support the resolution moved by the Begumsahiba.”

MR. SPEAKER:—“ Mr. Vedaratnam Pillai.”

* BEGUM SULTAN MIR AMIRUDDIN:—“ Since speeches are being made in various languages we are not in a position to follow what is being said and may not be able to answer the points raised by the speakers. I therefore suggest that those who can speak in English might speak in that language; as for the others it cannot be helped.”

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MR. SPEAKER:—“ The hon. Member Mr. Majid has also spoken in Tamil; I do not think it will be possible to enforce that hon. Members should speak in English only.”

BEGUM SULTAN MIR AMIRUDDIN:—“ If hon. Members do not know English it is all right their speaking some other language; it is only in the case of those who know English that I request they may speak in that language so that they may be understood by the whole House.”

MR. SPEAKER:—“ But the point is that I cannot force any hon. Member to speak in any particular language.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ It is not a question of forcing a Member to speak in particular language; the Begumsahiba only makes a request that if they happen to know English, they might speak in that language. There is no question of compelling or forcing anybody.”

SRI A. VEDARATNAM PILLAI:—“ கனம் அக்கிராசனாதிபதி அவர்களே, நான் தமிழை இருந்தபோதிலும் கொஞ்சம் உருது படித்திருக்கிறேன். இராமாயணத்தைக்கூட நான் உருது பாஷையில் படித்திருக்கிறேன். என்னுடைய விருப்பம் நம் மாகாணத்தில் எல்லா பள்ளிக் கூடங்களிலும் உருது பாஷை போதிக்கப்படவேண்டுமென்பதுதான். அது என்னுடைய விருப்பம் மாத்திரமல்ல. காங்கிரஸ் மகாசபையில் காந்தி அவர்களின் நிர்மாண திட்டங்களிலும் ஹிந்துஸ்தானி பயிலவேண்டியது என்ற ஒரு முறையில் ஒவ்வொரு பள்ளிக்கூடங்களிலும் ஹிந்துஸ்தானி என்ற ஒரு முறையில் ஒவ்வொரு பள்ளிக்கூடங்களிலும் உருது பாஷை போதிக்கப்படவேண்டுமென்பதுதான். அதுவே என்னுடைய விருப்பம். ஆனால் அந்த பாஷையின் மூலமாக எல்லா பாடங்களும் போதிக்கப்பட வேண்டுமென்று இப்பொழுது ஸ்ரீமதி பீகம் அவர்களால் கொண்டு வந்திருக்கிற தீர்மானமானது சாத்யமா என்பதுதான் என்னுடைய சந்தேகம். காந்திஜியினுடைய விருப்பம் ஹிந்துஸ்தானியைஹிந்தி என்று கூற வேண்டுமென்றும் ஹிந்தி வார்த்தைகள் 50 இருக்குமானால் 50 கூற வேண்டுமென்றும் ஹிந்தி வார்த்தைகள் பிடிவாதமாக இவ்வளவு வார்த்தைகள் உருது இருக்கவேண்டுமென்று பிடிவாதமாக இவ்வளவு காலமும் வற்புறுத்தி வருகிறார்கள். அதனால் பாதி நண்பர்களை கைவிடும்படியாகிவிட்டது என்பதை இங்கிருக்கும் அங்கத்தினர்களுக்கு அதிசயமாக தெரவே இல்லை. ஆனால் ஹிந்து முஸ்லீம் ஒற்றுமை என்ற ஒரு பெரிய அடிப்படை காரணமாக பலர் உணர்ந்தபோதிலும்கூடகொள்கையை கட்டுப்படுத்திக்கொண்டிருக்கிறார்கள். அதனால் அதன் காரணமாக இப்பொழுது கொலைகளாக விளங்கின வங்காளம் காந்திஜியின் கொள்கையால் ஒரு மின்சார விளக்கின் ஸ்விட்ச் போட்ட மாகிரியாக ரணகளம் அமைதியாக மாறி இருக்கிறது. அதற்குக் காரணம் இத்தகைய மாசு அற்ற கொள்கையினால் ஹிந்து முஸ்லீம்கள் அந்நியோன்யமாக நாட்டில் வாழவேண்டுமென்பதற்காகத்தான் பாஷையில் அபிப்பிராய பேதத்திற்கு இடம் இருக்கிறது என்ற காரணத்தால் ஹிந்துஸ்தானி விதிமும் உருது 50 சத விதத்திலும் பாடம் நடந்தி வருகிறது என்பதை முஸ்லீம் சகோதரர்களுக்கு ஞாபகமூட்ட விரும்புகிறேன். இந்த சமயத்தில் இன்னும் சில உண்மைகளை எடுத்துக்காட்ட விரும்புகிறேன். மாகாணத்தில் முஸ்லீம் ஜனத் தொகை எல்லாவற்றிலும் பார்த்தால் மெஜாரிட்டி என்று அவர்களை எதை கூறி வருகிறார்களோ அந்த மெஜாரிட்டி முஸ்லீம்கள் உருது பாஷை பேசுகிறவர்கள் இல்லை என்பதை நான் சுட்டிக்காட்ட விரும்புகிறேன். தமிழ் நாட்டில் மிகப் பெரும்பான்மையாக இருக்கிற இடங்களில் தூற்றுக்கு 95 சதத்திற்கு அதிகமாக தமிழ்தான் பேசுகிறவர்களாக இருக்கிறார்கள். உருது பேசுகிறவர்கள் 5 சத விதத்தான் இருக்கிறார்கள். இந்த 5 பேர்கள் இருக்கிறார்கள் என்பதுகூட நான் கொஞ்சம் அவர்களுக்கு தாராளமாக விட்டுக்கொடுக்க வேண்டுமென்பதற்குதான் சொல்லுகிறேன். தலைவர் அவர்களே என்னுடைய ஜில்லாவில் எடுத்துக்கொண்டால் . . .

[30th October 1947]

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of information. The hon. Member is making a wrong statement when he says that the percentage of the Muslims in the Tamilnad who speak Urdu is very small; on the other hand, there are a very large number of Muslims there who speak Urdu and whose mother-tongue is Urdu."

SRI A. VEDARATNAM PILLAI:—"என்ன percentage என்பதை கனம் ஹமீத் கான் அவர்கள் குறிப்பிட்டிருந்தால் மிக நன்றாக இருந்திருக்கும். தமிழ் நாட்டில் உருது பேசுகிறவர்கள் 5 சதத்திற்கு குறைவாக தான் இருக்கிறார்கள் என்று நான் கூறுகிறேன். என்னுடைய ஜில்லாவில் உருது பேசுகிறவர்கள் எத்தனை பேர்கள் இருக்கிறார்கள் என்பதை நான் விரல் விட்டு எண்ணிச் சொல்லமுடியும். பட்டாணியர்கள் இருக்கிறார்கள் உருது பேசுகிறார்கள். மரக்காயர்கள் இருக்கிறார்கள் அவர்கள் மரக்கலம் வைத்துக்கொண்டு பெரிய பெரிய வியாபாரம் செய்துவருகிறார்கள். அவ்வீனவருக்கும் தாய் பாஷை தமிழ்தான். உருது ஒரு வார்த்தை கூட தெரியாது. ஒன்று, இரண்டு பேர்கள்தான் இருப்பார்கள் என்பதை ரூபக மூட்ட விரும்புகிறேன். ஆகையால் தலைவர் அவர்களே, மலை யாளத்தை எடுத்துக்கொண்டாலும் அங்கே இருக்கிறவர்கள் மலையாளம் தான் பேசுகிறார்கள். உருது பேசுகிறவர்கள் மிக மிகச் சொற்பம். மாகாணத்தில் எல்லா பாகங்களிலும் அப்படித்தான் இருக்கும் என்று நான் கருதுகிறேன். அந்தந்த பிரதேசத்திலிருக்கிறவர்கள் அந்தந்த தேசத்தின் தாய் பாஷையையே பேசி வருகிறார்கள். அப்படி பேசுகிற இடத்தில் ஒருவர் இருவர் இருந்தால் அவர்களுக்கு பள்ளிக்கூடங்களில் பாடங்கள் முழுதும் உருது மூலமாக படிக்கவேண்டும் என்றும் medium உருது அப்படி இருக்கிறபொழுது கல்வி மந்திரி அவர்களை ஒரு கேழ்வி கேட்ட தற்கு பதில் அளித்திருக்கிறார். அவர் சொன்னதாவது முஸ்லீம்கள் பெண் கலாசாலையில் முஸ்லீம் பெண்கள் எத்தனை பேர்கள் படிக்கிறார்கள் என்ற கேள்விக்கு சுமார் 14, 15 பேர்கள் இருக்கிறார்கள் என்று அவர் கலாசாலை நடத்த அரசாங்கம் பொறுப்பை ஏற்றுக்கொள்வது போலவே உருதுவேண்டும். உருது medium ஆக வைத்து உருது மூலம் சகல பாடங்களையும் படிக்கவேண்டும் என்ற கோரிக்கை கொஞ்சம் சந்தேகிக்க வேண்டியதாக இருக்கிறது என்பதை சுட்டிக் காட்டுகிறேன். அந்த மாதிரியாக மிகப் பெரும்பாலோர் இருக்கிற இடங்களில் அவரவர்கள் பாஷையில் பாடம் படித்துவருகிறார்கள். உருது தாய் பாஷையாக ஒரு சிலர் இருப்பதற்காக அதை medium ஆக வைத்தால் இதர கல்விகளாகிய algebra, geometry, science, முதலிய பாடங்களை உருது மூலமாக கற்பிக்கவேண்டுமென்றால் எவ்வளவு சாத்யம் என்பதை நான் கேட்கிறேன். அவைகளுக்கு புதிய பள்ளிக்கூடங்கள் வேண்டும் புதிய வார்த்தைகள் வேண்டும்."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information may I remind the hon. Member of my amendment to the effect that these schools for teaching in the medium of Urdu have to be established only in places wherever practicable, where there is a reasonable number, Sir."

SRI A. VEDARATNAM PILLAI:—"மிக லட்சக்கணக்கானவர்களுக்கு தாய்பாஷை தமிழாக இருக்கிறது மலையாளத்தில் மலையாளமாகவும் தெலுங்கு தேசத்தில் தெலுங்காகவும்."

MR. SPEAKER:—"அவர்களுடைய amendment என்னவென்றால் அதிகமாக உருது பேசுகிறவர்கள் இருந்தால் அவர்களுக்கு உருதுவில் பாடங்கள் கற்றுக்கொடுக்கவேண்டுமென்று அவர் amendment கொண்டு வந்திருக்கிறார்."

30th October 1947]

SRI A. VEDARATNAM PILLAI:—"சாத்யமாக இருந்தாலும் நல்லதாக இருந்தாலும் திருத்தத்தைக்கொண்டு மகிழ்ச்சி யடைகிறேன். அவர்களுடைய ஜன சங்கியை எப்படி இருந்தாலும் உருது medium அசியவம் இல்லை என்பதைதான் எதிர் கட்சி தலைவருக்கு சுட்டிக்காட்ட விரும்புகிறேன். ஏனென்றால் தாய் பாஷையின் அத்யாவசியத்தை நம்முடைய கனம் மஜீத் அவர்கள் எவ்வளவு இனிமையாக பேசினார்கள். தாய் பாஷையால்தான் கலையையும் கலாசாரத்தையும் மற்ற விஷயங்களையும் வளர்க்கமுடியும். தாய் பாஷையைப்போலவே அதற்கு அடுத்தபடியாக பிரதேச பாஷை என்பதை சுட்டிக்காட்ட விரும்புகிறேன். ஒரு ஆயிரம் பேர் மத்தியில் உருது பாஷை பேசுகிறவர்கள் இருந்தால் அவர்கள் தாய் பாஷையையோ பிரதேச பாஷையையோதான் பேச முடியும். அவர்கள் வீட்டுக்கு வந்தால்தான் குழந்தை பிள்ளைகளுடன் உருது பேச முடியும். ஆகையால் அவர்களுக்கு சாகிர பரியந்தம் பிரதேச தாய் பாஷையை உபயோகிக்கும் நிலைமை ஏற்படுகிறது. ஆகையால் அவர்களுக்கு பாடம் கற்றுக் கொள்ளவும் அதை பயன் படுத்திக்கொள்ளவும் தன்னுடைய உருது தாய் பாஷையை பயன்படுத்திக்கொள்ள முடியவில்லை. எந்தத் தொழிலில் ஈடுபட்டிருந்தாலும் எந்த வியாபாரத்தி லீடுபட்டிருந்தாலும் சரி உத்யோகத்திலிருந்தாலும் சரி தாய் பாஷை மாதிரி உருதுவாக இருந்தால் மற்றவர்கள் வேறு பாஷை பேசும்போது அவர்களும் பேசுவதற்கு அந்த பிரதேச தாய் பாஷைதான் உபயோகமாக இருக்கும். அப்பொழுது பிரதேச பாஷைதான் பிரயோஜனப்படுகிறது. வெளி நாடுகளில் ஜீவியத்தை நடத்துவதற்கு ஆதாரமாக அவர்கள் உருது தாய் பாஷையை medium ஆக வைத்திருந்தால் அது இங்கு சாத்யமா என்றும் அது அவசியமில்லை என்பதை அனைவரும் கருதுவார்கள் என்றும் நான் நினைக்கிறேன். ஆகையால் தலைவர் அவர்களே, அங்கே உருது தாய் பாஷையாக இல்லாமல் உதிரித் தள்ளிவிட முடியும். ஒவ்வொரு பள்ளிக்கூடங்களிலும் வேண்டுமென்பதும் medium உருது வேண்டுமென்று கேட்பதும் அவ்வளவு நியாயம் இல்லை என்பதை நான் சுட்டிக்காட்ட விரும்புகிறேன். உருதுவை எதிர்ப் பதற்கோ மெஜாரிட்டி கட்சியைச் சேர்ந்தவர்கள் இதன் மூலமாக அவர்களை அமுக்கிவிட வேண்டுமென்பதற்காகவோ இவ்விதம் பேசுகிறேன் என்பதில்லை என்பதை நான் சுட்டிக்காட்டத்தான் இந்த விஷயத்தை ரூபக மூட்ட விரும்புகிறேன். அவர்கள் கூறுகிறது நியாயம் அற்றது அந்தம அற்றது. அவர்கள் வற்புறுத்தாமலிருந்தால் இருக்கிறார்கள் என்ற காரணமாக இதை எதிர்ப்பதாக கருதக்கூடாது. சாத்யமாக இல்லாததைக் கூறுகிறார்கள் என்ற காரணத்தால் இதை எதிர்ப்பதாக அவர்கள் உணர வேண்டும். இங்கே இருக்கிற ஒரு சிலர் உருது medium ஆக்கவேண்டுமென்று சொல்வது நியாயம் இல்லை. இரண்டு கோடி தமிழ் பாஷை பேசுகிறவர்கள் இருந்தால்கூட அவர்களுக்கு தமிழ் medium வரவில்லை. தெலுங்கு பாஷை பேசுகிறவர்கள் இரண்டு கோடிக்கு மேல் அதிகமாக இருந்தாலும் அங்கே சர்வ கலாசாலைகளில் தெலுங்கு medium ஆக வரவில்லை. மலையாளம் பேசுகிற இடங்களில் இன்னும் மலையாளம் வரவில்லை கோடிக்கணக்கானவர்கள் இருக்கிற இடங்களில் அவர்கள் பேசுகிற பாஷை இன்னும் அங்கே medium ஆக வரவில்லை. அவைகள் அமலுக்கு வராமல் இருக்கிற நிலைமையில் மிகச் சிறு பான்மையாக இருக்கக்கூடியவர்களுக்கு உருது medium வேண்டுமென்று கேட்பது நியாயம் அற்றதுதான் என்று கூறுகிறேன். ஹை ஸ்கூல்களிலும் கலாசாலைகளிலும் மாணவர்கள் சேருவார்களென்று எதிர் பார்க்க முடியவில்லை. உருது தாய் பாஷையாக இருக்கிற மாகாணங்களில் இன்னும் அது medium ஆக வராமல் இருக்கிறது. தமிழ் தெலுங்கு மலையாளம் முதலிய பாஷைகள் தாய் பாஷையாக இருக்கிற இடங்களில் ஒரு சில முஸ்லீம்களுக்கு தாய் பாஷை உருதுவாக இருப்பதால் அவர்களுக்காக இத்தகைய பெரிய, காட்ட முடியாத, சலுகையை அவர்களுக்குக் காட்டுவேண்டுமென்று சொல்வது அவ்வளவு நியாயம் அற்றது என்ற வாதத்தை சுட்டிக்காட்டி ஸ்ரீமதி பீகம் சுல்தான் அமிர்யூதின் தீர்மானத்தை வற்புறுத்தினால் அதை எல்லாரும் எதிர்க்க வேண்டுமென்று சொல்லி இந்த தீர்மானத்தை நான் எதிர்த்தேன்."

[30th October 1947]

1-15 p.m. SRI K. ANANDAN NAMBIYAR:—"On a point of information may I point out Sir that this resolution is being discussed for the second day."

MR. SPEAKER:—"In the opinion of the House this is an important resolution and a number of people wish to take part in it."

SRI K. ANANDAN NAMBIYAR:—"I want an answer from the Hon. Minister because it will be helpful in going to the next subject. We have many other resolutions on the agenda paper and I therefore request the Leader of the House as well as the Minister concerned and the Leader of the Opposition so that other Members also may get their chance. I am not saying that this is an unimportant thing. It is important. Anyhow, I appeal to the house to give consideration to the other hon. Members' motions also."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I want only to submit, Sir, that you have done the very right and proper thing in having allowed so much time for the discussion of this subject. Very rightly, Sir, you have pointed out that it is an important resolution and various Members want to discuss this subject from various aspects. Therefore, I would request you, Sir, to extend the same sympathy which you have shown hitherto for this side."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, we realize the importance of this resolution. That is why both of us are expressing our views on this. At the same time the anxiety of our Friend, Mr. Nambiar is that there are other resolutions also which are equally important and that is why we appealed to the Leader of the House and the Leader of the Opposition so that if they express their opinion and if the debate is brought to an early closure then other resolutions may be taken up."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I was rather surprised that after one member of the Communist party suggested the closure of the debate, the other members of party immediately stands for further discussion. I wish there is a little more consistency."

* SRI PILLALAMARRI VENKATESWARLU:—"The Hon. Minister has not followed any of our speeches."

MR. SPEAKER:—"Mr. Nambiar wanted to end the discussion and you are now speaking of the subject and prolonging the discussion. That is what the Hon. Minister pointed out."

* SRI PILLALAMARRI VENKATESWARLU:—"We wanted to respect the wishes of the hon. Members. Mr. Speaker, Sir, while supporting the resolution as well as the amendments moved by the Opposition Leader and Mrs. Amiruddin, I wish to say a few words on this subject."

30th October 1947] [Sri Pillalamarri Venkateswarlu]

"It is our birthright to demand from any Government not only a Congress Government but even a foreign bureaucratic Government that the coaching should be given only in the mother tongue. That is the birthright of every individual but now all on a sudden after the regime of the Congress Ministers in 1946 we find a change from the mother tongue into regional language. During last year and also on so many occasions this year many hon. Members expressed the view that option shall be given to choose coaching in the mother tongue in the high schools and colleges. As a matter of fact regional language may not be the mother tongue. I know in Andhra the mother tongue of most of the Muslims is Urdu. There is no doubt about this. I come from those parts and most of the Muslims' mother tongue is Urdu and it is not a disputable point. It does not matter whether the Urdu-spoken is broken or correct but their mother-tongue is Urdu which everybody must take note of. Therefore I find that their demand to be taught in Urdu is justifiable and I think none of the League leaders will ever object to learning other languages. As a matter of fact most of the Muslims in Andhra know Telugu. They can read and write in Telugu. There are poets among Muslims who are well versed in Telugu. I do not find there can be any objection to their demand that they should be taught in Urdu."

"After going through the amendments moved by the Leader of the Opposition I find there is nothing for which the Hon. Minister or the Government can object to because they demand that wherever possible Urdu may be taught but after all I do not think there can be any more minimum demand on the part of any other party. I know in Andhra most of the Muslims are anxious to learn in Urdu and there it may be possible to give effect to this resolution. A section may be opened in every school for this purpose. Nobody can say, not even the Education Minister, that they should be taught only in the regional language."

"I have another objection for the regional language being made compulsory. For instance, in Madras,—I am not going into the question of whether this place should belong to the Tamilians or to the Andhra—whatever may be my opinion, Madras may belong to the Tamilians but at the same time if the Andhras demand that they should be taught in Telugu even in Madras, in Coimbatore, Madura and other Tamil places, that should be conceded. There are Andhra boys and girls in these places and they are forced to forget their mother tongue. It is really a sorrowful thing to note the fact that they cannot get their education in their mother-tongue. You cannot refute or dispute the fact if the Andhras who number lakhs and lakhs in Tamilnad demand that the teaching for them should be in Telugu. That is also the case with the Tamilians in Andhra parts where they have settled as teachers or hotel-keepers if they should demand for teaching in their mother

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tongue. I want that there should be provision for all these suggestions. There is no harm in doing this. It is not at all conflicting whatever may be the regional language. When they are taught in their mother tongue they will be able to understand and grasp easily and it is not merely for the job-hunting that education is intended. Education and job-hunting are different things. For that let them make some regional language, as the official language. It is the cultural development that matters. It is not justifiable to deny this right. I lay stress on the point that the regional language is not the mother tongue. They are two different things and if you refuse to allow them to learn in their mother tongue their culture will slowly disappear."

MR. SPEAKER:—"The hon. Member may continue his speech after lunch. I now adjourn the House to meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

* SRI PILLALAMARRI VENKATESWARLU:—"On a point of information, Sir. These benches (Muslim League Benches) are empty, and the hon. Member who moved this Resolution is also absent."

MR. SPEAKER:—"The hon. Lady Member will come now."

* SRI PILLALAMARRI VENKATESWARLU:—"Who will reply to the debate, Sir."

MR. SPEAKER:—"It is not our concern. The hon. Member will continue his speech."

* SRI PILLALAMARRI VENKATESWARLU:—"I am now reverting to the subject of giving instruction in the mother tongue. As far as the Resolution read with the amendments moved by the Muslim members goes, it is clearly indicated that the main purpose of the Resolution is to see that wherever it is possible, and wherever the students demand, instruction should be given in their mother tongue. Let me request the Hon. Minister for Education not to confuse the issues here on this occasion. They are not demanding any separate institutions for the Muslim boys or Muslim girls. Their only demand is wherever students come forward, they must be allowed to learn in their own mother tongue. (Interruption). There is another point, Sir. The Hon. the Leader of the Opposition has carefully worded his amendment, and he has clearly indicated 'provided there is a sufficient number of such students in the locality.' I do not know what objections the Hon. Minister for Education can have to accept this Resolution, with the amendments. I know there is mutual suspicion prevailing not only in this House, but even outside this House, but if we legislators should succumb to suspicions and prejudices how can we legislate in the interests of the people. Either to accept or reject this Resolution, we must take into consideration the interests of the people as a whole. That is why I

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am pointing out that in border districts this question will naturally creep in, and in those places, this question will be dominant and will be a major issue, which every Government must come to grips with without any delay. I am not telling you the case of only Madras. In Andhra areas, and in areas surrounding Andhra districts, there are Oriyas. Most of these Oriyas have migrated into Vizagapatam district. What about the medium of instruction to those people? Will you allow them. . .

"Mr. Speaker, Sir, the Hon. Minister is not following my speech.

"I am telling the House that in Andhra, in the border districts, the mother-tongue of the people is different. The people belong to different nationalities. As a matter of fact, in Vizagapatam so many people are speaking Oriya. What are you going to do with them? If you insist that they must learn Telugu, and that they should not be allowed to learn in their own mother-tongue, I say it will mean doing the greatest injustice. That is, in a way, killing the nationality of a people. This idea of killing the nationality of a people is only of the Nazis; not at all of the Congress. The Congress is against all such ideas. That is why I say that the mother-tongue should be given preference provided the students choose to do so. This does not mean that we should neglect the regional language. The regional language must be made compulsory. I am definite about that. Those people who choose their mother-tongue as the medium of instruction must be made to study the regional language as secondary one. I am definite about that also. There is one other point, and that is about English and Hindi. English need not be made compulsory nor Hindi. It may be a national language, but young boys should not be forced to learn Hindi. They may, however, learn Hindi if they like, in higher courses in technical subjects. This does not mean that when we begin to learn alphabets, this English or Hindi should be brought in. There is no need for it. My main point in supporting the Resolution is to save the national culture of a particular people from extinction. Those who desire to have instruction through the medium of their mother-tongue must be allowed to do so. For that they must have all facilities. Only in that way, we can maintain unity and save their culture. To-day our country is in great trouble, particularly communal trouble. You take Andhra. We are expecting a 'Visala' Andhra, including those portions that are to-day ruled by the Nizam. Ten to fifteen per cent of the people there are Muslims who actually learn Urdu. The rest are Telugus. What are you going to do with them? If we accept your principle of regional language, naturally most of the people there, who are interested in learning only through the medium of their mother-tongue, will go against us, and we will have to fight against our own people. You are bringing the whole state of affairs into a struggle between the different communities. To avoid all such struggles, the best course for us to follow is to give option to those people who want

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to learn things through the medium of their mother-tongue to do so. With these words, Sir, I support the Resolution and also the amendments to it.

"I have also given notice of an amendment."

MR. SPEAKER:—"The hon. Member should give two days' notice for an amendment. However, if it is a verbal amendment, I have no objection to allow it."

* SRI PILLALAMARRI VENKATESWARLU:—"The amendment is—

"After the words 'wherever they desire to do so' the following shall be added, namely:—

"keeping the regional language as the compulsory subject." "

MR. SPEAKER:—"Who is seconding your amendment?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I second it, Sir."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, this is not a formal amendment. It has to be examined. Government should object to this sort of amendments without proper notice."

MR. SPEAKER:—"Let me see whether it is a substantial amendment or only a verbal amendment."

* SRI PILLALAMARRI VENKATESWARLU:—"It is a verbal amendment, Sir, because all the parties, and even the Hon. Minister for Education who is anxious that the medium of instruction shall be the regional language. What I want to say is wherever opportunity is given to people to receive instruction in their mother-tongue, the regional language must be made a compulsory subject for them. The Muslim League has no objection to this. I have consulted one of the leaders of the League, and only after consulting them . . ."

MR. SPEAKER:—" 'Keeping the regional language as the compulsory subject' is not a verbal amendment. It completely changes the meaning of the Resolution. Though it contains six or seven words (laughter), it gives a different meaning. Therefore, I rule it out of order. I, as Speaker, has power to give exemption from the required notice, but in this case I do not propose to use that power. But this is an amendment which thoroughly changes the meaning of the Resolution. So, I rule it out of order."

* SRI PILLALAMARRI VENKATESWARLU:—"I thank you, Sir, for going to the rescue of the Hon. Minister for Education. I strongly take exception to Government taking objection to this amendment. This amendment is only to support his (the Minister's) view, and the League also has accepted it. Now comes the Hon. Minister for Education, even without following what I

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have said, and says that the Government and the whole Cabinet have strong objections to this amendment. The spirit of the amendment has been accepted by the whole House. I will take it for granted . . ."

MR. SPEAKER:—"The amendment has not been accepted. It has only been seconded. Accepting the amendment means, it should be put to vote, and then accepted or rejected."

* SRI PILLALAMARRI VENKATESWARLU:—"On a point of order, Sir. After the amendment has been seconded, can the Government raise an objection to it?"

MR. SPEAKER:—"Anybody can raise an objection."

SRI PILLALAMARRI VENKATESWARLU:—"With these words, Sir, I support the Resolution and also the amendment."

* MR. H. O. FOWLER:—"Mr. Speaker, Sir, I happen to belong to that group of this House, called the silent members, but I rise to-day to break my vow of silence for a few minutes to speak on the Resolution. As an educationist I would like to put forward my suggestions not so much with an idea of taking sides but more with the idea of enquiring into the principles involved in this Resolution. I feel that every member of this House, whether he speaks in support of the Resolution or against it, would agree that it is an undisputed principle that it is the birth-right of every child to receive instruction, especially in its earlier years through its own mother tongue. (Muslim League Benches: 'Hear, hear.') The difficulty about this Resolution, or I should say the bone of contention behind this Resolution, is the question whether Urdu is the mother-tongue of the Muslim community in this part of India or not. I feel that the entire issue depends upon the answer which this House is prepared to give to that question. If Urdu is the mother-tongue of the large majority of the Muslim community of South India, then I feel that Government have no alternative but to concede their just demand. If on the other hand the Government can prove that the claim that Urdu is the mother-tongue of the Muslim community is without foundation, then, I feel that perhaps they have some justification for being hesitant in granting this request. I would suggest that before a definite agreement or solution of this problem can be arrived at, some step should be taken to set up impartial inquiry committee to give us an answer to that question.

"As to the suggestion by some sections of this House, that in giving in to this Resolution and allowing Muslim students to have their instruction in their own mother-tongue in areas where their numbers warranted it, this would mean helping to divide the communities of this country into two groups, I feel, Sir, that this argument has no weight at all. Finally, I would like to say that this is a matter of principle, a matter about which every minority community in this Province and in other Provinces too, are to-day perturbed, and I feel the ruling to be given by this House on this Resolution would give the minority communities

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an assurance as to whether the Government in office to-day are prepared to be generous and just in the legitimate and rightful demands put forward by the minority communities. Thank you, Sir."

SRI K. LINGARAJU:—“అధ్యక్ష, బేగం ఆమిరుద్దీన్ గారు ప్రతి పాదించిన తీర్మానమును నేను ప్రతిఘటిస్తున్నాను. ఈ తీర్మానమును ముస్లిం సభ్యులు బలపరచుచు ఉరుదూ ముస్లిముల మాతృభాషయని, ప్రతివారికి విద్యను మాతృభాషద్వారా అభ్యసించుట జన్మహక్కునియు కావున ఉరుదూ మాతృభాషగా కలిగినటువంటి ముస్లిముల నందరకు ఉరుదూలోనే విద్య చెప్పించవలసినదని, అందుకొరకై వేరు వేరు పాఠశాలలను ఏర్పాటుచేయవలసినదని చెప్పుచున్నారు. ఇంచేకాక ఉరుదూలో వారికి చదువు చెప్పించక పోయినటులయితే ముస్లిం భాష నాగరికత నాశనమైపోవునని వారి నాగరిక దేశములాని అధిక సంఖ్యాకులగు హిందువులయొక్క నాగరికతకు భిన్నమైనటువంటిదని చెప్పుచు ఈ విషయము ఒక పెద్ద సమస్యగా వారు చెప్పుచున్నారు. వారి అభిప్రాయములలో నేను విశేషించినాను. మన ముద్రాసు రాజధానిలోని ముత్తము జనాభాలో ముస్లిముల సంఖ్య నూటికి 10 లేక 11 మాత్రమే యున్నది. ముఖ్యముగా పల్లెటూళ్లలో 2, 3, ఇండ్లవాళ్లతో చూపుచున్నది లుంటారు. వీరు ఒక విధమైన కష్ట ఉరుదూ మాట్లాడుతూ వుంటారు. అటువంటివారు యీ 2, 3, ఇండ్లవారికి ప్రత్యేకముగా ఒక పాఠశాలను ఏర్పాటుచే గువలెనంటే చాలా కష్టమైనటువంటి విషయము. ఈ విధముగా ఒక గ్రామములో వుండేటువంటి వివిధభాషల వారలందరకు వేరువేరు పాఠశాలను ప్రభుత్వమువారు స్థాపించవలయునంటే అసాధ్యమైనటువంటి విషయమని మనవిచేయుచున్నాను. ముస్లిములకు ఉరుదూ నేర్పుకొనవలయునని వున్నచో వారు ప్రాథమిక పాఠశాలలో తగినంతమంది విద్యార్థులున్నచోట నేర్పుకొనవచ్చును. కాని 2, 3 విద్యార్థులతోనూ ప్రత్యేకముగా ఉరుదూ ఉపాధ్యాయులను ఏర్పాటు చేయవలయునంటే అనుచితము. అంచేకాక ఉరుదూ medium లో high schools లోను coll ge లోను విద్యాబోధన ఏర్పాటుచేయవలసినదని ముస్లిం బాలురకు ప్రత్యేకముగా high school, colleges వుండాలని వారు వాదించుచున్నారు. ఈ విధముగా schools, colleges ఏర్పాటుచేస్తే వీటిలో చదువుకోవటానికి ఎంతమంది విద్యార్థులు వుంటారు, వీరికి ఉరుదూ అన్ని subject లు చెప్పటానికి ఉపాధ్యాయులు Lecturer లు ఎక్కడ వుంటారు. ఈ ప్రత్యేక విద్యాసంస్థ కు ఎంతవరకు కావలయును, ఇంతవరకు ప్రభుత్వము ఖర్చుపెట్టగలదా, ఈ విధానమువలన దేశ విద్యుత్తుకు భంగము కలుగునా అను విషయములను ఆలోచించవలయును. ఈ పై విషయములను గుర్తించినచో చూపుచున్నటువంటి ప్రత్యేక విద్యాలయాలను ఏర్పాటుచేయుటకు ఏమిచుగ అవకాశము లేదు. ఈ కారణములచేత బేగం ఆమిరుద్దీన్ గారు తీసుకొనివచ్చిన ఈ తీర్మానమును ఒప్పుకొనవద్దని ప్రభుత్వమువారిని నేను కోరుచున్నాను

“ఇంచేకాక ఈ తీర్మానములో ఉరుదూ మాతృభాషగా కలిగినటువంటి మహమ్మదీయులకే ఉరుదూలో విద్యాబోధ చేయించవలసినదిగా వున్నది. దీని అభిప్రాయము అల్పసంఖ్యాకులగా వున్నటువంటి ముస్లిముల భాష, జాతి, నాగరికత అధిక సంఖ్యాకులగువారి భాష, జాతి, నాగరికత లేదనియే. ఇట్టి వాదనలవలననే నేను దేశము విభజింపబడినది. అంతలో సహకార ఉత్తర హిందు స్థానములలోను, ఇంకా కొన్ని భారత ప్రాంతములలోను మతకలహములు, దారుణ హత్యలు జరుగుచున్నవి. ఈ కారణములచేత ఇంకనైనను ఇటువంటి వేరు భాషలను మన ముస్లిం సోదరులందరు విడచిపెట్టువలసినదిగా వారిని కోరుచున్నాను. దీనివల్ల దేశము చిన్నాభిన్నమగుననే గాని, దేశము

30th October 1947] [Sri K. Lingaraju]

యొక్క విద్యుత్తును కాపాడజాలము. సాధారణముగా ఏ ప్రదేశములో ఏ భాష మాట్లాడువారు ఎక్కువమంది వున్నారో ఆ భాష ఆ ప్రాంతమునకు దేశభాష అవుతుంది. అక్కడి ప్రజలందరు చిన్నచిన్న విద్యములను మాని ఆ భాషలోనే విద్య నభ్యసించుట అందరకు శ్రేయస్కరము. అంచేకాని మా రాజమహేంద్రవరములాటి పట్టణములలో ఎక్కడో కొందరు తమిళులు వున్నారని వారికి ప్రత్యేక పాఠశాలలు, మహమ్మదీయులున్నారని వారికి ప్రత్యేక పాఠశాలలు, వర్సర పమనుటలో అర్థమేమిటో నాకు బోధపడుట లేదు. ఈ విధముగా ప్రత్యేక విద్యాసంస్థలను ఏర్పాటుచేయుట మొదలు పెట్టినచో ఈ సమస్యకు అంతు ఎక్కడో తెలియదు.

“ఈ సందర్భములో ఒక విషయము మనవిచేస్తాను. మన సరిహద్దులలోనున్న హైదరాబాదు సరిహద్దులలో ఏమి జరుగుచున్నదో చెబుతాను. హైదరాబాదు శాసన మహమ్మదీయులు. ఆయన మాతృభాష వురుదూ. కాబట్టి సంప్రాసములలో అధిక సంఖ్యాకులైన తెలుగువారిని, మహారాష్ట్రీలను, కన్నడీలను ఉరుదూ నాన్నకే నేర్పుకొనవలయునని నిర్బంధించుచున్నారు. ప్రజలలో నుటికి దాదాపు 10, 15 మంది వుండేటువంటి మహమ్మదీయుల ఉరుదూ భాష, రాజభాష ఆయన కార్యము చేత అధిక సంఖ్యాకులు వారి దేశభాషను, మాతృభాషను మరచిపోవలసిన దుర్గత వుట్టచున్నది. ఇది న్యాయమైనదేనా అని, మన ముస్లిం సోదరులు దీనికి సమ్మతించెదగా అని వారిని అడుగుచున్నాను.

“ఈవాళ్ల కొంతమంది సభ్యులు కొంత దేశభాషలో మాట్లాడుచుంటే దేశము అమిరుద్దీన్ గారు Jargon భాషలో మాట్లాడుచున్నారని అన్నారు. ఇప్పుడు నేను మాట్లాడు భాషనుకూడా వారు ఆ విధముగా అంటారేమో అనే నాది సందేహము కలుగుచున్నది. చాలా తొందరలో మన రాష్ట్రమును భాషాపరమముగా విభజించు దుచ్చిసారు. అనగా ఏ ప్రాంతమువారు ఆ ప్రాంతీయ భాషలో ప్రభుత్వ పరివహించునులముగా చేసుకొనుట అన్నమాట. అట్టి సందర్భములలో ముస్లిములు ఆ ప్రాంతీయభాషలోనే విద్య నభ్యసించుట చుత్తమము, యుక్తముకాని, వెరొకభాషలో చదువుకొనినవారికి ప్రభుత్వకార్యకలాపములలో చాలానుట అవకాశముండు. ఈ విషయములన్నీంటినిజాగ్రత్తగా పరిశీలించి వారు ఈ తీర్మానమును వుత్తమమనించుకొన గోరుచున్నాను. వారు regional language లో విద్య నభ్యసించుట వారికే చాలా మంచిది. కాని వారు వారి మాతృభాష అయినటువంటి ఉరుదూను కూడా నేర్పుకొనవలసినటులయితే తగినంతమంది విద్యార్థులున్నచోట Second language (రెండవభాష)గా వురుదూను చదువుకొనవచ్చును.

“ఈ విషయము లన్నిటిని ప్రభుత్వమువారు గుర్తించి ప్రతివారికి regional language (ప్రాంతీయ భాష) compulsory చేయఁజేసినదిగా మనవిచేయుచు, అల్ప సంఖ్యాకులగు ముస్లిములకు ఉరుదూలో ప్రత్యేక పాఠశాలలను వుద్దేశించుచున్నటువంటి ఈ తీర్మానమును ప్రతిఘటించుచున్నాను”

* **SRI S. NAGAPPA:**—“Mr. Speaker, Sir, I would have supported the resolution brought by the hon. Lady Member, if it had been worded in the following manner: ‘This Assembly recommends to the Government to make provision for students (instead of Muslim students) that is whoever is willing or desirous of learning Urdu must be at liberty to learn and he must be given a chance to learn it.’

[Sri S. Nagappa]

[30th October 1947]

"Another thing I would like to say is this: As regards Urdu, from the statistics collected on linguistic basis I find that Urdu does not find any place at all. I shall give the House some statistics from the census of 1931. I find the word 'Hindustani' only, and no Urdu anywhere. Out of a total population of forty-four millions and odd I find there are about one million and two hundred thousand and odd of Hindustani speaking people in this presidency. I would have welcomed this resolution if it had been for learning Hindustani. And then about this Urdu lipi; Oh God nobody can learn that lipi. If it is Hindi lipi, anybody can learn it."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of information Sir."

SRI S. NAGAPPA:—"I am not yielding."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"He is quoting . . ."

MR. SPEAKER:—"The hon. Member says he is not yielding. Two members should not be on their legs at the same time."

* SRI S. NAGAPPA:—"So I request the hon. Lady Member as well as the Leader of the Opposition to withdraw their resolutions and bring in a fresh resolution asking this Assembly to enable a student who is willing to learn Hindustani to study it. It will be a national language and it will go a long way to help to promote unity in the whole province. So I request hon. Members on the other side not to support the resolution."

"Coming to facts and figures, as I said, out of a total population of 44 million and odd of people in this province only one million and 200 thousand and odd are Hindustani speaking people. I do not find anywhere in the census the word 'Urdu' at all. I do not see why public funds should be spent for a small minority of people. And further Urdu is a difficult language to learn. I have tried hard to learn it; here is my Guru Mr. Pattabhi; it is very difficult to remember the language. And further, while all over the world people write from left to right, in Urdu, people write from right to left. (Laughter) It is very difficult, and there is no reason in the resolution now before the House. So I request the hon. Lady Member and the Leader of the Opposition to withdraw the resolution and bring in another resolution to study Hindustani. You know Mahatma Gandhi has been preaching more than hon. Members opposite for the study of Hindustani. So, I would request the mover and seconder of this resolution to withdraw their resolution."

MR. SPEAKER:—"How many times would you ask them to withdraw?"

SRI S. NAGAPPA:—"The more the number of times I appeal the more will they feel to withdraw the resolution. With these words I resume my seat."

30th October 1947]

SRI M. BAPINEEDU:—"అధ్యక్షా, మహాశయీ, మహమ్మదీయ, స్త్రీల ప్రతినిధిగా బేగం ఆమిరుద్దీన్ గారు ప్రతిపాదించిన తీర్మానమును వ్యతిరేకించుటకు నేను నిలబడియున్నాను. కారణమేమనగా ఆ తీర్మానము ఆ హిందూ నాయకులు ఉస్మాన్ సాయబుగారు ఉపసాధించిన సవరణ అనవసరము, అసంజనము, అసంభవము అని మనవిచేయుచున్నాను. క్రమ మానవుడు తన మాతృభాషలోనే విద్యనభ్యసించుట అతని జన్మ హక్కుని వారు వాదించుచున్నారు. మహమ్మదీయులకు విద్య ఉరుదు భాషలో చెప్పించవలసినదనవును ముందుగా ఏ ఏ జిల్లాలలో వారు ఎంతమంది ఉన్నారో నే విషయమును పరిశీలించవలసి యున్నది. 1931 వ సంవత్సరపు జనాభా లెక్కలను చూచినట్లైతే విశాఖపట్టణం జిల్లాలో మహమ్మదీయ జనాభా నూటికి ఒకరుకూడా లేనట్లు తోస్తుంది. అదే విధంగా మా పశ్చిమగోదావరి జిల్లాలో మహమ్మదీయులు నూటికి ఇద్దరు (2%) కన్న తక్కువగా ఉన్నారు. ఇల్లాగే ఆనేక జిల్లాలలో మహమ్మదీయుల సంఖ్య చాలా తక్కువగా ఉన్నది. అక్కడక్కడ పెద్దపెద్ద స్టబ్బులులలో మాత్రము మహమ్మదీయులు ఏ కొద్దిమందిలో ఉన్నారేమో కాని పట్టణపు వారి జనసంఖ్య చాలా తక్కువ. ఈ పెద్దపెద్ద పట్టణములలో కూడ ఉన్నటువంటి ముస్లిం పాఠశాల లోకి పోయి చూచినట్లైతే చదువుకునేవారి సంఖ్య చాలా తక్కువగా కనిపిస్తుంది. హైస్కూల్ తరగతిలో ఏ 5, 6, 10 మంది పిల్లలు మాత్రమే ఉంటారు. మిత్రులు కొంతమంది ప్రాథమిక పాఠశాలలలో ముస్లిములకు ఉరుదులో చదువు చెప్పించవలసినదిగా కోరుచున్నారు. అనగా ప్రతి పట్టణములోనూ ఏ ఒకటో రెండో మహమ్మదీయ కుటుంబాలున్నా జడులలో చదువుకొను చాలార సంఖ్య ఎంత అత్యల్పమైనా ఒక మహమ్మదీయ పాఠశాల పెట్టింది దానికి వేరు ఉపాధ్యాయులను వేయమనుట అసమంజసము. ఏ ప్రభుత్వమైనప్పటికి ఇటువంటి ఏర్పాట్లు చేయజాలదు. అందులో జనము ఏ ప్రభుత్వమైనప్పటికి ఇటువంటి ఏర్పాట్లు చేయజాలదు. అందులో జనము ముఖ్యముగా మన రాష్ట్ర ఆర్థిక పరిస్థితులు చూచినట్లైతే ఇటువంటి అనవసరమైనటువంటి విధానము అమలులో పెట్టుటకు ఎంతమాత్రము సామకాశము లేదు."

"మన ప్రక్కనే ఉన్నటువంటి ఆంధ్ర జిల్లాలలోని మహమ్మదీయులు ఎదురు చూచు చున్నటువంటి నైజాము సంస్థానములో ముస్లిములు ఏ విధముగా ఉన్నారో చూడండి. హైదరాబాదు సంస్థానము మహమ్మదీయుడైన నవాబు పరిపాలన క్రింద వున్నది. ఆ సంస్థాన ప్రాంతమంతటిలోను ఉరుదు మాతృభాష అయినటువంటి ముస్లిముల జనాభా చాలా తక్కువ. సంస్థానములో ఎక్కువభాగము, అనగా దాదాపు నూటికి 90 మంది యొక్క మాతృభాష వురుదు కాదు. సంస్థానములో తెలుగు మాట్లాడువారు, కన్నడము మాట్లాడువారు, మహారాష్ట్రము మాట్లాడువారు హెచ్చుమంది వున్నారు. కాని వారు వారి దేశభాషలో, మాతృ భాషలో విద్యనభ్యసించుటకు వారికి అవకాశము లేవు. పరభాష అయినటువంటి వురుదును రాజభాష అనే నేపథ్యం చేత నిస్సహాయులైన ప్రజలపై రద్దుతున్నారు. ఇది న్యాయమేనా అని మన ముస్లిం సభ్యులను తమద్వారా అడుగుచున్నాను."

"మన రాజధానిలో ముఖ్యముగా నాలుగు భాషలను మాట్లాడువారున్నారు. తెలుగువారు, తమిళులు, కన్నడలు, మళయాళీలు. అనగా నాలుగు ప్రాంతీయ భాషలు (Regional language) వున్నాయి. వీరిలో సగుటున నూటికి ఏ 4 మంది 5 మంది మహమ్మదీయులు ఉన్నారు. వీరిలో చాలామందికి వురుదు ఏమీ తెలియదు. ముఖ్యముగా దక్షిణాది ప్రాంతమువంటి ముస్లిములలో చాలామందికి వురుదురాదు. ఇక మా ఆంధ్ర జిల్లాలలో వున్నటువంటి మహమ్మదీయులు కూడాకోటి వురుదు మాట్లాడు"

[Sri M. Bapineedu] [30th October 1947]

వారే కాని వారికి నిజమైన భరద్రు తెలియదు. ఈ విధముగా ఏ కొద్దిమందో భరద్రు తెలిసినవారికి ప్రత్యేక పాఠశాలలను ఏర్పరుచుట ఏ ప్రభుత్వమునకైనను సాధ్యమే ఆ ఏర్పాటు సంభవమే అని అడుగుచున్నాను.

“రాను రాను మన దేశభాష హిందూస్తానీ కాబోవుచున్నది. మన నాయకులు మహాత్మాగాంధీగారు ఈ హిందూస్తానీ భాషను -ందరు నేర్చుకొనవలెనని చెప్పుచున్నారు. ఇట్టి సందర్భములలో మన ముస్లీం సోదరులందరు హిందూస్తానీ నేర్చుకొనుట మంచిది కాని మేము ఏ కొద్దిమంది మాత్రమున్నా మేము భరద్రు నేర్చుకుంటాము. పాఠశాలలో మాకు అన్ని పాఠములు భరద్రులోనే నేర్పించు ఏర్పాట్లు చేయించవలసి నదిగా కోరుచున్న కోరిక ఎన్నటికి మేము చేయరాదని ప్రభుత్వమువారిని హెచ్చరించుచున్నాను.

“1938 వ సంవత్సరములో మన రాష్ట్రములో కాంగ్రెస్ ప్రభుత్వమున్నపుడు కొన్ని పాఠశాలలలో హిందూస్తానీ చెట్టినారు. కొంత మహమ్మదీయులందరు హిందూస్తానీ భాషను నేర్చుకొనవలసినదిగా వాదించి కోరుచున్నారు. వారికి ఈ హిందూస్తానీ భాష తేలికగా నేర్చుకొనుటకు, అర్థము చేసుకొనుటకు చాలా అవకాశములున్నవి మా ఆంధ్ర జిల్లాలో ఏదో ఒక చాదిరిగా భరద్రు తెలిసిన 3, 4 లక్షలమంది మహమ్మదీయులకు భరద్రు పాఠశాలలను ఏర్పాటుచేయుట అవసరము. ఇది చాలా అసంభవమైయుంటే విషయమనికూడా మా మిస్త్రి శ్రీ లింగరాజుగారు చెప్పియున్నారు.

“కొద్దికాలములో మన మద్రాసు రాజధానిని నాలుగుభాషా ప్రయుక్త రాష్ట్రములుగా విభజింప దలచియున్నారు. అప్పుడు ఏ భాషాప్రాంతమువారు ఆ భాషలోనే విద్యనభ్యసించెదరు. కాని, ఇంకొకవిధముగా చేయరు. అందువలన ముస్లీములు కూడా ఏ ప్రాంతమువారు ఆ ప్రాంతమువారి దేశ భాషను నేర్చుకొనుట చాలా మంచిది. ఒక భాషాప్రాంతములో అనేకమైన చిన్న చిన్న భాషలకు ప్రాత్యాహ మిచ్చిన జాతియొక్క, దేశముయొక్క వికృత చెడును.

“ఈ దేశ చెప్పిన కారణములచేత సోదరీమణి దేశం అమెరికాదేశాగారు ప్రతిపాదించిన లిక్కనమును, ముస్లీం పార్టీ నాయకులు యిష్టాయులుగా భరద్రుపాఠించిన సవరణలను నేను ప్రతిఘటించుచున్నాను. ప్రతి గ్రామములోనూ ఒకరో ఇద్దరో ముస్లీం పిల్లలకోసమే వేరుగా భరద్రుపాఠశాలలను ఏర్పాటు చేయుట ఏ మాత్రము మంచిది కాదని, దేశ వికృతకు గొడ్డలి పెట్టువంటిదని ప్రభుత్వమువారిని హెచ్చరించుచున్నాను. ఈ కారణములన్నిటిని మన మెనాదుంచుకొని ఈ లిక్కనమును ప్రతిఘటించవలసినదిగా ప్రభుత్వమువారిని కోరుచున్నాను. ఇంకే కాక మన ముస్లీం సభ్యులకు వారు ప్రతిపాదించిన లిక్కనము అనవసరమైయుంటుంది, అసాధ్యమైయుంటుంది. అసంభవమని కూడా మనవి చేయుచున్నాను.”

3p.m. * MAHIN SCHAMNAD SAHIB BAHADUR:—“Mr. Speaker, Sir, I do not want to mention here what is meant by mother-tongue. It is the language which we learn from the cradle as taught by our mother. The language taught by the mother is considered as taught by God, because the Quoran says: ‘Heaven is under the feet of the mother’. Therefore the language taught by the mother is more sacred than any other language. It would be very painful if we want to change one’s mother-tongue as it would be very painful to change one’s mother. It is not so very easy to learn other languages. Some people find it more difficult

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to learn things in any other language than learning things in their own mother-tongue. That is why Urdu-speaking Muslim students in many schools take Urdu as their second language. To follow instructions in their mother-tongue is much easier for them than in any other language. If a boy is forced to take any other language than his mother tongue it will tax him too much. And instructions thus forced on him will be of no use to him, as they will be imperfect and his progress will be spoiled. Therefore if the Government want to raise the status of the citizens and if the Government do not want to spoil the progress of the youth of the country they should certainly permit the youth to have their mother-tongue as the medium of instruction in the schools.”

* SRI V. RAGHAVAYYA:—“The resolution, Sir, if read without much of political bias either way does not appear to be as troublesome as some Members seem to take it. It does not require late in the day to be told that instruction in mother-tongue is anything but desirable. Even those who pretended to oppose it—I say ‘pretended’ because they did not seem really to oppose it—did not oppose the resolution on the ground that it was undesirable. Instructions can be best understood only if it is imparted in the mother-tongue. I know, Sir, that in Russia—I have no personal knowledge but I have read it in books—I learn that even for small minorities of 1,115 people in a province of Russia their mother-tongue is used for giving instruction. A separate script has been coined for them and every care was taken to impart instruction in their own language even though they comprise only a very small group and are negligible according to other standards. But my real difficulty in accepting this resolution comes from another quarter. Seeing that the mover of the resolution wants to-day that wherever Muslim students desire to have instruction in Urdu provision must be made for them, I feel that it is not a practical proposition at present. I should very much I. . .”

MR. SPEAKER:—“It is stated ‘whose mother-tongue is Urdu’.”

* SRI V. RAGHAVAYYA:—“I mean that, Sir, for, other people won’t ask for it. I do not know if the mover wants that even if there are only 10 students and if they demand they must be provided for. I think she means that if the number of students who want instruction is appreciable then they must be given instruction in their mother-tongue. I see absolutely no reason why any Government should object to it. But one thing has to be stressed. I believe, Sir, that the Indian Republic’s national language has been declared to be Hindi and I believe in Pakistan it is Urdu. I feel, Sir, that any mother-tongue can exist or can be propagated only in subordination to these main national languages. Any attempt on the part of anybody to give the mother-tongue predominance or precedence which would throw the national language into the shade ought not to be allowed in the interests of this country, particularly when it has got so many languages to speak and so many minorities to exist. When every

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effort is being made by the Leaders to make the nation and to weld the whole thing into one homogeneous nation at least at this stage, at least after our country has been sundered into two, when people make an attempt even now to prevent that effort from fructifying; I should seriously warn those elements that they are not tending towards progress, for, mother-tongue has its own limitations. I can understand in elementary stages instruction being given in the mother-tongue. I can understand some subjects being taught in the mother-tongue even in the secondary stage; but I absolutely do not understand mother-tongue being the medium of instruction in the high school or college classes. If the Indian Republic's national language, namely, Hindi, should ultimately become the language of the country and prosper it may even replace the mother-tongue. It does not matter. I am not chary about mother-tongues. India cannot have so many mother tongues. It would bring nationality to a nullity if you go on overstressing the mother tongue, the home district, the home province and things like that. If India should be a real nation able to take her place in the comity of nations and if India should be an effective force not only in our own country but in other countries as well, I should try to discourage gradually and perceptibly any attempt to overstress the mother-tongue. I should have personally liked the mover to have confined her attention to certain stages of instruction where any other language would be an impediment to the infant mind to grasp things and where the imparting of instruction in the mother tongue would be a great fillip and help. I should have welcomed it if she had framed her resolution in such a way. I should like to oppose this resolution from this point of view, namely, that ultimately it would overstress sub-nationalities, sub-languages, etc.

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p.m. "I should at the same time appeal to the Government that they should not also lay over-stress and over-emphasis upon the so-called regional languages. After all why do languages exist? It is only to make people understand. As my Friend Mr. Lingaraju pointed out and as my friend Mr. Bapineedu has given statistics there are pockets of Tamil in Andhra Desa and vice versa in Tamilnad. There would be absolutely no meaning in Tamilian Government tomorrow—I envisage linguistic provinces—telling the Andhras in Tamilnad: "You are only a minority in Tamilnad. We could not give you all these facilities." And likewise in the Andhra where there are pockets of Tamilian minorities, it would be cruel on the part of the Andhra Government to say that they do not care for the language or mother-tongue of the Tamilians and insist upon Telugu being the medium. So, whereas I see the danger of over-emphasis in the Government attitude in over-stressing regional languages, at the same time I feel as an impartial man the danger of over-emphasising the other side also.

"One other thing, Sir, and I have done. I want to say a word about the financial aspect of the question. Wherever 50 or 100 Muslim boys whose mother tongue is Urdu demand instruction in their mother-tongue, it is an impracticable proposition to teach all the subjects in that language. Take a high school in Nellore where

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you have got a population of 10 to 15 thousand Muslims. Even before Urdu became a political point, for the last 30 years Urdu has been taught by a Urdu munshi in the high school which has been the result of Hindu endowments. This sort of toleration has been shown everywhere. There have been Urdu pandits and Sanskrit pandits. Their use has been limited to teaching the language. I do not want that Urdu should be killed nor do the Muslims in Pakistan want Sanskrit to be killed. Suppose in a place like Bezwada where the Muslim population is only a thousand and there are a hundred boys who insist upon this provision then you will have to open a separate high school to teach them all the subjects through Urdu. You will have to open two high schools to carry on the show. At the same time, Sir, I wish to point out that in Tamilnad and in Malabar a large number of Muslims speak what is called the regional language very well. They understand it well. It is said that the regional language cannot be a substitute for the mother-tongue, because the Muslims speak Urdu at home. I concede the position. So far as instruction is concerned, it is a desirability no doubt. But what is the good, for instance, of a few Andhras going into Tamilnad and saying that all the records of the Collector's office and the accounts there should be kept in Telugu? It would be a tall order considering the proportions of the population. Considering the financial issues involved in the matter and the utter impossibility of opening duplicate high schools and other institutions in all these places, considering also the untimeliness of this resolution, particularly when these matters instead of being viewed in a linguistic way are being given a political colour, I would urge upon the mover to withdraw the resolution and press it with greater effect and force on a more proper occasion."

* H. S. HUSSAIN SAHIB BAHADUR:—"Mr. Speaker, Sir, the resolution moved by the hon. the Lady Member Begum Sultan Mir Amiruddin is of vital importance. Therefore we have to take the same view of the whole problem. We have now achieved independence. The State has got a special responsibility to discharge towards minorities. It is charged with the special responsibility of protecting the religion, language and culture of all the minorities that are living under its care and protection. Now, Sir, this problem of the mother-tongue being the medium of instruction has assumed greater importance and greater proportions. This is the time we have to tackle the problem in all its aspects and seriously too.

"Sir, I believe that the Government and particularly the Hon. Minister for Education and also the members of the Ministerial Party will admit and agree that the mother-tongue is the most appropriate medium of instruction for our children, through which we can educate them with the utmost benefit and give them the greatest advantage that education can confer. That being so, I hope that the Government and particularly my hon. Friend the Minister for Education will not hesitate to accept the resolution of the hon. Member as now amended. It appears

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to me to be a harmless resolution and I do not think any other interests will be affected thereby. On the other hand, the Muslims will be satisfied. Their legitimate demands will be met and it will open the way for the progress of a large section and at the same time a very important section of the total population of the Province. The Muslims form about one-tenth of the population. I do not mean to say that all of them talk Urdu or that Urdu is the mother-tongue of all of them. Even according to my Hon. Friend Mr. Nagappa who quoted from the scripture of statistics, there are Muslims numbering about 10,20,000 whose mother-tongue is Urdu or Hindustani as he puts it by confusing the whole issue as he so often does. I may tell my hon. Friend that Urdu is the basic language and Hindustani is Urdu as spoken in the bazaars of Lucknow and Delhi and it is colloquial. That is why it is called Hindustani. I may inform this House and my hon. Friend Mr. Nagappa that Urdu as spoken in Deccan is called Deccani. Perhaps he is not aware of it. The basic language is Urdu, the language written and spoken by highly literary persons. Therefore let us not confuse the issue as to what is Urdu, what is Hindustani and what is Deccani. Let us give all what is their due. Therefore, Sir, if there is a reasonable demand from any section of Muslims that their children should be educated through the medium of Urdu, I do not see any reason why the Government should fight shy of it, especially because it has now become not only the primary duty of the State but the most sacred duty of the State after the achievement of independence to protect the rights of minorities. We Muslims want to remain in the independent state of Madras as I would call it, because provincial autonomy is at work and I am sure it will be continued under the Constitution Act that is going to be framed shortly. That being so. . . (Sri S. Nagappa rose to interrupt) I am not yielding, Sir, and I do not want to yield. We have to tackle this problem in a realistic way with a breadth of vision. We have to see far ahead in the future. If we are really concerned with the welfare of the various sections of the people inhabiting this vast Province, the Government should make up its mind here and now to see that all legitimate demands of every section of the people—be it ever so small—are met in the proper manner and all are given the satisfaction that they need. My hon. Friend Mr. Raghavayya thinks and feels that this is a legitimate demand, but he has got his own reasons for not supporting the resolution. He says that there are now two official languages and these languages have to be the national languages of the two Dominions. But I would humbly submit that that argument appears to be fallacious. When Hindi is adopted as the national language of the Dominion of India, it means that it becomes the language for all, not merely for the Muslims. It will be much easier for the Muslims to learn it because they already know Urdu and Hindustani and Hindi is based more on Sanskrit culture or culture other than Urdu. The script is in Devanagari. But it will be easier for us to learn it as a national language and we are prepared to learn it and we have no objection. That

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should not mean that the Government should deprive us of our right to receive instruction in our own mother-tongue. The basic principle has been expressed by the hon. Member Mr. Fowler who is an educational expert, I believe, and who has taken a very detached view of the whole question, very dispassionately and without identifying himself with this side or that side. He has expressed the view that the mother-tongue is the most appropriate medium of instruction for our children. This fact cannot be disputed by anybody, much less by a Government. Even Government cannot get away from truth and therefore if we are adherents if truth we must go according to the truth and according to nature. If that is so, I do not see why this harmless resolution that is now before the House should be rejected simply because we are committed to a certain policy, simply because it is considered to be a question of prestige. Not at all. That should not be the attitude of the Government in a matter like this. The Government should not think that it could adopt any attitude it likes towards any section of its own people. That is wrong, if we are really the protectors of the interests of the people. Every section of the people should be protected in the way in which it is entitled to be protected. Therefore, Sir, I would appeal to the Hon. the Minister for Education and the Government and also the party behind the Government to take a sane view of the whole problem. It is not a mere passing phase in the life of the people of the Province. It is going to be a permanent phase which is to give the utmost benefit to all the sections of the people.

“ Then, Sir, there is the argument which has been advanced more than once both on the floor of the House and outside that a common language is essential for the unity of the people. But, I think, Sir, that that sort of theory has been sufficiently exploded. Our whole province is going to be divided on the basis of language into Andhra, or Tamilnad or Karnataka and Kerala. Then, Sir, what is happening elsewhere? In spite of there being a unity of language, in spite of there being one language spoken by all communities and all classes of people, disaster after disaster has occurred. I do not therefore believe in the theory of one language uniting all the people. I believe the policy of adopting the regional language as the medium of instruction is not at all based on that theory. I hope it is not so. Here I would sound a note of warning. My Friend Mr. Nagappa said that if in the place of the words ‘ Muslim students ’ the word ‘ students ’ was there, then the resolution would have meant something. If there are non-Muslims also whose mother-tongue is Urdu, let them receive instruction through the medium of Urdu, or Hindustani as Mr. Nagappa would call it. Even if the word ‘ Muslim ’ is omitted, the resolution will stand in principle, because the principle underlying the resolution is that, whether Muslims or non-Muslims, those whose mother-tongue is Urdu should receive instruction through the medium of that language. We do not say that Muslims alone should receive instruction through the medium of

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Urdu. Of course the resolution is worded in that manner because so long the Government has persisted in their hostile attitude towards Urdu being adopted as the medium of instruction for Muslim students. We want to be liberal. We say: 'Don't confine it only to Muslims. There are many Muslims whose mother-tongue is not Urdu; let them by all means receive instruction through the medium of their mother-tongue, Tamil, Telugu or Malayalam. We have no quarrel with that. The main point is that the best medium of instruction is the mother-tongue, because it is the language that is spoken at home and which the child learns from its very infancy. It may be that in vast areas as in Andhra Desa the mother-tongue of a large majority of people is Telugu which may be called the regional language. The same thing is given in a different name, but the principle is the same. If in an area there are a large number of Muslims and even non-Muslims whose mother-tongue is Urdu, why should the Government hesitate to provide facilities for giving instruction through the medium of Urdu? That is the question I ask. I believe the Hon. Minister for Education will give a very satisfactory answer so far as the principle underlying the resolution is concerned.

"My hon. Friend Mr. Raghavayya said that Urdu would be the official language or the national language of Pakistan. He may also know that in Pakistan there are non-Muslim minorities also living. I say that the education of the non-Muslim minorities there should also be through the medium of their mother-tongue, whether it is Urdu or not. We have to follow a definite principle in matters of education. Educational experts should be consulted on the point and I believe that the Hon. Minister for Education has by now acquired sufficient knowledge and experience in matters educational. But I cannot call him an educational expert, because educational experts are different persons. Their opinion has to be respected, but the Minister for Education has to carry out the policy and programme of his own Government, whether it is the Provincial Government or the High Command of the Provincial Government. So far as political questions are concerned, I do not mind if this Government are governed by the High Command. But so far as an important subject like education is concerned, we have to formulate our own policy to meet the legitimate demands of our people and the Government should think and act independently and do the right thing. I do not want to waste the time of the House unnecessarily. But the subject being so important, I would like to say a few more words with your permission."

SRI PILLALAMARRI VENKATESWARLU:—"On a point of order, Mr. Speaker. May I know if Members are allowed to sleep when the session is going on?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"May I point out that it is absolutely parliamentary to sleep?"

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MR. SPEAKER:—"Members should not sleep. However, in the House of Commons, the members are allowed to sleep. Simply because in the House of Commons the members are allowed to sleep, it does not mean that I should follow it blindly. I will read from the Hansard itself. This took place on the 7th May 1946:—

'FLYING OFFICER LEVER:—"On a point of order. May we have your ruling, Mr. Speaker, as to whether it is in order for members to sleep even on the Front Opposition Bench?"

MR. SPEAKER:—"It is not out of order for members to sleep, no matter upon what benches they sit."

In this connexion, I wish to inform the House that it is all right if the Members sleep quietly. If there is snoring, there will be disturbance. Therefore I am not going to allow sleep."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to submit that in the House of Commons the sessions are held in the night whereas we have our sessions in the day."

MR. SPEAKER:—"If the Members want to sleep, let them close their eyes and keep quiet; let them not snore."

SRI PILLALAMARRI VENKATESWARLU:—"Your ruling is that Members are allowed to sleep but not to snore!"

MR. SPEAKER:—"Otherwise it is not possible to know whether a Member is sleeping or not. Merely closing the eyes does not mean sleep."

SRI R. V. SWAMINATHAN:—"Is your ruling binding on the night sessions also?" (Laughter.)

MR. SPEAKER:—"Yes."

THE HON. DR. P. SUBBARAYAN:—"May I submit that in this tropical country, during the day time also people are inclined to go to sleep? If the Members of the House of Commons are allowed to sleep in a country where the climate does not induce sleep as easily as in this country, I would point out for your consideration that you may at least keep the House of Commons ruling."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"The heat of our country is so much that it is absolutely impossible for one not to sleep."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I want to know clearly what exactly your ruling is. You said that Members might sleep but not snore. In replying to a question, you set snoring as the test for sleep. If one sleeps but does not snore, and if the fact of sleeping is proved by other means than snoring or the Member himself confesses it, is it an offence?"

* SRI N. S. VARADACHARI:—"Members who are inclined to sleep will be helped by their neighbours in keeping silence. I have known many people who, though seemingly sleeping, keep mentally alert. I have known a very distinguished High Court

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Judge who often appeared to be sleeping. But immediately a point was raised by the lawyer, he would turn round and ask whether he was not arguing that particular point."

Mr. SPEAKER:—"That means that the Judge was not sleeping, he was merely closing his eyes."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Members of the House of Commons do not sit in the House continuously from 11 to 5. They come, stay for 15 or 30 minutes, and go away. But we come here and sit from 11 to 5 like schoolboys listening to all the rigmarole."

Mr. SPEAKER:—"The hon. Member should not use the word 'rigmarole'. It is an insult to the House and so he must withdraw that word."

M. S. ABDUL MAJID SAHIB BAHADUR:—"I beg to withdraw the word. May I know whether the Hon. Speaker will give us permission to sleep?"

(No answer.)

THE HON. DR. P. SUBBARAYAN:—"May I point out for your consideration that the word 'rigmarole' is allowed in Parliament and is considered parliamentary?"

Mr. SPEAKER:—"I will point out that it has been ruled unparliamentary. But I have not got the Hansard here. It all depends on the Speaker who sits on the Chair."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"What are we to say of some hon. Members who keep their eyes open but are still known to sleep?" (Laughter.)

Mr. SPEAKER:—"Order, order. I have already given the ruling. Mr. H. S. Hussain will now continue his speech."

3-45 p.m. H. S. HUSSAIN SAHIB BAHADUR:—"Sir, I have not lost the trend of my speech among the various points of orders raised just now. So far as I am concerned, they have no relevancy to my speech."

"Now, Sir, to resume my speech, my hon. friend Mr. Nagappa, if I have heard him aright, said that the Urdu script is a wonderful script and that it is written from right to left. I do not see why my hon. friend should have thought fit to make such a remark about a language that is rich in culture, that has been handed down to us from ancient times, a language that has been respected and loved by eminent literary men, including men like Sir Tej Bahadur Sapru and the Hon. Pandit Jawaharlal Nehru. Perhaps my hon. friend Mr. Nagappa is not aware that there are various languages in the world which are written in various ways, from right to left, from top to bottom and from left to right. The grandeur, the importance and the sacredness of a language does not depend upon the manner in which it is written. Therefore, I would ask my hon. friend Mr. Nagappa not to indulge in such remarks in future

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about any language, let alone, the Urdu language. Therefore, Sir, a language that had been sanctified should be given the respect that it deserves and I hope that a popular Government like ours will pay due regard and attention to this language, particularly when there is a legitimate demand for it by a section of the people, however small, for using that language as the medium of instruction for their children in schools. Then the question as to the feasibility of providing necessary facilities for the teaching of our children through the medium of Urdu has to be considered and I believe my hon. Friend Mr. Raghavayya raised that point. He said that though it is desirable, it may not be a practicable proposition. That is what he appears to have said. But then I say, if the Government have any regard for the needs of any section of its people, then it is its primary duty to go to the full extent and provide that facility for that section at any cost. I may even take the responsibility to tell the Government on the floor of the House, if the Government so require, that the Muslim community whose mother tongue is Urdu would even be prepared to bear the extra burden of the expenditure, if the Government wants to provide them with facilities for education that they legitimately need. I say, it is the bounden duty of the Government to do it. If the Government feel that it is not able to provide the necessary facilities, we shall be even prepared to make sacrifices to get the education of our children through our own mother tongue. That is the point that I would like to stress upon the attention of the Government particularly on the attention of the Hon. Minister for Education. It is a matter of life and death for any people if they are not provided with facilities for getting the advantages of education through the medium of their own mother tongue, because the mother tongue is the best medium for receiving instruction. Then alone can our children be benefited to the utmost and be made the best citizens of the country. Therefore, Sir, this vital question should not be brushed aside. The Government should not take up an unreasonable attitude. It will be wrong on the part of the Government to do so. I may even go to the extent of saying that it will not be moral on the part of the Government to deny this legitimate right of one section of its people. Therefore, Sir, I would very strongly appeal to the Government and particularly to the Hon. Minister for Education and also the members of the Ministerial Party to take a very sympathetic view of the whole question and not to be side-tracked, if I may say so, by some political slogans on the question of national language of this dominion or that dominion. We are not at all concerned with that. We are concerned with our own advancement. We want to be loyal and useful citizens of the State of Madras in the Indian Union. That is what we want to be here. We want to contribute our best for the progress and advancement of this State. It is on these grounds, Sir, that I here put in a very strong plea to the Government and to the Hon. Minister for Education and to the Ministerial Party to take a

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proper view of the whole problem, to take a long view of the problem, to have a proper vision of the whole question and to do the right thing at the right moment. We declare, as we have already declared, our loyalty to the Indian Union, and we stand by that. At the same time we stand by our legitimate rights too and we expect that the Government will, in due course, reconsider its attitude towards this problem and come to our rescue and do us this great service, which they are bound to do at a time like this, when we have not only achieved independence, but we are going to retain it, with the help of all sections of the people, not only of this Province, not only of the whole of the Indian Dominion, but also of the other Dominion. Therefore, Sir, with these humble suggestions and the views that I have put forward before this honourable House, I very strongly support the Resolution as amended."

* SRI S. NAGAPPA:—"On a point of personal explanation, Mr. Speaker, my hon. Friend Mr. Hussain went on attacking me as if I am against his language or against the interests of his community. As a member of the minority community, I am here to support all reasonable demands. But my friend wants me to support Urdu, which on his own showing and according to the statistics that have been collected, cannot at all stand the test of being used as a medium of instruction in all schools in the Presidency. Sir, he has also been saying that I am disrespectful to his language. Not at all, Sir. I respect every language as I respect my own mother tongue. My friend was speaking only about Urdu and the Urdu-speaking community. But there are also other sections of people in this Province speaking different languages. For instance, I have known in this province and in this City a number of people speaking the Arabic language, the Persian language, the Guzarati, Marathi and the like, and are we to satisfy all these people when they put forward their individual demands for giving instruction to their children through the medium of their mother-tongue out of public funds?"

MR. SPEAKER:—"That will do. The hon. Member has fully explained his position. Now I shall call Mr. Ataullah to speak."

Mr. Ataullah rose to speak.

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Mr. Speaker, Sir, I may say that this resolution has taken three days. This is the third day and it is but unfair that one resolution should be made to block others. I think it is time that this resolution is put to the vote of the House, Sir."

MR. SPEAKER:—"As I have already told the House, if I accept the closure and put it to the vote of the House and if the House accepts it, then the Hon. Minister for Education will have no opportunity to speak on it. Probably the Hon. Minister is thinking of the procedure that is followed in the Central Assembly. I am not following that. I am following the practice in the House

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of Commons and in other countries, according to which if the House accepts the closure motion, the question will have to be put without further discussion. Now I have called Mr. Ataullah to speak. As soon as he finishes his speech, I will ask the Leader of the Opposition to speak and then the Hon. Minister for Education will reply and the resolution will be put to vote afterwards."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of order, Mr. Speaker, the Hon. Minister for Education used the words 'Unfair to the House'. That is with reference to the action of the Chair, Sir. It is you who have allowed it and you were very fair, Sir, by having conducted the proceedings of the House in the manner you have conducted, and the Hon. Minister is not right, in having made use of the word unfair, when he said that it is unfair that this resolution should have been allowed to occupy three days."

MR. SPEAKER:—"I did not hear those words."

THE HON. DR. P. SUBBARAYAN:—"Sir, all that my Hon. Colleague said, if I remember right, was that if we spend three days on a single resolution like this, then other members who have given notice of other resolutions and Bills on non-official days are really stopped from going on with their work because there is only one non-official day in a week. Therefore, all that my colleague has appealed to, was for the concern of the feelings of other members."

* M. S. ATAULLAH SAHIB BAHADUR:—"Speaker, I rise to support the resolution moved by my hon. Friend the lady Member Begum Sultan Mir Amiruddin and the amendment thereof, by our revered leader Muhammad Ismail. Sir, it is the fundamental right of every citizen to have security and to be taught in the language of his mother tongue and it is also the fundamental right of every Muslim—and I suppose that the constitutional rights of minorities have been definitely accepted and safeguarded that when he so claims, he should be given all facilities to have the medium of instruction in his mother tongue. Sir, having heard the speeches of Members on the other side, giving expression to their feelings in various languages which are their own mother tongue, we cannot but be impressed by the love and fervour with which they were able to express themselves in their own mother tongue. We have heard Telugu Members expressing their views much better in their own language than others and so also have the Tamilian Members been able to express their views in Tamil much better than in any other language. While such is the case, Sir, what is wrong in our claim that we should also be taught in our own mother tongue which is our language, so that we may also be able to express ourselves better. Sir, as we have been under foreign domination all these years, it was for the purpose of a common court language that we have had to learn the English language which has become the medium of expression in all courts and also in Government throughout all these years, but in spite of it, the former Bureaucratic

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Government had allowed us the liberty of having our own language, wherever it was wanted. So, after we have got Independence and when we say that it is the duty of the Provincial Government to provide us with facilities for education through the medium of our mother tongue, and if we are denied that birth right, that constitutional right, then what does it mean? Sir, it is not a question of Hindu or Muslim. It is a question of the mother tongue. If anybody wants to have the medium of instruction in his own mother tongue, is it not his right to ask and is it not for this Government to sanction it without much discussion? Some Members expressed the idea that Urdu being very difficult, a language which is written from right to left, a language which they cannot understand, should not be allowed. But, as one hon. Member admitted, this is one of the ancient languages, just like the Persian, the Arabic, the Hebrew and others which are written from right to left; Chinese, Japanese, Mongolian and some other languages are written from top to bottom; and so, this should not be the basis for rejection. Some hon. Members on the other side have been confusing the issue between the national language and the mother tongue. National language should be one, of course no one would deny; but that does not mean that the mother tongue should be totally abolished or not cared for. In this large linguistic sub-continent, we have got several languages spoken and written, and if people want to have facilities to write and speak in their own mother tongue, is not fair that this Government should allow it? Sir, I appeal to the good sense of the House and especially of the Hon. Minister for Education that he should concede this inherent right of every human being and accept this resolution, with the amendment. Sir, I have done."

M. MUHAMMAD ISMAIL SAHIB BAHADUR—"Mr. Speaker, Sir, at the outset, please allow me to express my appreciation of the members who have given their support to this resolution which we on this side consider is a very important one. The hon. Mr. Venkateswarlu understood the very spirit of the resolution and he gave his full and hearty support to it for which we cannot but express our gratitude. Other members, though they objected to the resolution in its present form, really gave us some useful suggestions. We are all obliged to them for those suggestions. I may also say here that I thank the Hon. the Minister for Education in advance for the sympathy which he is sure to show to us in this matter. In spite of his stern exterior, I know the great sympathy he has got for the people of this province including the minorities. Therefore, Sir, I do not at all care for or cavil at the things that have been said on the floor of this House in regard to this resolution. I want them only just to scrutinise this resolution from a dispassionate point of view and in a cool and calm frame of mind. This resolution which I have the honour to commend to this honourable House and to the Government for their acceptance, along with my amendment, reads like this:

'This Assembly recommends to the Government to make provision for Muslim students whose mother tongue is

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Urdu to receive instruction in schools and colleges through the medium of that language, wherever they desire to do so, provided there is a sufficient number of such students in the locality.'

I do not know what objection there can be to this resolution, to this very reasonable resolution. The first portion of the resolution says that provision should be made for Muslim students whose mother tongue is Urdu. Many of our friends have put the question whether there are any considerable number of Muslims who have got Urdu as their mother tongue. This is a mere matter of fact. We have been harping upon this thing for months and months now, and if there is to be a controversy even upon this question of fact, I do not know what to say about it. You may refer to the figures of the census, or if you are doubtful even of the census figures, you may, as suggested by one of our friends here, investigate the matter afresh and find out whether there are Muslims here at all who have got Urdu as their mother tongue. I may tell you that almost all the Mussalmans in the northern districts, in the Andhradesa, have got Urdu as their mother tongue and their number, according to the latest figures, is more than 15 lakhs. Then there is a large number of Mussalmans in the other parts of the province such as the Madras City, the Trichinopoly City, the Madura City, also in Salem, North Arcot and other places. Altogether, people who have got Urdu as their mother tongue will not be less than 20 lakhs in the province. Twenty lakhs, Sir, is not a small number; that is double the population of one of the countries of Europe, viz., Albania; and it may be even treble the population of certain other countries which have got all facilities for developing their own culture and their own language. And simply because this population lives in the midst of another vast majority of people it should not be deprived of its right to stick to its mother tongue and have the facilities for developing its own culture which is based upon its mother tongue. If there is any doubt about this figure, there is the usual, simple method of finding out the facts.

"Another point that was raised was about the practicability of giving instruction through the medium of Urdu. There again, there is no superhuman difficulty in the matter; there is nothing impossible about it; because the Mussalmans are concentrated in various places, in fairly large numbers. They are not thinly spread over the whole province from one end to the other. There are places like Madras where you have got a concentration of Muslim population in particular mohallas. There is also the city of Madura where you have the Urdu Muslim population concentrated in a mohalla or two. Therefore, there is no difficulty which you cannot overcome in the matter of introducing Urdu as medium of instruction for boys and girls who have got Urdu as their mother tongue.

"Then, Sir, some friends ask whether there is any other country in the world where such provision is made. I may say that there are countries and countries; I beg of my friends to

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raise their eyes and see what happens in the world. We should not confine ourselves to narrow limits and then try to judge of the whole world from that point of view. Take for example Canada. Its population is only a thirtieth of our population. There, they have got two languages and education is being given in two languages. Take again Switzerland; the population of that country is only as much as the Muslim population of this province and nothing more. And yet, how many languages there are there? More than three languages in which education is being given to the people. Such a small country as that has developed three languages and is giving education in all the three languages. And I may go on multiplying instances like this."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"I would like the hon. Member to multiply the example."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Then there are countries in Europe where there are more than one language. There too they have got minorities, and the minorities have been recognized not only by such people as ourselves, but by no less an authority than the League of Nations. Their rights in the matter of language and culture, i.e., the rights of those minorities in the European countries, are taken under the cognizance of the League of Nations. They can appeal, according to the rules of the League of Nations, to the League of Nations themselves, wherever their language and their culture are concerned. Therefore, Sir, this is a question which is not peculiar to our country; it is a question which is prevalent throughout the whole world."

"Then again, some friends said they would like to follow other countries. But do we follow other countries in every respect? Wherever it suits them, they take the example of some country—like England perhaps—where there is only one language; and where it suits them, they say they will not follow that country. When conditions here are advantageous, they compare our country to other countries, but wherever the conditions are disadvantageous, they do not want to follow them. Take for example, Canada which I have already referred to. For a population of ten millions, it is a country which is twice as big as India. Take the railways there; how much they spend over the railways as compared to India? If you take the expenditure on railways, their expenditure will be much more than what we spend here. Are you, on that basis, going to spend so much on the railways here? Sir, conditions differ from country to country; and every country must deal with its problems from its own point of view, according to the conditions prevalent in that country. The hon. Mr. Raghavayya said that in Russia there are languages and languages. There is one language there for even about 1,500 people and they have created a script for it and the people speaking that language are being educated in that language. After citing this example, he went on to say that there should be only one language for this country. Is it practicable; and will all the hon. Members of this House even agree to such a proposition? Sir, some years ago there

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was a conference held called the Hindu Sahitya Sammelan which was attended by Mahatma Gandhi. There Gandhiji proposed that the Nagari script should be adopted by every vernacular in this country. That was his advice, that was his suggestion and that was his resolution also. Then, a lady from the Tamil Nad, who happened to be the Chairman of the Reception Committee—I mean Lady Sadasiva Ayyar—objected to it. Lady Sadasiva Ayyar was the Chairman of the Reception Committee of the Sammelan which was intended for developing the unity of languages. She only wanted the script to be uniform for all the languages. She wanted the writing of these languages to be one. That is what she proposed to the people of this country. Therefore, I ask, Sir, why that principle is not followed.

"Then again, another hon. friend of ours said that Urdu is not mentioned as the national language. Call it anything you like, Sir, we must have a language which is spoken by the Muslims, which we call Urdu and which is their mother tongue. We want instruction to be given in the mother tongue of the Muslim community, and we request that instruction might be given to the Muslims in that language which is their mother tongue. That is what we are asking."

"Then, Sir, the insertion of the word "Muslim" in this resolution is being objected to. That was inserted with a view to prevent another objection. If we say simply students having Urdu as mother tongue, then there will be people who will say that there are non-Muslims also having Urdu as their mother tongue. We did not want to impose that language on that principle and so we inserted this amendment. We want the Government to do things in such a way as to respect the feelings of the minority community on such an important matter as this. Culture and language of minority are things of which they are very very anxious. So, anything which detracts from their capacity to develop their own language in the proper way, even as other languages are being developed, will make the Muslims depressed and distressed."

"Sir, you all speak of unity. I need not elaborate on that point further. Even if this House is not agreed on that matter, I want that the whole Province and the whole country should be united. Several minorities are there. You have to admit things accordingly. If you recognize a minority, it means there is difference and if you recognize this difference, I only request you to observe the results of these differences in a reasonable way. I do not ask you to give instruction through Urdu even in a place where there are only two or three Muslims. Can the Government persist in saying that Urdu which is the mother tongue of the Muslims will not be used as the medium of instruction in spite of the amendments which I have tabled and which have been accepted by the Hon. the Mover of the Resolution? So, when you accept those differences, when you recognize them and when you respect them, you must adjust those differences to produce a

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friendly feeling and a feeling of unity that is real. There are countries in which there are different languages but yet people are pulling on together. I also want our Government to make it possible for people here to do the same. When we speak of the mother tongue, we do not at all depreciate the value or the necessity of the study of the regional language. It is in the interests of the minority community to be conversant with the regional language. They know that but they say, even as the other communities have got the right to develop their culture and language and are receiving instructions in their languages, this community also must have the right. You all know and I cite that example, what happened in this country before the advent of freedom. We had to learn a foreign language and that foreign language we are continuing to speak even to-day. But then conditions were different. We were forced to study that language. So, you should not take that as a precedent and ask the minority communities to forego one of the conditions of freedom, that is, to give instruction to their children in their own mother tongue. To have the regional language as the medium of instruction, will be very unfair to the minority communities. It is recognized throughout the world that language, culture and religion of the minorities should be respected wherever they are. When that is done, there will be harmony and there will be unity and when there is unity everything will go on well. Only when there is opposition, there is trouble. That opposition can succeed for some time but it cannot succeed all the time and conduce to lasting contentment. What I desire very much to impress upon the powers that be is, that for creating that contentment which will contribute towards the unity and harmony of this Province, the minorities must be given all reasonable facilities for fulfilling their demands. With these words, I support the resolution and I am sure that the Government will view the matter very sympathetically and will accept the resolution."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Mr. Speaker, Sir, 23 hon. Members have taken part in this debate. The mover of this resolution herself has taken nearly two and a half hours including the time she took on the previous occasion when she moved the resolution. I have also noted down the main points urged on behalf of the resolution. Before going into the details of those points, I would like to point out the position of international law as urged by the League of Nations in this matter. The Hon. the Leader of the Opposition mentioned many countries and he said finally "and so on". That is a way of argument, Sir, which does not normally appeal to me because there may be many things or there may be nothing in these "so-ons". I would like to read just a few lines from this report of the League of Nations on the protection of minorities on basic education. The report was published by the Geneva Secretariat of the League of Nations in the year 1930. (One hon. Member: Very ancient.) Ancient, no doubt, but I will just read the relevant portion and

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it gives the principle on which the League's action is founded. This is what they say. I do not wish to tire this House by long quotations.

It stys:

'The following pages contain a brief analysis of the texts of the treaties, conventions, declarations, etc., upon which League action is founded. Of the measures taken by the Council to ensure application and of a few specific things which will give a general idea of the League's activity in this connection.'

Again it says:

'Differences of race, language or religion are not to prejudice any national of the country in admission to public employments, functions and honours or in the exercise of professions and industries. Nationals belonging to minorities are to have equal rights to establish, manage and control at their own expense, charitable, religious and social institutions, schools and other educational establishments, with the right freely to use their own language and to exercise their own religion.'

So, Sir, this Government do not object to any schools being opened or conducted by any community and using any language as medium of instruction at their own cost. Sir, it is not the object of this Government to put a ban upon any community using its own mother-tongue as the medium of instruction but the real point is this. The claim put forward by the community is at the State expense that parallel schools should be run wherever there is a demand for Urdu to be the medium of instruction. This is not the intention of the report of the League of Nations which says that the minorities are to have equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools, etc. That is why we cannot accept the resolution even as amended by the amendment of the Leader of the Opposition."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are they not reasonable?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"I am not one of those who believe that simply because the League of Nations has recommended, that must be accepted. We are anxious to do something better and we want to be quite fair to the other side in order that we may preserve the unity of this country.

"Sir, there are various points raised by various speakers but the points raised are briefly few, though my hon. Friends have taken three days to expound them. They are (1) It is only through the mother-tongue that culture can be developed and education can be developed. (2) Urdu is the language through which the Muslim culture is preserved. (3) Separate institutions have not resulted in disturbing peace. (4) Urdu is the common language of Hindus and Muslims in the north. Therefore, the logical question arises whether the Urdu-speaking Muslims should be given instruction in that language or through the regional language.

"Sir, we have had certain appeals from the Muslim members not to be guided by slogans and I would appeal to them in those very terms. Especially the last appeal which we heard from the

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other side was an appeal for the protection of minorities here and also of minorities in Pakistan. Before going to that subject, I must refer to the growing bitters of the minorities, that is prevailing in Pakistan. After the establishment of Pakistan our friends here have not the power or the liberty or the authority to talk on a subject like the protection of minorities in Pakistan on behalf of Pakistan. So, let us leave those things to them. I would have liked my hon. Friends to have based their arguments on their own reasons and not resorted to these slogans. Sitting here, we cannot speak of the rights of minorities in Pakistan. That kind of argument should not be used any more in this country. It is not the job of anybody here to talk about the protection of minorities in Pakistan. Whatever we may concede here for the minorities, nothing may happen for the minorities in Pakistan. So, let us not compare the minorities there with those here. The less we talk about it the better.

"Now coming to the points, Sir, I would first like to assure you that I have visited some of those Muslim institutions which are in charge of the education of the Muslim children and I have always felt, in this matter of education, that they are as much my children as others."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Bachelors' children!" (Laughter.)

4-30 P.M. THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That is the privilege of bachelors, Sir. All people's children are their children. Married men have their own children to please or to displease them whereas in the case of bachelors, all children are their children. Sir, what I wanted to assure you is that I am interested in the education of every Muslim child and also in the culture of every Muslim. I want to give them the best education that is available consistent with the unity and the solidarity of this great country. With that basic principle, I am prepared to go as far as I can under our present circumstances, finances being also an important consideration. Consistent with this principle, Sir, I am anxious and I am willing to extend all help and to give the best education to every Muslim child because it must grow up according to its culture. It has been made clear in the resolution that it has reference only to those who have Urdu as their mother-tongue. It was stated by some hon. Members that Muslim culture is imbedded in the Urdu language. I am anxious and I am sure that my friends like the hon. the Leader of the Opposition are also anxious that Muslim culture should be preserved. I am anxious that it should be done. But, how will they do it? This provision is only for people who have Urdu as their mother-tongue, but to say that Muslim culture can be preserved only through the medium of Urdu, it is contradicting itself, because they do not want Urdu for people for whom Urdu is not the mother-tongue and it cannot be said that those whose mother-tongue is not Urdu have no Muslim culture."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of personal explanation, Sir."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I do not think personal explanation is necessary, because the speeches made so far have made the position clear. They have talked over the resolution for three days and I do not think they are going to make it clearer by another five minutes. You must sympathise with me, Sir."

MR. SPEAKER:—"I do sympathize with the Hon. Minister. The Chair will have also to be sympathised."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I want only to prove that the hon. Members themselves have conceded that Muslim culture can be protected without Urdu, because friends who do not have Urdu as their mother-tongue they can still protect their culture without having Urdu. It is therefore wrong to argue that their culture can be protected only through this language."

"Sir, we have been told that Urdu is the language of the Hindus and the Muslims. Quite so. We have been told that Urdu is the language of Pandit Nehru and for that reason we have great respect for that language and for that very reason we have no prejudice for that language. So, if we are not able to accept this resolution, it is not because of any prejudice against that language, but it is because of other very reasonable considerations. Therefore, Sir, if I stand up here and oppose this resolution it is not because that it is the language of the Hindus and the Muslims and as stated by one of the hon. Members, there are very distinguished authors and poets in Urdu among the Hindus—it is not because of any prejudice against the language, but because of other considerations which are very important in practical life."

"Let me first examine the effect of this resolution. I do not want to put an unfair interpretation on it. In regard to Urdu being made the medium of instruction, let me take a place like Coimbatore which I know very well. Let us see how many mother tongues there are in this place. I know there is Tamil, Telugu and also Malayalam because there are a lot of people from the neighbouring district of Malabar who talk that language; there is Kannada and also Marathi, because there are a lot of Mahratta people who came across with Shivaji and though they might have forgotten the language still they speak some sort of Marathi in their homes; there is Urdu, there is Hindustani and there are also a certain number of Bengalis who speak Bengali. I ask, Sir, is it a practical proposition for any State to provide for these various languages throughout the district. Suppose, we are able to provide for elementary education in the case of these people, what will happen is, the question will be put: 'Oh! you have given facilities in the lower classes for students to be taught."

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in their mother-tongue and now you don't provide such facilities in high schools.' The same will be the complaint if you don't provide such facilities in colleges and the children who have studied in these mediums can well make such charge against us. So, Sir, I do not think this resolution can be accepted or if once the resolution is accepted, you must go to the extent which Mr. Venkateswarlu wants us to go, which no State can do. Here, I would like to refer to our experience of the Urdu schools. There are Urdu schools in the Coimbatore district and I have seen them in some of the places. I hope hon. Members will not mistake me when I say that they are such in which respectable Muslims do not like to send their children because they find that the standard maintained in such schools has not been up to the mark. Even here in Madras where I understand the Muslim High School is maintained fairly well, I know there are very respectable and learned Muslims who do not want to send their children to that school, but prefer to send their children to the Christian College High School or to any other high school. Why? It is because they themselves believe that in these separate schools education is of an inferior type. (An hon. Member from the Muslim group: 'Question.') So far as I have been able to examine the question, I am led to conclude that these have not been successful.

"Sir, I do not want to make much of your time except to say this. In matters of education, it is not the immediate effect that is of supreme importance, but it is the effect that it will have on the community and the country in the long run that should be taken into consideration. Let us consider for a moment, what will be future of this Province. Already in Bengal, Bengali is the provincial language; Hindi is the provincial language of the United Provinces and I understand that steps have already been taken to make Hindi the provincial language of the Central Provinces and in this Province why we have not yet decided on the matter, because of its composite nature. In course of time, I hope, sooner rather than later, this Province will get divided into regional languages, viz., Tamil, Telugu, Malayalam, Kannada and then the languages of Courts, the languages of Colleges, the languages of the Provincial Governments will be the regional language. Let me say the Courts will not allow you to argue in language except the regional language. So, Sir, I must say that in the interests of the future of the Muslim children of this great Province so that they may live with as much freedom and with as much privileges as any other community in this Province, this is wrong, this is bad. Some people may say, 'oh! we don't care for jobs,' but it is only those people that very often put questions as to what is the percentage of Muslims in this job and that. I say we are interested in seeing that all the children of all communities are qualified in such a way that they can take to any job in this Province. So, Sir, looked at from that very important and supreme point of view and with a broader vision, I say that this resolution will, in the long run work hardship upon the future

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of the Muslim children and Muslim community. In the interests, therefore, of the Muslims themselves, I think, I must take the responsibility of opposing this resolution.

"Sir, I would not like to take much of the time of the House except to say this. In England, in France and in many other countries of the world, there are people who speak other languages but I must point out that in none of the States the system of education provides separately for all the languages. (M. Muhammad Ismail Sahib Bahadur: 'What about Switzerland?') Switzerland consists of four provinces with four different languages, but even there every child is not educated in all the four languages, but since it is a small country, though it is divided into four parts, people learn all the four languages. (Abdul Hameed Khan Sahib Bahadur: 'What about Russia?') I am not prepared to talk about Russia here. It cannot be that in every place you can have a language for each section of the population. So, Sir, in the interests of higher education of these very children and in the interests of the finances of this Province—for the finances of this Province are not sufficient even to maintain the existing schools, both elementary and secondary, in a satisfactory manner—because without finance no State can get on, for these very weighty reasons I think it will be absolutely impossible for us to accept this resolution and act up to it.

"Before concluding, Sir, I would like to say one or two words. I am anxious that we should come to some understanding with the Leaders of Muslim opinion in these matters. I have invited the Leader of the Opposition to a conference with me, so that we can talk over this and many other matters connected with Muslim education and I hope it will be possible for us to come to some amicable conclusions. I am sure they are as much willing and anxious to come to terms as we are and to come to amicable conclusions. I have learnt to trust them as I have trust in every other section of the community and I have no doubt they will play their part in the growth and development of this Province. I hope they will be actuated, as we are actuated, by a proper spirit of unity, a spirit which will make us so live as we may be proud of this great country belonging to all of us. As I have already stated, I have invited him and I hope it will be possible for us before long to meet and discuss matters and to come to right conclusions. I have nothing more to add, Sir, except to request the hon. Mover of the resolution to kindly withdraw it in view of the considerations I have placed before you."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information, Sir. May I know from the Hon. Minister whether he keeps an open mind on this subject or whether he is definitely opposed to the matter?"

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I think, Sir, I spoke plain English and I am always anxious to keep an open mind."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"It is the language which he used that makes me put this question. He said more than once that he opposed this resolution and then later on he said he was going to invite me to a conference with him and some other friends. Therefore I wanted to know whether he is definitely against this proposal or he keeps his judgment in suspense so that he may come to conclusions after he discusses the matter with our friends."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I am anxious that we should come to amicable conclusions but I am not in a position to give any more assurance about this matter. I have expressed my view in the speech I have just now made and if the hon. the Lady Member or others concerned in it, do not withdraw the resolution, I have nothing left except to oppose it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, the Hon. the Minister for Education has made an appeal and he expects there will be a response to his appeal on this side by withdrawing the resolution. There should be response on both the sides and if he tells us that till the conference to which he has invited Muslim members of this House for settling the question of Muslim education takes place, he would not make up his mind definitely on this question and that at the conference we could come to an understanding, both parties sitting and discussing across the table, we are prepared to respond to his appeal. We are also as much anxious as he is, if not more, to bring about an amicable settlement."

4-45 p.m. THE HON. DR. P. SUBBARAYAN:—"I think that my Hon. Colleague has made it perfectly clear that he is prepared to meet hon. Gentlemen on the other side across a table and see what could be done though he was very careful to say that he gives no undertaking on that point. (An hon. Member: 'He says he opposes the resolution.') What he meant by that was that as at present situated the Government are not in a position to accept the resolution as it stands. If the hon. Member who has moved this resolution withdraws it and if as a result of the talk conclusions are arrived, they may take it for granted that whatever agreements are come to, they will be honoured by my Hon. Colleague; but if the resolution is persisted in, the Government are constrained to oppose it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"How can there be a compromise with a threat?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, what I have been trying to make clear is that we do not want any undertaking. We wish to know if the Hon. Minister would keep an open mind. We say: 'Do not give any undertaking now and do not make up your mind.' We want to know whether that will be the attitude of Government. We are not going to tell them that they said this thing and that on this

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occasion. What we want to know is whether the subject is as liquid as it was before or whether Government have made up their minds one way or another. We want to settle the matter in a friendly and amicable manner, so that we may arrive at some conclusions and work for the common good of the Province. That is why we want to know the attitude of the Government; we want to know whether the Government have made up their minds or not and there will be some use in having a conference only if Government have not made up their minds. My request is a very reasonable one and I want the Government to understand it in the spirit in which it is made and that is why I am making this request."

THE HON. DR. P. SUBBARAYAN:—"There was no question of threat at all as my hon. Friend the member from Kurnool pointed out. All that I said was that if hon. Members on the other side want a settlement, they have heard my Hon. Colleague and they know what he has said; if they are willing to withdraw, they are welcome. If they do not, then the Government will be constrained to oppose it—I am sorry I have to repeat it again."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Regarding the point raised by the Hon. the Leader of the Opposition whether the position is as liquid as before. I may tell him that there are many factors unsolved and they are in their proper proportions and it is very difficult for me to say which is the portion that is solid and which is it that is liquid and which gaseous."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to know from the Hon. Minister whether this will be one of the subjects which will be considered at the conference."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"It is open to my friend to raise any subject in the conference which is relevant to this subject, and it will be decided by the Government."

MR. SPEAKER:—"I wish to know from the hon. the Lady Member if she wishes to withdraw the resolution."

BEGUM SULTAN MIR AMIRUDDIN:—"I wish to reply."

MR. SPEAKER:—"I have no objection. But under the rules, I will have to give the right of reply to the Hon. Minister and then I will have to put the resolution to vote. In view of the appeal made to the mover, I wish to know whether she is withdrawing the resolution. I have no objection if she wishes to reply and I am not compelling her to withdraw."

* BEGUM SULTAN MIR AMIRUDDIN:—"I wish to speak on the subject, Sir. It is indeed a matter of intense regret and disappointment to note that with reference to a simple resolution that I have moved in this House in regard to an ordinary, natural and elemental human right, the members on the side opposite

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have not been able to shed their political and communal prejudices and regard the issue in its ordinary, natural, academic and human aspect. If members on the opposite side had reflected on the proposition calmly, coolly, dispassionately and cast away their political prejudices, their pre-determined ideas and preconceived notions, they would have spoken in a different manner. But in this unfortunate land of India, I find that political, sectarian and caste differences crop up with reference to every question and every aspect of human life. The other day when I was speaking at the Law College, Madras at an important symposium, I happened to support a cause which the Brahmans had at heart but to my dismay, I found Non-Brahmans vehemently opposing the proposition as it would help the Brahmans. I appealed to the audience and the speakers not to view the question from the Brahman and Non-Brahman point of view but to regard it from its human aspect for whether a man is a Hindu, a Brahman a Non-Brahman or a Muslim one cannot overlook the fundamental fact that he is human as well. Hence the human aspect should be taken into consideration in determining every issue. But I am sorry to note that in India the human aspect is relegated to the background and political considerations hold sway in regard to every matter. It is because of this that so much unnecessary heat and opposition has been imported into the motion under discussion. After all, what is it that we have been asking and what is the purport of my resolution? It is nothing impracticable; nothing new, nothing which is beyond the capacity of the Government for what I have asked is in effect tantamount to the maintenance of the *status quo* with a few additions. If the Government have been able to implement the purport of my resolution all these years, why should it not be possible for them to do so henceforward? I would invite the attention of the Hon. Minister for Education to the report of that great educationist the late Sir Meverill Statham, in regard to post-war educational reform. If hon. Members of this House and the Minister will read the report of that eminent educationist who was free from any bias, they will find that he stressed the need for the Muslims being imparted instruction through the medium of their mother-tongue which would be possible mainly in separate schools. Had there been no Muslim College, no Madrasa-i-Azam for Muslim boys or the Hobarts High School for Muslim girls in Madras, I may inform the House that Muslim education would not have advanced to the extent that it has done of late.

“The other day the hon. Mr. N. S. Varadachari made a speech whose ‘prima facie’ impression was that he was differently constituted from the others and was governed by a fairer outlook. But, Sir, soon his rhetoric gave way and his inner self was revealed. The current slogan of eradicating separatism which has become a fetish with members on the other side and the contention that unity in language is necessary for harmony among the people of the land was repeated by him ‘ad nauseum’

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despite the fact that I had made it abundantly clear from the events in the Punjab and Bengal that unity of language did not necessarily lead towards harmony and understanding among people. It is the unity of the heart, it is the unity of the mind Sir, that create harmony, concord, understanding, peace and amity among people and not uniformity of language. In Switzerland not one language but three languages hold sway, namely German, Italian and French yet despite this and despite the fact that there are three different sets of people of that land each of whom maintains its own culture, the people of that little country constitute a united nation. Although Switzerland is a small country, it can verily serve as a lesson and a model to other great countries of the world.”

MR. SPEAKER:—“I suggest that the hon. Lady Member takes two to three minutes.”

BEGUM SULTAN MIR AMIRUDDIN:—“Mr. Speaker, members have spoken in this House in a multitude of tongues with the result that I have not been able to follow their speeches. Mr. Raghavayya made a sensible speech in the beginning for he pointed out that in Russia even a population of a thousand when it spoke a particular language in any area had its schools in its own language. But some eventually political prejudices had the better of his judgment and he also opposed the resolution.

“I wish to point out that one of the reasons for which Muslims wish to learn Urdu is that it is an all-India language as distinguished from the provincial languages. Undoubtedly many advantages would accrue to Muslim students by their study of this language apart from the fact that it is a repository of their culture. Being akin to Hindi, Urdu is a language through the medium of which Muslims can have contact with the other parts of the country and its knowledge will prove most valuable for trade purposes. Muslims have never been parochial in their outlook; their vision is not cramped by narrow provincial considerations, hence they wish to be acquainted with a language which would carry them to any part of India. As you Mr. Speaker want me to conclude soon I have to leave unanswered some of the points that have been urged by the members opposite.

“In the early part of his speech the Hon. Minister stated that he would oppose my resolution but in the end he appealed for an amicable understanding, for which he said he was convening a conference and he has assured us that he would keep an open mind at the conference with reference to this subject. In the flush of the newly acquired independence perhaps he is not able to view the question in its proper perspective and hence it is better that he is given sometime to make up his mind. I may inform the Hon. Minister for Education that his Hon. Colleague Mr. Gopal Reddi, who was officiating for him during the last session of the Assembly when he was at Delhi, was prepared to accept my resolution. I do not know why a change has come

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over the Government now. In determining this question, I hope they will bear in mind the importance of acting with justice and fairness to the minorities of this province.

"I am thankful to you Mr. Speaker for allowing me five more minutes."

MR. SPEAKER:—"The hon. Lady Member will finish within three minutes so that I can have time to put the motion to the vote of the House."

BEGUM SULTAN MIR AMIRUDDIN:—"I am glad to find that the Hon. the Minister for Education in spite of his preliminary remarks is now prepared to keep an open mind and to discuss the question at the Conference that he intends shortly to convene. Sir, I wish once again to emphasize that our demand is in effect tantamount to the maintenance of the *status quo* with a few additions here and there. That is all, Sir, that we desire. I am sure the Hon. the Minister for Education has no intention of abolishing the Government-Madrassa-i-Azam the Government Muslim College, the Government Hobart High School, the Government school for Muslim girls at Georgetown, the High School for Muslim girls and boys at Trichinopoly, and other places. I am sure he has no intention to do so. Why then should he not come forward and accept my resolution? I therefore cannot understand the present attitude of the Government. It seems only to be a question of prestige and power that has impelled the Hon. Minister to ask me to withdraw my resolution. I am sure he will realize the reasonableness of my demand and like his generous colleague, the Hon. Sri B. Gopala Reddi, he will come forward to accept my proposition.

"In conclusion, Sir, I wish to express the hope that the Government when they discuss this question will be guided by the considerations of justice and fairness and will bear in mind the following injunction of their great scripture, the Manava Dharma Shastra."

MR. SPEAKER:—"Is the hon. Member withdrawing her resolution?"

BEGUM SULTAN MIR AMIRUDDIN:—"Yes, Sir, I was referring to the injunction contained in the Dharma Sastra and with that I shall conclude. The quotation runs as follows:—

'Justice being preserved will preserve, being destroyed will destroy;

Take heed lest justice being overthrown, harm thee and us all.'

"So with these words Sir, and with the assurance that the Hon. the Minister has given that he will examine this question with an open mind and without any bias, I am withdrawing my resolution now in the hope that after the flush of the newly

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attained independence and power has subsided within him, he will act justly and reasonably. I shall bring my resolution again if there is need for it."

MR. SPEAKER:—"Does it mean that the Leader of the Opposition also withdraws his amendment?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Yes, Sir."

MR. SPEAKER:—"I hope the House will give permission to Begum Sultan Mir Amiruddin and the Leader of the Opposition to withdraw the former's resolution and the latter's amendments."

The amendments and the resolution were by leave of the House withdrawn.

MR. SPEAKER:—"I now adjourn the House to meet again at 11 a.m. on Friday, the 31st October 1947."

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APPENDIX.

[Vide answer to starred question No. 331 asked by Sri V. I. Muniswami Pillai (on behalf of Sri S. C. Balakrishnan) at the meeting of the Legislative Assembly held on the 30th October 1947, page 114 supra.]

I

Statement referred to in the answer to clause (a) of the question.

District.	Not available for cultivation.	Other uncultivated lands excluding current fallows.
(1)	(2)	(3)
	ACS.	ACS.
Vizagapatam	1,131,399	627,914
East Godavari	986,183	590,557
West Godavari	279,404	270,163
Kistna	413,438	281,938
Guntur	465,860	214,683
Kurnool	301,561	636,926
Bellary	228,151	407,870
Anantapur	475,188	991,515
Cuddapah	455,967	858,660
Nellore	1,597,296	1,166,291
Chingleput	607,492	291,255
Madras	18,685	..
South Arcot	655,400	213,605
Chittoor	1,487,485	618,348
North Arcot	479,990	387,753
Salem	686,144	741,125
Coimbatore	345,730	124,443
Trichinopoly	446,786	316,849
Tanjore	629,579	195,510
Madura	245,109	687,697
Ramnad	750,968	526,995
Tinnevely	403,716	162,676
Malabar	610,572	963,684
South Kanara	412,034	628,895
The Nilgiris	34,292	47,312
Total ..	14,148,429	11,952,664

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II

Statement referred to in the answer to clause (b) of the question.

District.	Name of zamindari.	Cultivated and cultivable area.
(1)	(2)	(3)
		ACS.
Vizagapatam ..	{ Vizagapatam	384,000
	{ Bobbili	65,280
East Godavari ..	.. Pithapuram	157,120
Kistna	.. Devarakota	89,600
Nellore	.. Venkatagiri	769,960
Chittoor	.. { Karvetnagar	218,880
	.. { Kalahasti	368,000
Ramnad	.. { Sivaganga	232,960
	.. { Ramnad	586,880

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 31st October 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—STATEMENT BY THE LEADER OF THE HOUSE *RE* THE OBJECTIONABLE NATURE OF A SUPPLEMENTARY QUESTION.

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, before you commence the business of the House I want to tell you that there were questions with regard to the Special Officer Mr. Anantachari yesterday. Sir, I enquired of him, and he has assured me that though his son is an advocate, he never appeared before him in any case whatever. Therefore, I would request through you, Sir, that hon. Members should be sure of their facts before they cast aspersions on any officials of the Government for the simple reason that no Government can expect loyalty from its servants if Members of the Government who sit on these Treasury Benches do not defend them when defence is necessary. Therefore, I would request hon. Members to be sure of their facts before they ask questions of this nature. Secondly, I would request you to have Mr. Nagappa's question withdrawn, because it was clearly an aspersion on the Special Officer which, I think, is not fair to him."

SRI S. NAGAPPA:—"In the question that was put yesterday, I did not mean anything personal. I just wanted to ask Government whether they were satisfied . . ."

MR. SPEAKER:—"I understand the position of Mr. Nagappa. He never meant anything wrong."

SRI S. NAGAPPA:—"I did not disclose . . ." (Interruption.)

MR. SPEAKER:—"The hon. Member is feeling sorry for what he said yesterday."

SRI S. NAGAPPA:—"The question put yesterday was ~~not~~ whether the son of the Special Officer was not practising. Sir, let me make my position clear before I make the Hon. the Leader of the House understand my position clearly. The thing is, I did not put any particular question whether his son was practising or his son's friend was practising or whether he is junior lawyer or a senior lawyer . . ."

THE HON. DR. P. SUBBARAYAN:—"On a point of personal explanation, Sir. The question that he put and which I objected to is 'Are you aware that the Special Officer is not free from corruption?'"

SRI S. NAGAPPA:—"Yes, Sir. I do admit that I put that question. I am now also asking the Government whether they are satisfied—I ask not of this officer or that officer—that the officers who are in charge of putting down corruption . . ."

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MR. SPEAKER:—"The hon. Member need not explain what he said yesterday."

SRI K. BHASHYAM:—"It is only aggravating the offence, Sir."

SRI S. NAGAPPA:—"If the Government have taken it as an offence, I withdraw the question, Sir."

II.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Threat of direct action by Non-Gazetted Officers.

* 334-A Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Premier be pleased to state whether it is a fact that the Non-Gazetted Officers of the Secretariat Service are going to stage a direct action at an early date?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—"The Secretariat Association have indicated their intention to take 'direct action.' But the Government are not aware whether they are actually going to stage 'direct action'."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, whether the Government have received any representation from the Secretariat Association regarding their grievances, and if so, what action have they taken?"

THE HON. DR. P. SUBBARAYAN:—"I have already said more than once in public that I do not believe in trade unions among Government servants, because Government are in a different position from a private employer. If direct action is taken, Government will know what to do in the matter."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I then ask, Sir, what these Government servants are to do to get their grievances redressed?"

THE HON. DR. P. SUBBARAYAN:—"They have got the usual official courses through which they can make their representations."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"After having resorted to all those resources if they find that they are not able to get their grievances redressed, then what are they to do, Sir?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member is aware as I am that the Government did go into the question of the pay of these officials and came to their conclusions, and increased their pay. If these people are not satisfied

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with the usual channels of communicating their representations, hon. Members here are only making the position of the Government worse by taking this line of action, when the question is in a very critical stage indeed."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of personal explanation, Sir. We are not at all here for making the situation more critical. Our desire is to help the Government and the public in this matter and we do not want to have anything untoward in connection with this affair. That is the reason for our putting this question, Sir, and we want to know from the Government whether they can pull on with the Government servants who have got reasons to be discontented?"

THE HON. DR. P. SUBBARAYAN:—"I can assure the hon. Member that the Government know what to do when such action is threatened. I am not prepared to take the question any further to-day."

SRI N. VENKATASUBBAYYA:—"Sir, are not such threats contrary to the conduct rules of Government servants, and therefore should not the Government take stringent measures to put them down?"

THE HON. DR. P. SUBBARAYAN:—"Sir, I have told hon. Members already that I would far rather let the Government take the necessary action when such an occasion arises, and therefore as I have already said, I would request hon. Members not to press and make the situation worse."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I want to know whether the Government think that the public have no concern at all in this matter?"

THE HON. DR. P. SUBBARAYAN:—"I would like to point out to the Hon. the Leader of the Opposition that the Government is a very delicate instrument, and questions like this make that delicacy more difficult still. That is why I requested hon. Members not to press this question any further with supplementary questions. But if they choose to do otherwise, I shall have to say that I have no further answer to give."

SRI PILLALAMARRI VENKATESWARLU:—"As the answer given to the question is not satisfactory, I request you, Sir, to allow a half an hour debate on this to-day, because the Hon. the Leader of the House has, in reply to the Hon. the Leader of the Opposition, said that he will have to say that he has no further answer to give. Hence I request you to allow a half an hour debate."

MR. SPEAKER:—"The Hon. the Leader of the House has already told us that the question was very delicate. He wants time, and he has already requested hon. Members not to put supplementary questions. It is our duty to help Government at this juncture. He has also said that the situation is critical."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I want to make it clear that the public also have got some concern. They know that the Government is an instrument for their welfare. They are, therefore, for supporting the Government. But, in supporting the Government, they want to have the position clearly placed before them. They want to know whether the position of the Government servants is one that is to be sympathized with or one that is to be condemned. Therefore, the public must know what is really the position; whether the Government servants are in the right or wrong, so that they may give their sympathy or withhold their sympathy to their cause. It is very important from the point of view of the Government also for the public to know the real situation so that they may also advice these Government servants according to the situation."

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Member for his long speech, but I have no answer to give."

SRI K. ANANDAN NAMBIYAR:—"On a point of information, Sir. The Hon. the Minister has said that the matter is very delicate. We want to know how it is delicate, and in what way it is delicate. The mere fact of delicacy does not carry us anywhere."

THE HON. DR. P. SUBBARAYAN:—"I have no further answer to give, Sir."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"May I enquire, Sir, of the Leader of the House, whether, if he says that the Government machinery is a delicate mechanism, it is not a fact that Government servants are leading delicate lives, and therefore this matter deserves consideration on the floor of this House?" (Laughter.)

(There was no answer.)

SRI PILLALAMARRI VENKATESWARLU:—"The Hon. the Leader of the House has told that he has nothing more to add. But, as it stands, nearly 155,000 Government servants are affected, and if any direct action is to be resorted to, the Hon. Minister has told us that he knows what he has to do. In these circumstances, I request you, Sir, to allow a half an hour debate. This is a very important matter, and the whole public is awaiting the opinion of this House, Sir."

MR. SPEAKER:—"I am sorry. I am not going to allow a half an hour debate on this."

SRI S. NAGAPPA:—"May I ask, Sir, what prevents the Government from adopting the Central Pay Commission's recommendations?"

(There was no answer.)

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Direct action by Non-Gazetted Officers.

* 334-B Q.—**M. MUHAMMAD ISMAIL SAHIB BAHADUR:** Will the Hon. the Premier be pleased to state—

(a) whether the Government are aware of the decision of the Association of the Non-Gazetted Officers of the Madras Secretariat to resort to direct action; and

(b) what steps the Government are taking or propose to take in this connexion?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) The answer is in the affirmative.

" (b) The Secretariat Association have been told that their threat of 'Direct Action' is a breach of the Government Servants' Conduct Rules and have been called upon to explain why disciplinary action should not be taken against the members of the Association."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, whether this kind of step will prevent the action that is proposed to be taken?"

THE HON. DR. P. SUBBARAYAN:—"I have already explained in answering the previous question that Government have got to do what they think is necessary on the occasion, and I am not prepared to take the question any further."

SRI V. I. MUNISWAMI PILLAI:—"May I know, Sir, from the Government whether there is any truth in the rumour that some of the Members of this Assembly have been setting up the non-gazetted officers?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of order, Sir. Is this not again casting an aspersion on the Members of this hon. House?"

SRI K. ANANDAN NAMBIYAR:—"Is not the reference made by Mr. Muniswami Pillai casting an aspersion on the Members of this House, Sir. That must be withdrawn."

MR. SPEAKER:—"Let me hear the question again."

SRI V. I. MUNISWAMI PILLAI:—"I asked Sir, whether there is any truth in the rumour that some of the Members are taking part in setting up non-gazetted officers . . ."

MR. SPEAKER:—"The hon. Member's question is in order."

THE HON. DR. P. SUBBARAYAN:—"Government have no information on this point."

SRI K. ANANDAN NAMBIYAR:—"My point of order is this. 'Setting up' is not a proper word. That is why I said . . ."

MR. SPEAKER:—"I have now heard the question properly. That is why I asked the hon. Member to put the question again."

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MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is there any truth in the report that the hon. Mr. Muniswami Pillai is inspired by Government to put such questions?"

11-15 a.m. THE HON. DR. P. SUBBARAYAN:—"On the other hand, this is an aspersion on the hon. Member that he has been inspired by Government to put such questions."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the seriousness of the matter which affects such a large number of the Government servants as a whole, may I know whether the Government have exhausted all possible means of satisfying the demands of these unfortunate people?"

THE HON. DR. P. SUBBARAYAN:—"I have already told hon. Members not to press on this delicate question. The hon. Muslim Member from Kurnool has been long enough in the Legislature to know the delicate nature of the conditions of service."

SRI V. RAGHAVAYYA:—"May I know whether it is not within the privilege of M.L.As. to organize a body of the Government servants? I want to know if it is not the privilege of members of this House to do so."

THE HON. DR. P. SUBBARAYAN:—"Sir, I am glad the hon. Member has put this specific question. He knows his responsibility as well as I do."

SRI KALLUR SUBBA RAO:—"Is there any objection to a dissatisfied Government servant getting out by resigning?"

THE HON. DR. P. SUBBARAYAN:—"That is always open to any member of service, even in private employ."

SRI S. NAGAPPA:—"Will the Government consider the desirability of appointing a sub-committee to go into the demands of the non-gazetted servants, as it was done in the case of the Central Government servants?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member is aware as myself that a Cabinet Sub-Committee went into the question of revision of salaries of Government servants of this Province and they came to their conclusions and effect has already been given to them."

SRI PILLALAMARRI VENKATESWARLU:—"May I know whether the Leader of the House is aware of the fact that the Cabinet Sub-Committee appointed by the previous Government did not go into the matter in detail and it is only an interim report they submitted?"

(No answer.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware of the fact that the Cabinet Sub-Committee appointed by the previous Government represented only the parties of employers?"

(No answer.)

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H. S. HUSSAIN SAHIB BAHADUR:—"May I know whether it is the considered opinion of the Government that this whole question is one not of public importance, but only a private matter as between the Government and its own servants?"

THE HON. DR. P. SUBBARAYAN:—"I have already explained again and again I have no further information to give."

SRI PILLALAMARRI VENKATESWARLU:—"May I know whether it is not a fact that the Government employees' association was recognized by the Government?"

THE HON. DR. P. SUBBARAYAN:—"The Government employees' association was recognized by the Government, but they do not stand as an ordinary trade union."

SRI B. S. MALLIKARJUNA RAO:—"May I know, Sir, whether this direct action contemplated is the result of prolonged waiting and repeated petitioning to the Government in respect of their grievances?"

THE HON. DR. P. SUBBARAYAN:—"The Government have considered the whole question and have come to their conclusion."

SRI K. ANANDAN NAMBIYAR:—"If the association is recognized by the Government, may I know why not the Government deal with the association properly and reply to their specific representations?"

(No answer.)

Epidemic of an undiagnosed fever in Anantapur.

* 334-C Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Minister for Public Health be pleased to state whether the Government are aware of the press report of an epidemic of an undiagnosed fever in Anantapur, and if so, whether they will be pleased to state—

(a) the total number of attacks and deaths on account of the above fever till to-day; and

(b) what steps the Government have taken to diagnose and control the epidemic?

THE HON. SRI A. B. SHETTY:—" (a) Yes. Seventeen attacks and 9 deaths, till 23rd October 1947.

" (b) An Assistant Director of Public Health was deputed to investigate the matter. He inspected the municipality on 23rd and 24th October 1947. He is of opinion that the disease is nothing but a recrudescence of plague in the municipality. The usual measures to control the spread of infection are being taken."

DR. S. SUBRAHMANYA AYYAR:—"May I know whether there were any ratfalls in the town, and whether any such things were repeated?"

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THE HON. SRI A. B. SHETTY:—"Yes, there were ratfalls, and the rat smears sent after the 20th instant were declared positive for plague by the King Institute."

DR. S. SUBRAHMANYA AYYAR:—"Is it a new epidemic or was there a similar epidemic before in that particular locality?"

THE HON. SRI A. B. SHETTY:—"Not a new epidemic. It is the recrudescence of bubonic plague, which was there earlier in February and March."

SRI KALLUR SUBBA RAO:—"Are Government aware that plague is prevailing in a number of villages in Anantapur district?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know the peculiar symptoms of this mysterious fever?"

THE HON. SRI A. B. SHETTY:—"In many cases buboes are found and it is considered they are cases of bubonic plague."

Delay in the refund of the collective fine in Mannargudi.

* 335 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Premier be pleased to state—

(a) whether the local public of Mannargudi complained to the Premier during his visit that the collective fine which was ordered to be refunded, has not yet been refunded;

(b) why so much delay is caused; and

(c) what steps the Government are taking to refund the amount soon?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. the Premier):—" (a) Yes.

" (b) & (c) Delay was due to the voluminous nature of the work as nearly 4,500 cases of refund had to be written up. Steps have been taken to refund the collective fines quickly and it is reported that the work is being attended to with the utmost promptitude."

SRI A. VEDARATNAM PILLAI:—"May I have the total amount of fine collected from the public of Mannargudi and may I know whether the Government propose to refund the whole amount or only a part of it?"

THE HON. DR. P. SUBBARAYAN:—"Notice."

SRI P. KAKKAN:—"கனம் சட்ட மந்திரி அவர்களே, கூட்டு அபராதம் போட்ட முறை நியாயம் இல்லை என்பதை தெரிந்துகொண்டு தானே அதைத் திருப்பிக்கொடு என்று சொல்லுகிறார்கள்?"

THE HON. DR. P. SUBBARAYAN:—"The fact that the fines are being returned shows that the present Government and the Government that were on these Benches before and who ordered refund of fines, considered they were not properly collected."

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SRI K. T. KOSALRAM:—"இம்மாதிரி கூட்டு அபராதத்தை எல்லா இடங்களிலும் கொடுக்காமல் ஒரு வருஷம் வீண் நாள் கடத்தப்படுவதற்கு என்ன தாரணம் என்பதை கனம் மந்திரி அவர்கள் சொல்லுவார்களா?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member will put a separate question as the present question refers to Mannargudi."

SRI R. V. SWAMINATHAN:—"May I know whether the Government are aware of the fact that the Government Order to refund collective fines in Tiruvadanai in Ramnad district has not been carried out properly?"

THE HON. DR. P. SUBBARAYAN:—"The present question refers to Mannargudi and not to Tiruvadanai. The hon. Member will put a separate question."

SRI R. V. SWAMINATHAN:—"It is a general question, Sir."

MR. SPEAKER:—"It does not refer to Mannargudi and therefore the Hon. Minister asked the hon. Member to put a separate question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know from the Government whether Government have ordered the refund of all collective fines that were levied on the people of Mannargudi in 1942 and thereafter?"

THE HON. DR. P. SUBBARAYAN:—"Those cases where the Government considered fines were improperly collected were ordered to be refunded."

SRI P. KAKKAN:—"தலைவர் அவர்களே, கூட்டு அபராதம் போட்டது நியாயம் இல்லை என்று சொல்லுவதால் கூட்டு அபராதம் போட்ட அதிகாரிகளின் மீது நடவடிக்கை எடுத்துக்கொள்வார்களா?"

THE HON. DR. P. SUBBARAYAN:—"Collective fines were imposed by the Advisers, and the officers had nothing to do with it; they carried out the orders of the Government. Most of the Advisers have returned to England, and I cannot see how action can be taken."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Can the Government give the figures of the amount of collective fines that have been remitted and the amounts that have not yet been remitted in Mannargudi?"

THE HON. DR. P. SUBBARAYAN:—"I have not got the figures handy, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising from the answer of the Hon. Minister, may I ask what is the basis on which they have arrived at the conclusion that there is difference between one class of people who have paid the fine and to whom the fine has been refunded and another class of people to whom the fine cannot be remitted?"

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THE HON. DR. P. SUBBARAYAN:—"Because the Government felt, in the case of those people who are entitled to a refund, collective fines were wrongly imposed."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know, instead of refunding the fine, whether the Government could not utilize the fine for the benefit of the Province?"

THE HON. DR. P. SUBBARAYAN:—"Most of the collective fines have been returned. If they are to be utilized for the benefit of the Province it would mean an additional tax on those who are not guilty."

SRI K. ANANDAN NAMBIYAR:—"May I know the number of cases in which fines have not been returned in Mannargudi?"

THE HON. DR. P. SUBBARAYAN:—"I have no information."

Appointment of a Principal Private Secretary to the Hon. the Premier.

* 336 Q.—MUHAMMAD RAZA KHAN SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether a Principal Private Secretary has been appointed to the Hon. the Premier;

(b) if so, what is his salary and grade of pay; and

(c) his duties and functions as the Principal Private Secretary?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) Yes.

" (b) Status of a Secretary to Government. Pay Rs. 1,425 per mensem plus special pay of Rs. 250 per mensem and cost of living allowance at the rate admissible.

" (c) The Principal Private Secretary assists the Premier in the disposal of Government business. After the transfer of power the work of the Premier has increased considerably and the need for a senior officer of experience to help the Premier is felt."

SRI S. NAGARAJA MANIGAR:—"May I know whether the Private Secretary was appointed after the transfer of power to us?"

THE HON. DR. P. SUBBARAYAN:—"That is so."

K. M. SEETHI SAHIB BAHADUR:—"May I know the status and service of this official?"

THE HON. DR. P. SUBBARAYAN:—"He is of the rank of a District Collector; he was Joint Secretary of the Revenue Department before and he has considerable experience of Government work."

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The number of cases against Communists, etc., withdrawn under the general amnesty.

* 337 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Home Minister be pleased to state—

(a) the number of cases against Communists, Trade Union and Kisan Sabha workers withdrawn under the general amnesty programmed for August 15th;

(b) why the Government have not withdrawn the remaining cases which arose in particular situations that have completely changed now; and

(c) whether the Government can place on the table a list of such cases not withdrawn stating the reasons for not withdrawing them?

THE HON. DR. P. SUBBARAYAN:—" (a) In view of the Independence Day celebrations, the Government decided to withdraw cases not involving violence pending against Communists. In pursuance of this, the following are the important cases among others that were ordered to be withdrawn:—

(1) Madura Communist Conspiracy Case, (2) Golden Rock Rioting Case, (3) Vikramasingapuram Rioting Case, (4) Coimbatore Rioting Cases, (5) Case against A. S. K. Ayyangar in Madras, (6) against A. K. Gopalan, (7) against K. P. Gopalan and (8) against K. P. R. Rayarappan.

Withdrawal of security proceedings under section 107, Criminal Procedure Code, against Communists in various Courts in the Presidency and withdrawal of certain other cases are under consideration.

" (b) If there are any more cases against Communists not involving violence, the Government will consider their withdrawal.

" (c) No."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of order, Sir. You ruled the other day, the word 'why' should not be addressed to the Government. But here in this question there is the word 'why'." (Laughter.)

MR. SPEAKER:—"No, no. What I said the other day was, that in a supplementary question the word 'why' being argumentative, should not be used. Sir Abdur Rahim, the President of the Central Assembly, disallowed it on the ground that it is rather argumentative. That is what I told the House on that day."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that the withdrawal of cases depended on the nature of the offence, viz., whether violence was used or not, I want to know whether

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the Government have no definite policy as to which cases come under violence and which do not and will they issue a clarification on the matter? "

THE HON. DR. P. SUBBARAYAN:—"There is no question of clarification. What is violence or not violence will be considered by the Government in every individual case."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, why the case against K. Pattabhiramiah was not withdrawn? "

THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman may draw his own conclusions."

SRI K. ANANDAN NAMBIYAR:—"May I know, Sir, whether it is not a fact that the Madura Conspiracy Case was thrown out by the Magistrate himself and the Government were not showing any clemency by withdrawing them? "

THE HON. DR. P. SUBBARAYAN:—"I do not know what he means by 'thrown out by the Magistrate', Sir. If the hon. Gentleman cannot understand clemency exercised by the Government, I cannot help him."

Additional police camps opened in Divi taluk.

* 338 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. Home Minister be pleased to state—

(a) how many additional police camps were opened in Divi taluk in Chellapalli Estate, Kistna district, in the course of the agrarian disputes;

(b) how many of them are still being kept up;

(c) whether any complaints have been received from the local people about the misdeeds of the police; and

(d) whether the Government will place the complaints on the table of the House?

THE HON. DR. P. SUBBARAYAN:—" (a) Thirteen additional police camps were opened in Divi taluk in Chellapalli Estate at the time of the agrarian disputes at the following places:—

- | | |
|---------------------|--------------------|
| 1. Chellapalli. | 8. Velivolu. |
| 2. Pedakallepalli. | 9. Sreekakulam. |
| 3. Chinakallepalli. | 10. Thippalakatta. |
| 4. Gazulalanka. | 11. Kaza. |
| 5. Yarlagadda. | 12. Potharlanka. |
| 6. Amadalalanka. | 13. Madakuduru. |
| 7. Pedaprolu. | |

" (b) All except the one at Chellapalli have been withdrawn. The latter is not a regular camp but consists only of additional strength sanctioned to the station.

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" (c) Yes.

" (d) The Government consider that no useful purpose will be served by placing the copies of the representations on the table of the House. The hon. Member will, however, be given an opportunity to peruse them, if necessary."

SRI PILLALAMARRI VENKATESWARLU:—"May I know what action the Government have taken on the complaint? "

THE HON. DR. P. SUBBARAYAN:—"The Government might have taken any action that they thought was proper. If no action was taken it means that there was nothing in the complaint."

SRI PILLALAMARRI VENKATESWARLU:—"May I know why the additional camp in Chellapalli was not withdrawn while the rest were withdrawn? "

THE HON. DR. P. SUBBARAYAN:—"Because the Government think that the camp is necessary."

SRI PILLALAMARRI VENKATESWARLU:—"Now that there is no particular agrarian dispute in the Chellapalli area, may I know on what grounds the Government came to the conclusion to continue the camp? "

THE HON. DR. P. SUBBARAYAN:—"It is entirely for the Government to consider whether such a camp is necessary or not."

Prosecution against Sri Pothy Reddi.

* 339 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that a prosecution was launched against Sri Pothy Reddi of Chandragiri in Koilpatti taluk, Tinnevely district, for contravening the provisions of Food Control Order; and

(b) whether it is a fact that prosecution against Sri Pothy Reddi has been stayed by the Government; if so, why?

THE HON. DR. T. S. S. RAJAN:—" (a) Yes.

" (b) The orders to stay further proceedings in the case were passed pending the disposal of an appeal that had been filed. The stay ordered has since been withdrawn and the appeal rejected."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is it a fact that the Government is in the habit of addressing letters to the Magistrate asking them for adjournments?"

(No answer.)

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SRI P. KAKKAN:—" May I know, Sir, whether it is a fact that on the report of the Tahsildar the Collector of Madura asked the Police to investigate a case in Chinnarapatti and whether the case was dropped without any investigation on the intervention of some officers? "

THE HON. DR. T. S. S. RAJAN:—" This refers to quite a different case, Sir, and not to the case in the question which I have answered. "

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" On a point of order, Sir. It is always said that silence means acceptance. May I take it that whenever Hon. Ministers keep silence they accept the proposition that is put forward? "

MR. SPEAKER:—" That is not a point of order at all. Moreover silence does not always mean acceptance. "

Rice quota for Kurnool district.

* 340 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the rice quota for Kurnool district has been reduced from 2,500 tons to 1,000 tons; and

(b) whether the reduced rice quota was not supplied in time in the months of March and April 1947?

THE HON. DR. T. S. S. RAJAN:—" (a) Kurnool district was allotted only a quota of 1,000 tons of rice. A quota of 2,500 tons of rice a month was never allotted to the district during the Kharif year 1946-47.

" (b) 838 tons and 600 tons of rice were supplied to Kurnool during March and April 1947 respectively against the quotas allotted for the months. Generally, supplies are regulated with reference to the actual requirements of the districts and the stock return from the district showed that there was always sufficient stock of rice as compared with stocks in most other districts. "

SRI S. NAGAPPA:—" Arising out of the answer given by the Hon. Minister, as the Hon. Minister himself says that he has never allotted 2,500 tons of rice to Kurnool, will the Government at least in future allot enough rice for 12 lakhs population of Kurnool? "

THE HON. DR. T. S. S. RAJAN:—" The Government know when to allot the required quantity. "

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Is it not a fact that the Collector of Kurnool has been asking the Government to increase the quantity from time to time and in spite of that demand that he has made, the Government have been giving only a very inadequate quantity? "

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THE HON. DR. T. S. S. RAJAN:—" The distribution of quotas to the various districts is based upon the actual requirements of the population as well as on the availability of supply and if these two conditions are fulfilled the quota will be given. "

SRI N. VENKATA SUBBAYYA:—" Is it not a fact, Sir, that the Government have been saying recently that procurement was very good and therefore why not increase the allotment for the Kurnool district? "

THE HON. DR. T. S. S. RAJAN:—" The question is, Sir, whether an increased allotment could be given to the Kurnool district. There must be a demand from the local authorities and the Government also must see whether they have sufficient rice in their stock to allot. "

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Do I understand from the Government, Sir, that they have met with all the demand that was made by the authorities of the district so far as the supply of rice to that district is concerned? "

THE HON. DR. T. S. S. RAJAN:—" The districts are allotted quotas consistent with the stock in their possession, Sir. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know whether the Government do not think that the District Collector of the district is not the proper authority to say whether the supplies are adequate or inadequate? "

THE HON. DR. T. S. S. RAJAN:—" The Government always act on the report of the Collector. "

SRI B. S. MURTHI:—" May I know, Sir, whether the food situation in the Province is now under control and the fear of scarcity of food grains is over? "

THE HON. DR. T. S. S. RAJAN:—" I do not know, whether this is a supplementary question arising out of this, Sir. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Arising out of the answer given by the Hon. Minister may I know what is the reason for the Government not taking the word of the Collector of Kurnool in the matter of the inadequacy of supply already granted to the district? "

THE HON. DR. T. S. S. RAJAN:—" The Government can always supply according to the stock in their possession, Sir. "

[SRI S. NAGAPPA:—" May I ask the Government whether they are aware that as it is Kurnool is supplied only with 500 tons which is not enough for a population of 12 lakhs? "

THE HON. DR. T. S. S. RAJAN:—" It is not the case, Sir, that all the 12 lakhs subsist on rice. "

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Tank restoration in certain taluks of the Tinnevely district.

* 341 Q.—SRIMATHI V. LAKSHMI AMMAL: Will the Hon. the Minister for Public Works be pleased to state whether the Government propose to resume the tank restoration scheme in the Nanguneri and Ambasamudram taluks of the Tinnevely district?

THE HON. SRI M. BHAKTAVATSALAM:—"The question of reviving the Tank Restoration Scheme Operations in the whole province is under the consideration of the Government."

SRIMATHI V. LAKSHMI AMMAL:—"Are not the Government aware that in the Tinnevely district there are many tanks that have been silted up and sufficient water cannot be stored?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir. We are examining the whole question."

SRI V. RAGHAVAYYA:—"May I know what the Hon. Minister means by 'tank restoration throughout the Province'? If he means renovation of these tanks will the Government take early steps to use the various tractors and bull dozers so that these tanks may be renovated on a large scale throughout the Province?"

THE HON. SRI M. BHAKTAVATSALAM:—"The hon. Member has apparently understood what I mean by tank restoration scheme. We are examining as to how best to restore and renovate the tanks."

SRIMATHI V. LAKSHMI AMMAL:—"Are not the Government aware that failure of harvests often occur due to lack of water at the proper time in the Tinnevely district and especially in the Ambasamudram taluk?"

THE HON. SRI M. BHAKTAVATSALAM:—"That is the case with tank-fed areas, Sir."

SRI K. T. KOSALRAM:—"Is the Government aware that on account of the tanks not being repaired in Valliyur in Nanguneri taluk nearly 1,000 acres of land are not cultivated for the last two years?"

THE HON. SRI M. BHAKTAVATSALAM:—"I shall take the information from the hon. Member."

Shortage of water for cultivation in West Godavari district.

* 342 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representations from ryots of the West Godavari district complaining about the insufficiency of water for their second crop due to the proportionate supply of water for all the deltas; and

(b) whether in view of the shortage of water the Government propose to raise the Godavari Dam shutter from 3 to 4½ feet?

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THE HON. SRI M. BHAKTAVATSALAM:—" (a) Yes."

" (b) A proposal to raise the height of the Godavari Anicut shutters from 3 to 4 feet is under examination by the Chief Engineer (Irrigation)."

SRI M. BAPINEEDU:—"Arising out of the answer to clause (a) may I know what is the difficulty in complying with the request?"

THE HON. SRI M. BHAKTAVATSALAM:—"The revision of the localization schedule is found to be difficult. The schedules were prepared after detailed investigation for over one year by a special party taking into account the availability of supply in the river and therefore any piecemeal alterations to the localization scheme in compliance with the request made by these petitioners will upset the equilibrium fixed on the basis of the detailed investigation."

SRI ALLURI SATYANARAYANA RAJU:—"Are the Government aware that due to the shortage of water supply, thousands of acres of land are not cultivated in the West Godavari district and may I know what steps the Government have taken to improve the situation?"

THE HON. SRI M. BHAKTAVATSALAM:—"That may be so, Sir. We are examining the question of raising the height of the anicut."

SRI M. BAPINEEDU:—"Arising out of the answer to clause (b) may I know what will be the cost of the work contemplated, Sir?"

THE HON. SRI M. BHAKTAVATSALAM:—"The proposal is estimated to cost Rs. 4,30,000."

SRI M. BAPINEEDU:—"May I know whether there is a proposal before the Government to widen the head sluice of Vijjeswaram canal and to widen and deepen the Ellore canal in the Godavari western delta?"

THE HON. SRI M. BHAKTAVATSALAM:—"The hon. Member may put a separate question."

SRI B. S. MURTHI:—"May I know what is the extra amount of water available by the raising of the shutters by a foot?"

THE HON. SRI M. BHAKTAVATSALAM:—"I should like to have notice of the question, Sir."

Setting up of a Transport authority.

* 343 Q.—M. MUHAMMAD ISMAIL SAHIB BAHADUR (on behalf of M. A. Muhammad Ibrahim Sahib Bahadur): Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that the Government propose to set up a Transport authority to run the motor transport when it is nationalized; and

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(b) if so, what steps the Government would take to co-ordinate the functions of the Traffic Boards (District and Central) responsible for the Motor Transport administration?

THE HON. MR. DANIEL THOMAS:—“(a) The answer is in the affirmative. It is proposed to set up a Provincial Road Transport Board and District Transport Authorities.

“(b) The Provincial Road Transport Board and the District Transport Authorities to be established under the nationalization scheme will be responsible for carrying on the day-to-day administration of the transport services after they are nationalized. The functions of the existing Traffic Boards are to exercise general control over the transport services and to see that the provisions of the Motor Vehicles Act, 1939, and the Rules framed under it are not infringed. As the nature of work of the existing Regional Transport Authorities will be different from that of the new boards care will be taken to see that there is full co-operation between them.”

11-45 a.m. KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—“May I know, Sir, whether the Government are considering the question of setting up an independent Transport Board with a capital of its own, the Government taking a share of the capital?”

THE HON. MR. DANIEL THOMAS:—“Yes, Sir.”

SRI B. S. MURTHI:—“May I know, Sir, whether the Government will give proper and adequate representation for Harijans on these Boards?”

THE HON. MR. DANIEL THOMAS:—“These are Government administrative Boards and not public bodies which would require representation of Harijans.”

SRI B. S. MURTHI:—“May I ask the Hon. Minister whether when there are Harijan officers available in the Government they will have a place on the Boards constituted by Government?”

THE HON. MR. DANIEL THOMAS:—“I think it is too early to go into that question.”

Acquisition of house-sites in the Chicacole Municipality.

* 344 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Collector of Vizagapatam submitted to Government proposals of the Chicacole Housing Committee regarding the acquisition of sites in the Municipality of Chicacole for the purpose of constructing private houses as well as public buildings;

(b) if so, what the proposals are; and

(c) what action the Government propose to take to see that the construction of the buildings is immediately started on co-operative lines?

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THE HON. MR. DANIEL THOMAS:—“(a) Yes, but the report of the Housing Committee has not been received and has been called for from the Collector.

“(b) From the Collector's report it is seen that the Committee has selected 20.38 acres in all, of private lands some of which can be secured by private negotiations and the rest have to be acquired under the Land Acquisition Act.

“(c) As soon as the report of the Housing Committee is received it will be forwarded to the Registrar of Co-operative Societies, for organizing a House Construction Society. After the society is formed it will apply to the Collector for the acquisition of such of the lands as cannot be purchased by private negotiations and start construction. The Government are taking steps to see that building materials like iron and steel, timber, cement, etc., are made available wherever possible.”

SRI G. KUMARASWAMI:—“In view of the increase in the population of the Municipality of Chicacole, will the Hon. Minister take steps to see that the construction of residential buildings is expedited?”

THE HON. MR. DANIEL THOMAS:—“The Government will do all that lies in their power, but the real work has to be done by the local committee.”

SRI T. S. PATTABHIRAMAN:—“Are the Government aware that immediately after the inspection of a proposed site by the Committee and its recommendation to the Collector, the landholders sell away the lands privately?”

THE HON. MR. DANIEL THOMAS:—“That is a matter which will be gone into by the Land Acquisition Officer.”

SRI S. NAGAPPA:—“In view of the fact that at present acquisition proceedings take not less than two years, will the Government consider the desirability of changing the acquisition rules?”

THE HON. MR. DANIEL THOMAS:—“I am very glad the hon. Member has raised this question. As a matter of fact the Government have already under consideration proposals to expedite proceedings under the Land Acquisition Act.”

SRI V. RAGHAVAYYA:—“In view of the fact that all the schemes so far promulgated by the Government refer to the richer and lower and upper middle classes, will the Government start a few schemes for the poor, the landless and the nomadic people?”

THE HON. MR. DANIEL THOMAS:—“The question of providing houses for the houseless and lands for the landless falls outside the province of building construction societies. So far as construction of houses by these societies is concerned, the entire cost of construction is borne by the members themselves. From the nature of things, the poorer classes and the industrial labouring classes cannot afford to become members of co-operative societies. The Provincial

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Housing Committee is examining the question of providing housing for industrial and agricultural labourers and the poorer classes. After their report is received, the Government will consider what action is to be taken thereon."

SRI S. NAGAPPA:—"May I know, Sir, whether the modification of the Land Acquisition Rules will apply to acquisitions of land by co-operative house-building societies or will they apply also to acquisitions of land for cheris, etc., by the Labour Department?"

THE HON. MR. DANIEL THOMAS:—"I know, Sir, that the modifications are sought to be applied to house-building schemes. But with reference to their applications to other schemes, I think the hon. Member may put a separate question to the Minister concerned."

SRI S. NAGARAJA MANIGAR:—"May I ask whether the Government will construct some houses at their own cost in the new sites and give them to the Harijans so that they might live in the midst of Caste Hindus?"

THE HON. MR. DANIEL THOMAS:—"As I said, we are awaiting the report of the Housing Committee."

SRI K. P. KAMAKSHI CHETTIYAR:—"Is it a fact, Sir, that many Collectors have not yet submitted their reports, and may I know why there is such a long delay?"

THE HON. MR. DANIEL THOMAS:—"Delays are inevitable in such matters. But if there is any particular delay in a particular case and if the hon. Member will invite the attention of the Government, the Government will take necessary action to expedite the matter."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising out the answer of the Hon. Minister, may I know whether the Government are prepared to help private individuals and firms which come forward to build houses for solving the problem of housing in the City of Madras and elsewhere, by giving them materials immediately which are not available otherwise?"

THE HON. MR. DANIEL THOMAS:—"As the hon. Member knows very well, the position as regards steel is very difficult in the Province and in the whole of India. The position of cement is better. I think the Hon. Minister for Industries is trying his best to distribute the steel and cement in an equitable and proper manner."

Production of yarn in the Presidency.

* 345 Q.—SRI A. VEDARATNAM PILLAI (on behalf of Sri N. M. R. Subbaraman): Will the Hon. the Minister for Industries be pleased to state—

(a) the total production of yarn monthwar from April to June 1947 in the Presidency;

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(b) the percentage of different counts in the total production; and

(c) what was the percentage of the counts in the total in the years 1944-45 and 1946?

THE HON. SRI H. SITARAMA REDDI:—" (a) The total production of yarn in this Province was 31,833 bales in April 1947, 35,053 bales in May 1947, and 34,904 bales in June 1947.

" (b) & (c) A statement^a showing the percentage of production of yarn in different counts for each count group for the period from October to December 1944 for the years 1945 and 1946 and for the months of April, May and June 1947 is laid on the table of the House. Particulars for the period from January to September 1944 are not available."

SRI S. NAGAPPA:—"From the statement laid on the table, may I ask the Hon. Minister, Sir, why in column 1, what was 7.1 per cent for October to December 1944, has gone down to 2.0 for June 1947 and why the production has gone from bad to worse?"

THE HON. SRI H. SITARAMA REDDI:—"It is not a question of going from bad to worse. It is a change-over from 8s to higher counts."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know whether the Government have made arrangements to give yarn directly to the loom holders and proprietors of looms instead of through any agency?"

THE HON. SRI H. SITARAMA REDDI:—"I do not think this question arises out of this question."

Purchase of mill cloths on ration cards.

* 346 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Industries be pleased to state whether the Government have considered the desirability of amending the Government Order for purchasing mill cloth suitably to make it possible for the public to purchase their full rations on their ration cards till the time of Deepavali instead of limiting the purchase only to 50 per cent of the rations after 31st August 1947?

THE HON. SRI H. SITARAMA REDDI:—"The Government have withdrawn the scheme of quarterly lapses of cloth ration referred to by the hon. Member."

SRI S. PARAMANANDA RAYAR:—"Are the Government aware that mill cloth exempted from rationing is not supplied to mufassal areas?"

THE HON. SRI H. SITARAMA REDDI:—"The cloth that is declared to be out of rationing is distributed by the district authorities. If my hon. Friend brings to my notice any specific case of any particular district, I shall take up the matter with the Collector of the district."

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SRI K. ANANDAN NAMBIYAR:—"In view of the fact that Deepavali is coming, will Government instruct District Collectors to issue instructions to the retail shopkeepers to distribute the full quota for the whole year now?"

THE HON. SRI H. SITARAMA REDDI:—"The distribution will depend on the availability of the cloth. I understand there is enough cloth available at present in various areas."

Training schools for teachers in the Presidency.

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

(a) the number of training schools for teachers in the Presidency—districtwar;

(b) the average number of teachers who pass out each year; and

(c) the amount of stipends paid to pupil teachers—gradewar?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"(a) The answer is laid on the table of the House.

"(b) The average number of teachers who pass out each year is:—

Secondary Grade	...	...	...	756
Higher Elementary Grade	...	...	...	4,238
Total	...	...	...	4,994

"(c) The rates of stipends paid to pupil teachers are:—

For Secondary Grade, Rs. 18 per mensem.

For Higher Elementary Grade, Rs. 12 per mensem."

SRI S. NAGAPPA:—"May I ask the Hon. Minister whether the Government are going to increase the stipends given to these teachers as the present stipends are not sufficient for them in these hard days?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The stipends have been increased only recently by 50 per cent."

SRI P. KAKKAN:—"May I ask, Sir, what steps the Government are taking to help the Harijan students?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"That is a matter for the Labour Department to consider, Sir."

BEGUM SULTAN MIR AMIRUDDIN:—"When there is dearth of trained teachers, may I know why the Minister for Education is closing down training schools?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The training schools are closed when there are not enough pupils to join the classes."

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SRI A. VEDARATNAM PILLAI:—"May I ask whether the Government have got any proposal to convert all these training schools into basic training schools and if so, within how many years?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"That is the intention of the Government, but the Government have not decided specifically in how many years the whole re-conversion will be completed."

SRI B. S. MURTHI:—"Will the Government consider the desirability of giving dearness allowance to these students?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"There has recently been a 50 per cent increase over the prewar stipends."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising out of the answer of the Hon. Minister that he has been closing schools on account of the fact that the number of students was not adequate, may I know what steps the Government are going to take to popularise this profession in view of the fact that the need for teachers is very great in the province?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The recent increase in the salaries was a step in that direction."

SRI S. NAGAPPA:—"From the statement laid on the table of the House, I see there are only two training schools in Anantapur District, which is stated to be the cultural and educational Centre of Rayalaseema. May I know why, Sir?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"If there is a demand for more schools, the Government will be glad to start them."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know what steps the Government are taking to increase the number of trained teachers?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"We are trying to open training schools wherever it is possible to get candidates for the schools."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know how many new training schools have been opened by the Government this year?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The hon. Member may put a separate question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know when the Government increased the stipends for these pupil-teachers and when any of the training schools was closed?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The stipends were increased from Rs. 8 to Rs. 12 in the case of Higher Grade and from Rs. 12 to 16 in the case of the Secondary Grade last year. About the closing of schools, the hon. Member may put a separate question."

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MR. SPEAKER:—"We have taken ten minutes for the statement made by the Hon. the Leader of the House. We will take up ten more minutes and finish the questions."

District Educational Officers.

12 noon. * 348 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have so far recruited any efficient men in local board and aided services as District Educational Officers after a Press Note had been issued by the Government in the month of February 1947 explaining the revision of salaries;

(b) if so, how many, and from what districts of the province; if not, why not; and

(c) what is the policy of the Government regarding the recruitment of the same?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"(a) to (c) No. The whole question is under consideration and orders will be issued soon."

Percentage of interest levied from agricultural labourers on paddy advances.

* 349 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that ryots in the villages charge 25 to 50 per cent rate of interest called "Namu" from the agricultural labourers on paddy advances made to them on pledge of manual labour; and

(b) what steps the Government propose to take to put down this evil?

THE HON. SRI K. MADHAVA MENON:—" (a) The Government have received a report that the practice of charging higher rates of interest on paddy advances by various names is prevalent in certain districts."

" (b) The Government consider that it is necessary to check the evil. The question of taking steps to put down this evil is under the consideration of Government."

SRI V. RAGHAVAYYA:—"In view of the fact that a very similar reply was given eight years ago by the then Hon. Minister for Agriculture Mr. V. I. Muniswami Pillai, will the Government take immediate steps to do away with this rotten system of false measures and Namu?"

THE HON. SRI K. MADHAVA MENON:—"Reference to false measures does not at all arise under this question."

"As regards Namu, the Government are already considering the question of amending the Debtors Protection Act, 1934."

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MR. SPEAKER:—"The Hon. Revenue Minister has written to me to say that he will not be attending the Assembly to-day and has asked that questions 350 and 351 may be taken up to-morrow. Accordingly these two questions will be taken up to-morrow."

[Questions 350 and 351 were postponed.]

Sale of Burma beans.

* 352 Q.—SRI M. P. PERIASWAMI (on behalf of Sri S. C. Balakrishnan): Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of persons who died by consuming Burma beans;

(b) the number of bags of beans confiscated from merchants;

(c) whether any action had been taken on any merchant for selling Burma beans; and

(d) the action taken to prevent the sale of Burma beans?

THE HON. SRI A. B. SHETTY:—" (a) 6.

" (b) As far as the Government are aware there has been no confiscation.

" (c) Action has been taken against three persons who have contravened the orders of Health Officers prohibiting the sale of these beans.

" (d) All Health officers have been instructed to take action against the sale of Burma beans under Section 108 of the Madras Public Health Act. The Government of India have been addressed to prohibit the import of the article and its products into the country and to empower this Government to seize the stocks already in the Province and order their disposal in the manner they think fit."

Stock of Burma beans.

* 353 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of (i) deaths and (ii) attacks of illness brought about by the use of Burma beans;

(b) whether all known stocks of this article have been seized by the Government;

(c) how the Government are utilizing the stocks of Burma beans seized by them;

(d) how this commodity reached the retailer without being checked by the authorities;

(e) whether a sample of the above commodity is kept in every ration shop so that the public may know what to avoid; and

(f) what steps are being taken by the Government to see that damaged foodstuffs are not unloaded on the unwary public?

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THE HON. SRI A. B. SHETTY:—“(a) (i) 6, (ii) 82.

“(b) & (c) No, but the health authorities have been instructed to take action against the sale of beans. The stocks have thus been frozen.

“(d) Beans are not usually checked before they are sold to retailers. The poisonous symptoms developed after the consumption of these beans only have drawn attention to their dangerous nature.

“(e) No.

“(f) Section 108 of the Public Health Act prohibits the sale of food which is unfit for human consumption. Health Officers are expected to enforce the provisions of the section.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know whether the steps that have been taken to make the Burma beans safe for human consumption have proved abortive?”

THE HON. SRI A. B. SHETTY:—“The Public Analyst of the Corporation of Madras and the Government Analyst along with a Professor of the Indian Institute of Science, Bangalore, are conducting experiments to find out whether the poison can be eliminated from the beans. Their report is awaited.”

BEGUM SULTAN MIR AMIRUDDIN:—“Since human life is more precious than money and in view of the fact that the merchants who have amassed a large fortune in the black-market can afford to lose money, will the Government see that no experiment is made on human lives with these Burma beans by their being brought again into the market after having been subjected to chemical treatment?”

THE HON. SRI A. B. SHETTY:—“It is not an experiment on human life; it is an experiment to find out whether these beans can be made non-poisonous by any processing method.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“May I know whether the poison is due to natural causes or otherwise?”

THE HON. SRI A. B. SHETTY:—“Several samples of these beans have been carefully analysed and hydrogen cyanide has been found to exist in quantities large enough to render these beans unfit for human consumption.”

SRI K. ANANDAN NAMBIYAR:—“As these beans are sold in the railway grain shops mixed with other beans, will the Government instruct the railway authorities not to sell such beans and prosecute them for having allowed the sale of these beans?”

THE HON. SRI A. B. SHETTY:—“The Health Officers are expected to do this.”

DR. S. SUBRAHMANYA AYYAR:—“Were the beans purchased on Government account or private account?”

THE HON. SRI A. B. SHETTY:—“They were purchased by private merchants.”

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SRI R. V. SWAMINATHAN:—“Is the Hon. Minister aware that certain merchants consider money as more precious than human lives?”

MR. SPEAKER:—“It is not a question.”

SRI A. VEDARATNAM PILLAI:—“May I know whether the merchants who import the Burma beans change the names of beans each time they import?”

THE HON. SRI A. B. SHETTY:—“I have no information.”

SRI B. S. MURTHI:—“Have the Government considered whether these Burma beans can be made fit for human consumption after some chemical process?”

THE HON. SRI A. B. SHETTY:—“I just now said that experiments were being conducted to find out whether they could be made safe for human consumption.”

The Provincial Harijan Welfare Committee.

* 354 Q.—SRI M. P. PERIASWAMI (on behalf of Sri S. C. Balakrishnan): Will the Hon. the Minister for Rural Development be pleased to state—

(a) the purpose for which the Provincial Harijan Welfare Committee is formed;

(b) the principle adopted in forming the Committee;

(c) whether a list of the Harijan leaders and tried workers for the Harijan cause was compiled before making the selections for the Committee;

(d) whether the District Collectors were consulted in the matter;

(e) whether the Harijan Political Organizations in the Presidency were consulted and, if so, which of them;

(f) who are the members of the Committee and what are their individual qualifications for Harijan work; and

(g) whether representation was given to each principal community such as Pariahs, Pallas and Jakkalas in the formation of the Committee?

THE HON. SRI V. KURMAYYA:—“(a) The Committee has been constituted—

(1) to formulate a five-year plan for Harijan Welfare in all directions such as providing free house-sites, fresh water wells, sanitation, education, etc., and to draw up an immediate scheme for the utilization of the sum of one crore of rupees set apart for Harijan Welfare work;

(2) to put forward suggestions regarding improvements to the Harijan Welfare work undertaken by the Labour Department;

(3) to enquire into and report on the progress of the enforcement of the legislative measures in this field;

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- (4) to examine the possibility of extending the work of the Labour Department in regard to Harijans to other backward communities; and
- (5) to serve as a Standing Committee to advise Government on all matters connected with Harijans.
- “(4) Individuals who have had long association with Harijan Uplift work were nominated to the Committee.
- “(c) Government had information in their possession of Harijan leaders and tried workers.
- “(d) & (e) No, Sir.
- “(f) The members of the Committee and their qualifications are as shown below:—
- (1) The Hon. Minister for Rural Development. (*Chairman.*)
 - (2) Sri L. N. Gopalaswami, Secretary, Tamil Nad Harijan Sevank Sangh, 3, Gopalapuram, Tennore, Trichinopoly. (*Secretary.*)
 - (3) The Commissioner of Labour. (*Joint Secretary.*)
 - (4) The Registrar of Co-operative Societies.
 - (5) Diwan Bahadur V. Bashyam Ayyangar, President, Madras City Harijan Sevak Sangh.
 - (6) Sri B. S. Murthi, M.L.A., President, Andhra Provincial Harijan Sevak Sangh.
 - (7) Sri A. Karunakara Menon, President, Malabar Harijan Sevak Sangh, Chalapuram, Malabar.
 - (8) Sri K. Iswara, M.L.A., South Kanara.
 - (9) Sri Doraikannu, M.L.A., Chittoor.
 - (10) Sri P. Kakkan, M.L.A., Madura.
 - (11) Sri V. I. Muniswami Pillai, M.L.A., Ootacamund.
 - (12) Sri P. Subbiah, M.L.A., Ponnur.
 - (13) Sri M. Paravasthu Das, Secretary, Andhra Provincial Adi-Andhra and Christian Welfare Association. Narasaraopet, Guntur district.
 - (14) Sri A. Vedaratnam Pillai, M.L.A., Vedaranyam.
 - (15) Mrs. Kamala Sivasubramaniam, Ramnagar, Devakottai.
 - (16) Sri T. Subramaniam, Bellary.
 - (17) Sri K. Subramaniam, M.L.A., Coimbatore.
 - (18) Sri M. Bapineedu, M.L.A., Ellore.
 - (19) Swami A. S. Sahajananda, M.L.A.

The non-officials were selected for their well known interest and experience in Harijan Uplift.

“(g) No, Sir. The Committee is not a Harijan Committee, but a Welfare Committee.”

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SRI B. S. MURTHI:—“Am I to understand that Christians also are given representation on the Committee because Mr. M. Paravasthu Das, Secretary of the Andhra Provincial Adi-Andhra and Christian Welfare Association, is a member?”

THE HON. SRI V. KURMAYYA:—“Mr. Paravasthu Das has been nominated because he is a Harijan and he has been working for Harijan uplift for the past fifteen years.”

SRI S. NAGAPPA:—“May I know how many sittings the Committee has had, which places it has toured and what information it has collected and whether the expenditure incurred by it will be debited to the one-crore fund or to some other account?”

THE HON. SRI V. KURMAYYA:—“Many of the points require notice. As regards the travelling allowance drawn by the members, it will not be debited to the one-crore fund.”

SRI S. NAGAPPA:—“May I know whether the Hon. Minister has fixed any time-limit for the submission of the Committee's report and, if so, what it is?”

THE HON. SRI V. KURMAYYA:—“I asked the Committee to submit its report before the 30th September. The report has not yet been received and I have asked the Committee to expedite the submission of the report.”

SRI V. I. MUNISWAMI PILLAI:—“There is an Act on the Statute Book which says that the words ‘Pariahs, Pallas and Jakkalas’ should not be used in official records. May I know what makes the Hon. Minister accept these three words?”

MR. SPEAKER:—“These words occur in the question. The question has been put not by the Hon. Minister but by Mr. S. C. Balakrishnan.”

SRI V. I. MUNISWAMI PILLAI:—“The member might have used them. But it is for the Government to see that words against the spirit of the Act passed by the old Legislative Council are not used.”

THE HON. SRI V. KURMAYYA:—“It is open to the hon. Member to ask for representation for each community, though the Government may not be able to accept it. There are 86 such communities among the Scheduled Castes.”

SRI R. V. SWAMINATHAN:—“On a point of order, 12-15 p.m. Mr. Speaker, can a Member raise a point of order without basing it on a concrete instance? This Sir, is with reference to the point of order raised by the Communist Member yesterday as to whether a Member could sleep in the chamber.”

MR. SPEAKER:—“Perhaps the Member may not like to mention the name. It does not mean that nobody was sleeping at that time.”

BEGUM SULTAN MIR AMIRUDDIN:—“Mr. Speaker, I see that changes are being made in the agenda everyday to the

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inconvenience of Members and that the Madras Hindu Women's Rights to Property (Extension to Agricultural Land) Bill is receding further and further, while other even less important Bills are given precedence, such as the Hackney Carriage Bill and other minor Bills. It so happened during the last session and in this session also the same procedure is adopted with the result that I fear that no opportunity will be given to this Bill even in this session. I therefore request the Hon. Leader of the House to give this Bill precedence over other Bills that are not so important."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, hon. Members of this House are aware that the Government arrange their business according to their convenience. My Hon. Colleague, the Minister for Food is to go to Delhi for a very important conference of the Government of India on Food on the 5th of next month and therefore only two Bills have been given precedence so that they may be finished before he leaves. Besides, hon. Members might have known from the papers, that even air passage may not be available and he may therefore have to leave even quicker. That is the only reason, Sir, why precedence has been given to his two Bills over others. There is no question of trying to put back any legislation whatever and the Government intend to go through all the measures that have been put down on the agenda. Hon. Members must also understand that the convenience of Members of the Government is one of the factors that any Leader of the House has got to take into consideration in arranging the programme of the House."

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

III.—THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1947 (L.A. BILL No. 28 OF 1947).

MR. SPEAKER:—"I hope the House would remember that the Hon. Finance Minister moved the Madras Entertainments Tax (Amendment) Act, to be referred to the Select Committee the other day, and at that time the hon. Mr. Hameed Khan was speaking when the House rose. He will now continue his speech."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, the other day while I was speaking on this Bill, I stated that though the Bill seems to be rather innocent and harmless, it should not be assumed that it will not hurt anybody. Now Sir, this Bill is intended ostensibly to augment the revenues of the local bodies. I wish to ask why the Government have once again come forward with a Bill to tax the poor consumers. Already the General Sales Tax Bill which the Hon. Finance Minister has brought forward is going to affect the consumer. It may be true that the money that will be collected from this measure will go to augment the resources of the local bodies, but at the same time the net effect of this Bill will be that this burden also will fall on the very same consumers who are already affected

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by the other Bill. It is true that the Government find that the local bodies are in need of finance, but the primary duty of the Government is to go to the rescue of these local bodies directly. On the other hand, they have resorted to a very indirect measure of taxation for helping local bodies and that is to increase the burden on the consumer, who has already been taxed in various other ways. That is one aspect of the question, Sir.

"The other aspect of the question is that the Government has evidently not examined as to how far this additional burden on the consumer will affect the owners of these cinemas themselves. The impression seems to be, Sir, that on account of the fact that there are long queues of persons standing at the various cinema gates awaiting purchase of tickets, evening after evening and night after night, the cinema owners are making a lot of money. That seems to be the impression of the Finance Minister also. It may be true, but it may not also be true. It is necessary, Sir, that before the Government come forward to add to the burden not only of the consumers, but also of the owners of cinemas, it should examine the finances of those concerns to know whether its assumption is really correct or not. I understand, Sir, that the cost of production of films has considerably increased, the cost of films themselves have increased, and that the cost of management of the cinemas has also increased, so much so, that the Cinema owners are not actually making the profit that the Hon. Finance Minister seems to assume. After all, the Cinema proprietor is also a person who is plying his trade for the entertainment of people who want these shows to be conducted; he has to run his trade, he has to satisfy all the requirements of the municipalities and corporations, he has to maintain a large staff, and has to meet other incidental expenses, including the maintenance of his family. All these have to be met only from the cinema collections. All the money that is collected is not wasted, and all of it does not go into the pockets of the owner. He spends a lot of money on these various services and he is also responsible for providing employment for a large number of people, who otherwise would be unemployed. Such being the case, I want to know whether the Government have examined the question whether it is a fact that the owners of cinemas are really making fabulous sums of money and whether this additional taxation, although it may ultimately fall on the consumers, will not affect the revenues of the theatres. The Bill, though it appears harmless on the surface, does really affect the owners and proprietors of these theatres. It may be argued, as it has been done in the case of races, that these cinemas are doing a lot of harm to the public, that they are tempting the poor people to waste a lot of money on these shows, and that the people, both men and women of the city and other places in the mufassal who go to cinemas, lose their morals. That is the opinion held by most people, though it is erroneous, Sir. I understand that that is not the view held by the Hon. Minister for Finance. He is prepared to increase the number of cinemas, coming into existence. What he wants is

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only money. He is satisfied if the money is there. But does he know to what extent his tax affects the proprietor of the theatre who pays the tax? I do not know whether the Hon. Minister has examined this aspect of the question. I would have supported this Bill if it is intended merely to help the local bodies to augment their resources. But the Government has shifted the burden on to the shoulders of the consumers even in this matter. I therefore plead Sir, more on behalf of the cinema-going public, who are mostly consumers, who will be affected by this Bill as they will be affected by the General Tax Act which the Government has brought forward, than on behalf of the cinema proprietors.

"Sir, the Hon. Finance Minister referred in his opening remarks to the fact that there is inflation. Does he expect that this inflation will continue for a long time? It may be there to-day, but it may not be there to-morrow. Inflation is only a temporary phase and he should not take it as a basis for his taxation policy."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—
"Mr. Speaker, Sir, I do not envy the position of the Finance Minister of a Provincial Government, constituted as we are at present, for he has to find money for everything from the poor tax-payers. (Interruption.) Sir, the Hon. Leader of the House asks me to save time by not making these introductory remarks, but I am sure, Sir, anybody who is in the know of things cannot but sympathize with the lot of a Finance Minister of a Provincial Government. My hon. Friend the Finance Minister has referred to the unenviable position of the Government of India with which I entirely agree.

"Sir, I am not one of those persons who say that all taxation is bad and should be avoided. Taxation cannot be avoided particularly if we are to get through schemes which the Government want to launch. But there are taxes and taxes and the Government have got to discriminate one from the other.

"Sir, talking on the question of the enhancement of Entertainments Tax—I use the term enhancement of Entertainments Tax advisedly to make my position clear,—I am not against entertainments tax as such. We are here concerned only with the increase in the rate of taxation.

"Sir, first of all I should like to mention that certain items of entertainments should be completely exempted from the tax. For the last thirty or forty years, on account of the predominance of the cinema and the cinema life, the drama which is the parent of the cinema has been very much neglected and artistes are not willing to come to the stage, because the organizers are not able to collect decent sums of money by way of subscriptions, or by the sale of tickets to pay these artistes. Artistes have now got very attractive terms from the cinema world and it is very difficult to persuade them to join and act on the stage. I think, Sir, that the stage should be developed and protected. I have no doubt,

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Sir, that the Hon. Minister for Finance who is a patron of learning and culture will appreciate the point that I am now placing before him. I say, Sir, that dramas as such should be exempted from this tax, for the simple reason that to-day the total tax-revenue that could be expected out of dramatic performances will not be much and I do not think that the Government are likely to lose much by exempting these performances. I would also plead for the exemption of music performances from this tax. I can very well say, Sir, that to-day in South India, in the majority of the districts and mufassal towns, there are not very many music performances where large sums are collected. There are only very few music sabhas in certain parts of this Province which are very well patronized, and which might attract the attention of the Finance Minister for purpose of taxation. I would only say that even those organizations find it very difficult to pay these high rates of taxation. I would, therefore, plead that music performances and dramatic entertainments should be completely exempted from the purview of this Entertainments Tax.

"Now, Sir, with regard to the rate of taxation, namely 33-1/3 per cent, I must say that it is much too high and I hope that the Government will straightaway reduce the top limit in the Bill itself. (Interruption.) Though the Bill says that it is only a top limit, yet the Government can tax the full rate, if they like. It is all the more the reason that I should plead with the Finance Minister that he should reduce it considerably.

"Then with regard to cinemas also, we must realize that a large percentage of population who go to these cinemas are only school and college boys and they would find it difficult to pay any higher rate of fares. There are many films which are of an educative character and I think it is essential that we should not discourage young people from seeing these educative films. I would therefore suggest that there should be a graded rate of taxation in regard to these cinemas also. I do not want to take the time of the House by going into the details of the Bill, but I would only request the Hon. Finance Minister to view with sympathy, the suggestions that have been brought to his notice."

* SRI K. ANANDAN NAMBIYAR:—"Sir, I rise to oppose the Bill. While doing so, I would like to bring to the notice of the Government that by increasing the entertainment tax they will be merely making it impossible for the ordinary man-in-the-street to enjoy any entertainment. Taking the position in Madras, this is a City where lakhs and lakhs of people are living and an ordinary poor worker who earns 6 or 8 annas or even a rupee per day after a hard day's labour would like to have some entertainment in the evenings. By increasing the tax he will be denied the chance of going to a cinema or music performance because the charge for a ticket will be beyond his reach. After all a poor man cannot have a Rolls Royce car and enjoy a ride as many upper middle-class people are doing to-day, but he is content

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with getting a floor ticket by paying three or four annas in a cinema and as a matter of fact he is even prepared to stand in a long queue to get a ticket and sometimes he even gets a lathi charge for getting a ticket. Even this entertainment will be denied to him if you increase the tax. What will be his other entertainment? Now on account of Prohibition there is no choice for his entertainment in a toddy shop and he therefore goes to a cinema.

"Then, Sir, if you take the position of the middle-class people like school teachers and others who are interested in culture, they go to dramas or music performances. Even there, the normal charge for a ticket is three or four times more than what it was previously and as such it is out of reach of even the middle-class people to enjoy such entertainments. But, the argument of the Government is that they would be getting crores of rupees a year. What I submit, Sir, this is not the correct view to be taken, because by increasing the tax on cinema and other entertainments there will certainly be a loss in revenue, the reason being that there will only be a less number of people who will attend these entertainments. I would therefore appeal to the Hon. the Finance Minister to reconsider the matter in view of the fact that he is not going to get more revenue out of this taxation because the number of persons attending such entertainments will be comparatively less in future.

"On the question of the improvement of culture by means of the cinemas and dramas, I must say, I have my own differences in regard to the matter. I do not think that the cinemas and dramas of to-day are such as would encourage culture of the Tamilnad, Andhradesa or any other desa. As a matter of fact, I have my own grievances against the present day films but that does not mean that it would not be possible to improve the culture of the country through this industry in the long run. There may of course be some chances for certain individuals to improve the situation but even they will be discouraged by this increased taxation. For instance in Madura and Trichinopoly there are many Sangeetha Sabhas and Dramas. Mr. Rajamanickam is one who is interested in the improvement of culture and he has also written a special letter saying that every effort should be made to improve the culture. I am saying this not because of his letter but because we feel that dramatic performances should be encouraged. Of course, Government can get money from many other sources. The argument of the members of the Treasury Benches has always been, "Oh! these Communists come and say, do not increase taxes. Yes, Communists will not allow any increase in taxes of this nature" but at the same time they may ask that the non-gazetted officers should be paid more. It is here that I want to make my position very clear so that the Hon. Ministers on the Treasury Benches and the members of the Congress Party as also the public should not get themselves confused on this matter. We have positive taxation, as I have already mentioned in connexion with the sales tax debate. Government can take

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up the nationalization of the textile industry, but the Hon. Mr. Karanth stated that if the textile industry is nationalized, the Communists will try to create more labour troubles and strikes and that there will be no improvement in the finances of the Government. I beg to submit in this connexion that by nationalization the Communists will not get a better chance to create strikes. How can they? Because to-day private managements are going on in their own way so much so it is they that encourage strikes wherever necessary. That does not mean the Communists are attempting to upset society whereas they are for the defence of the rights of workers which the Congress men themselves were doing in the past and which we also do. Sir, we are not here for any taxation of the common man because he has already been burdened with taxation. This black-market is again an indirect taxation of the poor, though it may not go to increase the revenues of the Government. It is the big landlords and moneyed people that indulge in black-marketing. It is going on quite openly and I can quote several cases of black-marketing. What I want to ask of the Government is, is it a matter of principle or policy that they go on taxing the poorest of the poor. By increasing the entertainment tax, it is not the big officers of Government and other rich persons who get thousands and thousands of rupees that are going to be affected. After all, once a month they may purchase a sofa ticket for Rs. 2 or 3 and take their family for an entertainment. That is not the case with the poor man who after an eight or ten hours' labour would like to have some recreation or tamasha in order to refresh his mind and make him physically fit for work the next day. Government should not therefore take money from the poor worker and the layman whose purse is already very thin on account of black-marketing and many other evils of society to which he is subjected. I would therefore request the Hon. the Minister for Finance to see that he will give up this increased taxation on entertainments and see whether he cannot think of other alternative measures for augmenting his resources and getting more finance. In the interests of the common man and in the interests of the improvement of culture, I would once again appeal to the Hon. Minister, to the Treasury Bench and to the members of the Congress Party to reconsider their attitude in regard to this matter."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to support the Bill that has just now been moved by the Hon. the Minister for Finance. No doubt, this Bill will be unwelcome to many, for in the words of Edmund Burke: 'To tax and to please no more than to love and to be wise is not given to men.' But, Sir, in view of the fact that the Government are in urgent need of more funds, I think, it is our duty to assist them to achieve that end. It would not be consistent on the part of anyone to urge upon the Government to undertake ameliorative measures and at the same time to declare that they are not entitled to increase their revenues, which according to Cicero, constitute the sinews of the State. Since entertainment does not

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come under the category of necessity but of luxury, this item can sustain further taxation. But, Sir, there is one point to which I should like to draw the attention of the Hon. Minister and that is that the rate of increase that is proposed is rather heavy. An increase of 33-1/3 per cent will prove particularly burdensome to the poor. Sir, in this matter, the rich and the poor should not be classed together; rather the tax should be on a graded scale. I would suggest 25 per cent for the rich and not more than 15 per cent for the poor. Besides, Sir, in view of the fact that the producers and managements earn huge profits they should be taxed heavily. It is a matter of common knowledge that the producers are wealthy and are in a position to pay more taxes, but on the other hand it is the poor consumer who unfortunately becomes more and more the target of attack in respect of taxation. The incidence of the sales tax falls on the consumer to which category the poor belong. Similarly, this entertainment tax has to be borne by the poor consumer. I therefore suggest to the Government to see that the burden of this tax is lightened on the proletariat. I am not against the proposal of the Government to increase taxation. Let them do so by all means and let them tax the well-to-do to the utmost, particularly those who have amassed large fortunes in the black-market but let them act in such a manner that the poor may be hit as little as possible.

"Sir, in countries like Germany in pre-war days, the poor man was charged very little for his amusements. He could go to the best of cinemas and enjoy the best forms of entertainments in the same manner as the rich by paying but a small amount for his ticket. In Russia also I understand exceedingly high class entertainments are provided for the poor. Likewise in India, there is need for wholesome entertainment for the people but unfortunately the film industry as it is conducted in this country to-day is guided more by commercial and profiteering motives than by considerations of providing healthy and educative entertainment. Since it is necessary that the film industry should be completely overhauled and a new orientation given to it, I feel that if it could be nationalized its undesirable features could be eliminated. The Hon. Minister referred to eager crowds forming queues at cinema shows. These long queues are found particularly when the pictures are of an exciting nature and film producers out of profit motive have a larger proportion of their pictures conforming to this type as they are more popular.

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"I endorse the view that it is desirable to put some restraint on the current craze for sensations and excitement which is in evidence these days among both rich and poor, the educated as well as the uneducated and even sometimes among the old. I know an old lady who is by no means fashionable and belongs to the old school but who nevertheless has such a passion for attending cinemas that she is on the verge of losing her eye-sight. While the craze for sensations, thrills and excitement that is prevalent in modern days should be curbed, there is no gainsaying the fact that healthy, educative and reformatory entertainment should be provided for

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the poor at cheap rates as was in vogue in pre-war Germany. We need not take Russia as our example for it is a radical country but pre-war Germany, where the best means of entertainment was provided for all at cheap rates, can well serve as a model in this respect.

"There is one other point to which I wish to advert before I conclude and that is that a portion of the tax collected from the film industry should be set apart for the purpose of visual education. I request the Hon. Minister to reserve a portion of this entertainment tax for promoting adult education through the medium of films."

THE HON. SRI B. GOPALA REDDI:—"Ninety per cent of the money that is got is given away to the local bodies."

* BEGUM SULTAN MIR AMIRUDDIN:—"What I wish to suggest is that the local bodies should be asked to undertake adult education through the medium of films because this is a very important item of work particularly in view of the fact that adult franchise is looming large on the horizon. With these words, I support the motion."

* SRI P. NATESAN:—"Sir, I find in the Statement of Objects and Reasons that it is now proposed to levy the tax at the uniform rate of one-third of the cost of each ticket. The object is there, but I do not see any reason in the Statement of Objects and Reasons. What is the reason given for this increased taxation. Well, Sir, from the Minister's speech, which is reported here, I see that he has stated that he did not think that the tax would be much of a burden in these days of inflation as people wait for hours in queues to buy cinema tickets. The Hon. Minister must realize that these people who stand in the queues have not got plenty of money. They have a few annas in their pockets and cinema is the cheapest form of entertainment to them. Only for these cheap tickets we find the queues. Sir, in the case of the increase of sales tax, the Hon. the Minister said that he has not received any representations from the public that the taxes are heavy. Sir, I have received at least fifty memorials from various people. These fifty memorials represent nearly 50,000 people so that we see there is a protest from the consumers that they are being burdened heavily. By raising the entertainment tax, you go on taxing the poor again and no reason is given by the Finance Minister for this increase in tax. Of course, he says that this money will be distributed to the local bodies. After all, entertainment tax has a very limited scope. Under entertainment come cinemas, dramas and musical entertainments in which probably dancing also is included.

"First, I will take the cinema and see how this increase affects that trade. I have got certain figures here as far as it affects the cinema industry. At present, the rate of taxation is 2 1/2 per cent on the average. (Hon. Finance Minister: Interruption.) I take it that is the existing taxation. These people who are in the industry have worked out the figures and I should think that they are correct. Well, Sir, there are three kinds of people involved.

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Firstly, there is the producer, secondly there is the exhibitor and thirdly, there is also what is called the distributor. The producer takes 50 per cent, the exhibitor takes 50 per cent. On the distribution side, it costs them about 15 per cent for arranging posters, bills, electricity, lighting and other things. Sir, in so far as it affects the cinema industry I have got figures here which shows that the present day cost of an average picture is about 3 lakhs. If the present rate of $12\frac{1}{2}$ per cent tax is paid, I understand that the producer makes a profit of Rs. 26,750; whereas if on the same capital a tax of $33\frac{1}{3}$ per cent has to be paid, I find that the producer incurs a loss of Rs. 67,500. I am not backing the cinema trade but I am simply saying how that trade will be affected. There is an erroneous impression created in the public mind that in the cinema trade, the producers are making large sums of money. Sir, I know of cases where producers have lost their entire money. Production of pictures is worse than racing, but that is by the way. What I wanted to say was that the producer has to pay a number of people in the cinema trade and that it costs him heavily. Out of the cinema, poor people get some entertainment and if you tax these poor people, it will be hard on them because it is already difficult for them to pay for the tickets and they will not be in a position to pay a little more. Supposing the producer increases the rate, it is these poor people that will have to pay the extra rate. So, as the hon. Member Begum Sultan Mir Amiruddin put it, I agree that the rich man who sits in the box must be taxed and made to pay this $33\frac{1}{3}$ per cent but not the poor man. The Bill seeks to increase the tax around even on one rupee tickets. It is bad enough; do not make it worse.

“The cinema industry ranks as the sixth major industry contributing a very good share to the Government's coffers, and it should therefore be the duty of the Government to help the industry by all possible ways to make stifling it produce more pictures and thus contribute more tax, instead of it with additional and unbearable taxation, and thus losing the revenue which the Government are already getting. Out of this revenue to Central Government, a portion comes to the Provincial Government. In places like Russia, this industry is being encouraged. Even in India, there is the Broadcasting Department of the Government of India making use of the cinema for the purposes of education. It is upposed to provide visual education. So, I do not want that industry to be handicapped as a result of people not affording to pay. That will certainly be the reaction if you are going to increase the tax.

“Then, Sir, I come to the dramas. Dramas are very scarce now-a-days. We know that so many pictures are there wherein Sundarambal or Thyagaraja Bhagavathar have taken part. But I would rather like to see the actors in flesh and blood (laughter). How many people like to see a drama? Even the Hon. Minister would like to see a drama. If a Telugu drama comes from Andhra Desa—there are excellent dramas which I have myself

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seen—there is so much of rush. So, I would like to see a drama; I would like to see a love scene on the stage instead of seeing it in the pictures (laughter). Drama is an old art. Mr. P. Sambandam Mudaliar of Madras specialized in these dramas. The late Mr. Rangavadivelu took delight in taking a woman's role. People would like to have some entertainment like that. Now that we are having prohibition, dramas will certainly make life worth living, because, after all we are human and we are after some excitement. We have not come from heaven, we are human and so let us enjoy. Dramas provide the best entertainment. Dramas are exciting. I ask, how many dramatic theatres are there now in Madras? There are only one or two. Drama as an industry is not at all paying. Dramatic theatre owners have got to maintain a set of people; they have got to be provided with food and they have got to be paid monthly and it also costs very much to provide transformation scenic arrangements. Apart from the humour, I just seriously want to make out that people would very much prefer to see people in flesh and blood on the stages. There must be life in it. Well, Sir, I do not want to see acting in cinemas. I want to see the actors in life. I want to see them actually doing something on the stage (laughter). This is not a matter for laughter. I am very serious. What I mean is that I want to see an actual drama because it is an art in itself and I would like people to go there. In dramas, there are a number of actors who have got to be maintained, given permanent wages and provided with food. Again, there is scenic arrangement. All these things mean money and it must pay the theatre owner. In a drama, I would like to see the transformations that take place quickly. The palace will suddenly become a bed-room or some such thing (laughter). But this sudden transformation, you cannot have in a cinema. So, I say that people should encourage dramas. But, if you charge as much as $33\frac{1}{3}$ per cent by way of tax people cannot go to the dramas. If an Andhra drama comes, there is really a rush, and people from the highest to the lowest throng to that place. So, you have to encourage that art and you should not kill the industry.

“Then of course, there are the music performances and dances and these attract many people. These forms of entertainment are sponsored by Indian civilians. If some such person is a President, a number of tickets will be sold day after day. Mostly, these performances are in aid of some charity. So, I would like to see that such performances are exempted from this tax. If it is a benefit performance, then you must exempt it from the payment of this tax. (Just then the Hon. Dr. P. Subbarayan entered the House.) I am sorry the Hon. the Leader of the House was not present to hear what I had to say on dramas, but I am sure he will also enjoy Tamil and Telugu dramas. I only want, Sir, that in the Select Committee stage, these points should be taken into consideration and Government must see that dramas are exempted from the payment of this tax. You can tax the rich people who take the higher class tickets, but you must leave the tickets less than Re. 1 untouched. With these words, I resume my seat.”

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(After lunch—3 p.m.)

SRI K. BHASHYAM:—“ Mr. Speaker, Sir, I rise to support the Bill in the main; but there are certain points which Government may take into consideration before the Bill is passed into law. There is no doubt that the finances of municipalities must be strengthened in the present state of their finances. What with the dearness allowances to be given and the increase in the salaries of various servants of the municipalities, it has become absolutely necessary that there should be a further strengthening of the resources of the various municipalities and local boards in the mufassal. Therefore, this is a welcome measure that has been introduced for the purpose of augmenting their resources. True, there has been this entertainments tax already and it has been on the basis of a sliding scale. But what the Government propose to do now is to have a fixed scale of 33-1/3 per cent on the value of the ticket sold for admission to the various entertainments. Whether there should be a graduated scale or a fixed scale like the one proposed is a question which has been debated on the floor of this House. But one would like that the old principle of a sliding scale had been preserved and adhered to. For, in the case of any taxation, it is much better that persons who are richer and more able to bear the tax should be taxed more heavily than the people lower down in the scale of society, and the latter should be taxed comparatively lightly. In that sense, therefore, I should like the Government to consider whether they cannot adopt the principle that while retaining the 33-1/3 per cent, in respect of every ticket purchased for over 10 annas, the persons who pay 10 annas and less for admission to places of entertainment should not be made to pay the same tax as at present. I do not know, and I am not able to calculate what will be the income of the Government on account of the change I propose. I know at any rate, and I have some recollection, that on the basis of calculation at the 33-1/3 per cent, the amount would come to Rs. 50 lakhs in addition to the Rs. 50 lakhs which is now being realized as entertainment tax all over the presidency. I do not know if that estimate is correct, but I think that was the estimate of the department itself. What I want to respectfully submit to this House is that it would be much better to reduce or at least to keep to the present rate of tax on the lower-priced admission tickets; that will also accord with the policy that has been adopted by this Congress Government, that taxes must not press heavily on the poorer people. In that sense the Bill should be considered.

“ There is also a further point that Sangeetha Sabhas or Kalakshepams or associations intended merely for the advancement of culture such as dancing and music and also religious lectures must be exempted altogether from paying any tax at all. I know there is section 8 of the old Act under which exemptions can be granted by the Government; at least there are certain cases in which some sabhas are entitled to such exemptions. But in the actual working, and I say it with some experience in the matter, the officers who are really the taxgatherers are not

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so liberal and do not even construe the Act as it stands liberally in favour of the sabhas. It may be necessary, at least by executive instructions to be given by the Government to the various tax-gatherers, that they should not collect taxes from these sangeetha sabhas which are intended not for profit but for the advancement of culture such as music and dancing. That sort of institution has a claim on the consideration of the Government and I think special instructions should be issued in the matter; or, if the existing law is not clear enough, it must be made much more clear than at present. I know there is also another section of the Act which gives general power to the Government to exempt certain classes of entertainments, but I think the Government rarely exercise that power, because they are so anxious to get as much money as possible for helping the municipalities. Therefore, I submit to the House that in considering this Bill in the Select Committee stage all these facts should be taken into consideration and suitable amendments made for the purposes indicated by me just now.

“ One other circumstance I should like to place before the House is this: that the entertainments tax is mainly intended for the purpose of helping the municipalities. Originally, the duty of collecting or imposing the tax was entrusted to the municipalities themselves, so that the odium of taxation fell heavily on the municipalities themselves and not upon the Government; but latterly and recently, the Government have taken upon themselves the duty of collecting the taxes and distributing them among the various municipalities. At a time when we are trying to make these local institutions more and more self-ruling, why should not we really throw this right of taxing or this doubtful privilege of taxing, on the municipalities themselves? I think it will be a very good thing to do so, because the municipalities will know their own requirements or needs and they can regulate the incidence of taxation according to such requirements. It need not be a general tax by the Government in respect of all municipalities; because it may be that some municipality will be able to get its resources from other quarters and therefore the incidence of taxation in that municipality may be less than in others. There is therefore a case for practically devolving this question of taxation on the various municipalities themselves which are in need of help. This matter also may be considered, whether in connection with this Bill or not, by the Government as a matter of taxation policy, perhaps when they are going to consider their general policy of taxation at the time of the next Budget.

“ In regard to the collection of the tax, it is a matter for consideration whether the machinery they have now adopted for the purpose of collection serves really the purpose for which it is intended. It is slightly oppressive, I may say from my own experience. For example, I can mention the case in my own place, Mylapore. There is the Rasika Ranjani Sabha; it has a good number of members on its rolls and it gives performances once a

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week for the purpose of entertaining the members and also admits others on payment. But it does not work for profit; it gives all the surplus amount for purposes connected with the music school which is conducted under its auspices and not a single pie is taken by any of the members of the sabha; the sabha is solely intended for the encouragement of art and encouragement of music. Still, although more than once they were able, with a sympathetic Commissioner, to get exemption and to persuade him to hold that the sabha came under Section 8 of the Entertainments Act, they could not get the exemption always. There are some Commissioners and other officers who would not accept that position and dispute that contention and who want to collect the tax not only on the collections made at the entertainments, but also on the subscriptions paid by the members themselves just because they are members of the Sabha. That is hardly fair to the Sabha and I think the matter must be looked into by the Finance Minister. Either strict instructions should be issued or the Act must be made clear that such things should not take place hereafter. In these circumstances, therefore, it is necessary, before we allow this Bill to be passed in its entirety, that all the facts mentioned by me should be considered at the Select Committee stage and proper amendments by that Committee should be placed before this House for further consideration."

* MR. H. B. WALFORD:—"Sir, in so far as entertainment can be classified as art, this tax is a tax on art. In so far as it is a tax on art, it is a tax on cultural development. One of the saddest aspects of modern entertainment is, I feel, the mass leaning towards cheap film entertainment. It is not difficult to imagine the number of cultural displays which would be held, were it not for the cinemas. I do not say that films are artistic or that they are not artistic. One of the leading critics in England, after reviewing films for twenty-five years has come to the conclusion that there is no art in film display, but that is a view which few people will subscribe to except my hon. Friend Begum Sultan Mir Amiruddin who suggested that films are merely exciting. The present measure provides for no discrimination; it is a steam-roller measure, all-embracing, and takes no account of whether a performance is artistic or not. I notice a point was made by one of the speakers when the original Bill was debated in 1939 that Indian dancing should be exempt; but I find in the Act itself, the criterion is gain, profit or no profit. I do not see why performances by such classical artistes Kausalia and Kamalia and other dancers should not be exempted, more especially if they are in support of some charitable objective. In fact, I see no need for the criterion that we find in section 8 of the Act. Therefore, while I support the Bill in principle, I think that the whole guiding principles of the Bill should be radically altered. The incidence of the tax is going up from 12½ to 33-1/3 per cent, which makes it all the more important that there should be incorporated in a new Bill an entirely new set of criteria to be adopted in assessing the various performances for purposes of taxation."

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* SRI K. VARADACHARI:—"Mr. Speaker, Sir, while I support the measure which has been introduced by the Hon. the Finance Minister, I cannot congratulate him on the principle or the object underlying this Bill. I thought that a reorientation of policy with regard to the utilization of the funds that accrue from a tax of this kind would be forthcoming from so handsome a product of Shantiniketan and that a beginning would be made to allot at least a fair percentage of the income to artistic needs rather than the application of the same entirely to that uninteresting body, viz., the local boards, the most in-artistic of our institutions in the Province. I thought that this would not be done in the present atmosphere in which we find ourselves with the introduction of the cinema which is not properly controlled and which is not properly censored for the purpose of elevating the morals and the culture of the people of this Province. Day by day we see cinemas tearing our culture to pieces and demoralizing us to an extent that is perhaps unimaginable. I find signboards advertising plays like the "Mad Man" and a national flag also by the side of it. I do not know whether the people attending the cinema are mad or the actors in the film are mad. We do not understand. (A voice: 'You must go and see the pictures.')

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"Things which are absolutely bad to either the morals or the culture of the people are allowed to be screened and though the tax that is levied on these entertainments is a laudable one, the proceeds must go for the elevation and for the improvement and development of our fine arts, at least in this Province. This should be commenced as soon as possible.

"Sir, the lady member of the Muslim League suggested the nationalization of our art industries. That is going perhaps too far. Even the very little beginning that we can make is not forthcoming and perhaps nationalization of our art would be an unthinkable proposition seeing that neither in England nor in America nor even in Russia has the nationalization been attempted. The nationalization of the stage either of the cinema or of the actual drama or other allied things has not yet been attempted in any of these countries at all. In fact it is a very difficult job to nationalize such an activity because the moment you start nationalization there will be no end to the difficulties of the Government by way of criticism, animosities, rivalries and all sorts of things that will crop up and will make it impossible for the Government to manage a fluid art like this. Anyhow, one thing can be attempted and that is the starting of a national theatre by the Government regulated and controlled by a Provincial Arts Council like the one that we find functioning in England. That National Theatre may be the training ground for training people, young men and women, in the art of stage direction, in the art of acting, in the art of stage lighting and so many other things connected with that art and any amount of money spent on that will not be a waste, if you can achieve this purpose by

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that means. Instead of that we find an all round taxation of even our dramatic entertainments and music entertainments which are fast decaying from the field on account of the competition of the cinema and the partiality of the public towards attending the cinemas. The Carnatic music has faded away to the background. The old veterans are gone and their schools are fast dying. Theatrical art which showed a new ideology and a new urge through the noble efforts of the late Raghava in the Andhra-country and Sambanda Mudaliar in the Tamil country are also not encouraged. This is because of the neglect of the stage on the one hand and the demoralization that has been caused in the field of cinema activity. Therefore, Sir, I suggest that an allotment from the collections on account of this tax may be made for this purpose. Let them take 10 per cent more, other than the 10 per cent they propose to take for actual expenses and reserve this for the development of art. This 10 per cent may be utilized for the purpose of starting a National Theatre to serve as a training ground for the purpose I have mentioned and also start a Provincial Arts Council on the lines on which it has been organized in England so that the National Theatre may be controlled by that Council and trained young men and women may be turned out from this source and supplied to the various fields of art for the purpose of ennobling and enriching various fields of our activity. That is the purpose for which the amount derived from this tax should be utilized. No doubt the local bodies deserve more help until they are placed safely on their legs and a substantial portion from this tax should be given to them but let a beginning be made as suggested by me. Let the name of our present Hon. Finance Minister go down in the history of our Province as the first man to reorientate the policy with regard to the utilization of funds derived from the Entertainments Tax for the purpose which is really paying and which will be really valuable to the future generations in the Province, both young men and women."

MR. SPEAKER:—"I wish to point out that this is only a small amending Bill and the members that have already taken part have exhausted almost all the points—that can be adduced for and against this measure and I shall therefore allow only five minutes hereafter to every speaker."

* MR. W. J. FERNANDEZ:—"Mr. Speaker, I oppose the Bill. My object in doing so is to seek a reduction in the percentage by which this Bill purports to increase the existing tax on entertainments. That the existing taxes should generally be increased, nay, even fresh sources of revenue tapped, is a foregone conclusion. Moneys are needed for various ameliorative measures of an urgent and pressing nature and the people for whose benefit such measures are sought to be introduced must pay in the shape of additional taxes so that the Government or the local bodies may be provided with the wherewithal to carry out the beneficial measures. But, Sir, there are taxes and taxes and when we remember that more taxes are to follow and that life is to be

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made costlier day by day, I submit that some consideration should be shown to the unfortunate individual on whom the incidence of this tax will ultimately fall, viz., the bulk of the people of very moderate means—I won't say poor people—but people of moderate means who now seek some mental relaxation by going occasionally to a cheap source of entertainment like the cinema. It may be urged that if people cannot afford, they should not go. I would quote in this connection an old saying which is as true to-day as it was when it first saw the light of day and that is:

'Variety is the spice of life.'

The working man who goes through the humdrum of a daily routine of work either in a workshop or an office or a place of business, seeks relief from a monotonous life, in an entertainment hall. So also the student who after the severe strain of his studies for weeks and weeks seeks a little mental relaxation in an entertainment hall. Sir, we should not deprive such people of this relaxation by making it prohibitive from a financial point of view. Therefore, I feel that in raising this tax the proposed percentage should be reduced. I would rather request that it be fixed at 25 per cent. In the second place I would also urge that a difference be made between the various classes, the upper classes being taxed more because they can afford to pay this and have money enough and to spare. There is no harm in taxing them even to the extent of 50 per cent. Those who pay below 8 annas or 12 annas may be allowed to bear the existing rates. Let them have this recreation and let them be allowed to go as now. With these observations, Sir, I close my remarks."

SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, from a poor man's point of view, this tax may not be a welcome thing. Taking into account that 16 districts have to face prohibition and the loss in income thereby, I do not think any really sensible man, either in the rural areas or in urban areas, would grudge to pay the enhanced fee for entertainments. Sir, in the entertainment world to-day cinema is looming large and if you go to the rural areas we find that the touring cinemas are attracting large crowds from the villages but what I would like to inform the Government is, Sir, that for the tax they are collecting they are not seeking to give conveniences that are required in these entertainment houses. Recently, Sir, the Cinema Board, the Censor Board, have been alert and they have been censoring films in such a way that the nasty side of films are not presented in the cinemas. Unfortunately, my Friend, Mr. Varadachari, who preceded me, said that they were not vigilant in the matter of censorship."

"I may tell him that greater care has been taken in that respect and cinema films of all types are subject to a series of examinations by the Board of Censors. Further the Cinematograph Act of 1908 and the composition of the Film Censor Board are to be revised and I know as a matter of fact that the Board itself is considering

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that question and it may not be very long before suggestions are made to Government to reform this side of the entertainment in our Province.

"From the objects of the Bill, I find that most of the amounts are to be given to local bodies or panchayats wherever there are these entertainment houses. I would request the Select Committee and also the Hon. Finance Minister that the amounts that are set aside for local boards may be given to schools and colleges so that the students may get themselves trained in drama and such art activities. As we know there has been a great decline and loss in the dramatic side and many people have not taken such interest in the art as they used to do in years gone by and to revive drama, I think Government must make provision in schools and colleges out of this enhanced entertainment tax so that we can revive the art. With these words, I support the motion."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, I thought I could support my Hon. Friend the Finance Minister in this measure; but I regret I have to oppose the motion. I wonder whether he has considered the effect it will have on the cinema-goer and the trade and the several other institutions, cultural and artistic, which exhibit art and culture though not in the way that my Friend Mr. Varadachari wants it to be done. It may at once be answered that the trade has no complaint. May I remind the Hon. Finance Minister that unlike the sales-tax which is simply carried to the consumer, in this case the trade is vitally affected in a manner which I shall presently explain. In the case of the consumer goods the consumer must necessarily purchase his food, raiment and other things but in the case of the cinema-goer he is not compelled by circumstances to go to the cinema and so it will have some repercussions on the trade and the main reason is he can simply keep away as he is deterred by enhanced rates from going to entertainments; especially is this the case with the poorer classes. It may be said: 'Why should they go at all?' I do not think the Hon. Finance Minister will go so far as to say that a poor man, a hard-worked man who toils from morning till evening need not have any relaxation. As my hon. Friend Mr. Fernandez observed he must have some sort of relaxation; other kinds of relaxation just like alcohol have been rightly prohibited and what is it that is left to the poor, hard-worked man? In fact for the last so many years, it has become a habit with him to attend cinemas. If you are going to tax the cinema-goer indiscriminately without reference to the cost of the ticket, and if Government want to tax the lowest denomination tickets to the highest denomination tickets uniformly, I think it is not fair. Is it fair that for the sake of filling the coffers of municipalities whose expenditure is of a doubtful nature, this should be done? Is it fair that you should deprive the hard-working poor man of his only means of recreation by asking him to pay one-third more than he used to do? I think it is very, very unfair. Perhaps, the Hon. Minister will see that this question is fully considered in the Select Committee. As far

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as the trade is concerned, let it be remembered that it is paying not only this tax, but taxes on property, income-tax, sales-tax and several other duties and this increase will certainly affect the gross income of the trade and it has to be remembered this is a trade which has come to stay and it is a very useful trade. From these points of view, I wish that a connoisseur of art and culture like the Hon. the Finance Minister would drop the measure and not think of pressing the motion. Let me also remind him that once before when this tax was sought to be introduced, an undertaking was given by the member in charge and he said that during the war there is inflation and this was a method of reducing inflation and I hope that since circumstances have now changed, this would be reduced."

* **M. S. ABDUL MAJID SAHIB BAHADUR:**—"Mr. Speaker, in my remarks on this Bill, I wish to confine myself to the cinema industry and before that, I would like to say a few words about the Hon. the Finance Minister himself. When anybody looks at him he creates a very good impression as he has got a handsome personality but when we go through his Bills, behind that facade of a beautiful personality, there is the Shylock demanding his pound of flesh. I feel that the measure before the House is one which is ultimately going to affect the poor people in this Province. But as I have already said, I shall confine myself to the cinema trade as people who could speak with authority on art like music and dancing have already spoken but so far as the cinema trade is concerned, I should say that it has come to stay in this country and in the world. You may say that there is no art in this trade and therefore, we need not support it. But whatever the opinion of the leaders of the people, it is a fact that the people are mad after it, if I may use that word. It is often said that it is going to affect the people only as such. I say that while it affects people as a whole it affects the trade also. You must know that unless you have a quality picture that picture will not become a box office success; it will be a flop. In other words, people who have invested lakhs of rupees on such pictures will have to lose their money. Therefore it is the duty of the producer who wants to entertain the public to produce the proper type of picture, the quality picture that will draw huge crowds so that from the crowds they could have a good collections and could pay to the Government. And when they can only produce poor pictures when they cannot invest more money into their productions, people will not be attending those pictures and in return Government will not be getting the money they want. When the entertainment-tax was raised by 50 per cent in April 1945, the then Government gave an assurance to the people that it would be reduced when circumstances permitted in the future but the future Government, namely, the present Government has thought it necessary to increase that tax and thereby burden the people who are paying that tax. Besides when the tax is enhanced uniformly and the picture-goers are taxed, the number of visits that they will make would be naturally reduced and thereby there will be also a fall in the revenues

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of these exhibiting houses. I should say that Government should be cautious in raising this tax and see to it that they do not ultimately lose the revenue while they are trying to get more from it. The original incidence of the entertainments tax worked out to 8 per cent of the gross income. Later from 1st April 1939, it was increased to 12½ per cent and again on the 1st April 1945, it was increased by 50 per cent and the tax payable was nearly 20 per cent of the gross income. The following figures collected by the trade will show how the tax has benefited the Government at the cost of the cinema trade. In 1944-45 the gross income came to something like Rs. 2,14,47,000 and the tax collected was about Rs. 26,79,000; in 1945-46 the gross income was Rs. 2,11,21,000 and the tax was Rs. 44,25,000. From these figures, it is evident that the gross income of 1945-46 compared with 1944-45 fell by nearly three lakhs of rupees but the income to Government has been increased by 17½ lakhs and the trade is paying this amount through the nose at an increased rate of 60 per cent from out of its depleted income. This, I should say, is a tax with a vengeance. Again, Sir, these cinema people are not paying only the entertainments tax. They are paying what are called the property-tax, the income-tax, the advertisement-tax, and so many other taxes, and if you are going to burden these people over and over again, it will only kill their incentive to do an enterprising business which would give a good revenue to the Government. Only from this point of view, I would impress on the Hon. the Finance Minister not to increase the tax to such an extent as to burden not only the poor people, but also the people who are entertaining the poor people—the underdogs as I would call them.”

SRIMATHI V. LAKSHMI AMMAL :—“ அக்கிராசனாதிபதி அவர்களே, இந்த தாமாஷா வரி ஒரே மாதிரியாக இருந்தால் வரி வசூல் பண்ணுவதற்கு செளகரியமாக இருக்கும் என்ற முறையில் நமது நிதி மந்திரி அவர்கள் இப்பொழுது இந்த திருத்தத்தைக்கொண்டு வந்திருக்கிறார்கள். இதை எதிர்க்கவேண்டிய அவசியமே இல்லை. கொஞ்சம் வரி ஜாஸ்தியாகத்தான் வரும். அப்படி இருந்தபோதிலும் நாம் எல்லாரும் கவரின்மெண்டுக்குக் கொடுக்க கடமைப்பட்டிருக்கிறோம். நாம் கவரின்மெண்டை பொறுப்புள்ளவர்களாக இருந்து நடத்த முன்வந்திருக்கிற முறையில் நாம் வரியை கொஞ்சம் ஜாஸ்தியாகவே கொடுத்தால்தானே இப்பொழுது இருக்கிற ஒரு நிலைமையில் அநேக காரியங்கள் செய்யமுடியும். முனிசிபாலிட்டி, டிஸ்ட்ரிக்ட் போர்டு, பஞ்சாயத்து போர்டு முதலியவற்றிற்கு இந்த வரி போகப் போகிறது. முனிசிபாலிட்டி இவைகள் எல்லாம் எவ்வளவு சர்க்கோன முறையில் இருக்கிறது. நிறைய சம்பளம் வேண்டும் என்று இப்பொழுது எல்லோரும் கேட்கிறார்கள். அவர்களுக்குக் கொடுக்கவேண்டும். Water-supply நாம் ஏற்படுத்தவேண்டும். Drainage system உண்டு பண்ண வேண்டும். இவைகளெல்லாம் செய்யவேண்டுமென்றால் அவர்களுக்கு ரூபாய் இல்லாமல் எப்படி செய்யமுடியும் என்பதை நாம் யோசித்துப் பார்க்கவேண்டும். இம்மாதிரி அநேகம் வரிகள் உண்டுபண்ணிக்கொண்டு போனால் ஜனங்கள் எப்படிக் கொடுக்கிறது என்று எல்லோரும் சொல்லுகிறார்கள். வாஸ்தவத்தில் அதிகமாக வரி இல்லாமலிருக்கவேண்டியது அவசியம்தான். இதை பிறகு வேண்டுமானால் குறைக்கப்படலாம். இப்பொழுது எல்லாம் அதிகமாக விலை ஏரிக்கொண்டே போய்க்கொண்டிருக்கிறது. இந்த கவரின்மெண்டுக்கும் அதே மாதிரியாக ஜாஸ்தியாக சிலவு இருப்பதால் வரும்படியும் அதிகமாக வரவேண்டியதாக இருக்கிறது. ஆகையால் இந்த வரி அதிகமாக இருந்தாலும் நாம் பொறுப்புள்ளவர்களாக இருப்பதால் இதை எல்லோரும் ஒப்புக்கொள்ளவேண்டுமென்பதாக

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நான் கேட்டுக்கொள்ளுகிறேன். அதிகமாக வரியைப் போடுவதால் சினிமாக்கள், டிராமாக்கள், மற்ற கலைகள் நின்றபோய்விடும் என்றும், குறைந்து போய்விடும் என்றும் நினைக்கிறார்கள். அப்படி அல்ல. எவ்வளவுக்கெவ்வளவு அவர்கள் rate உயர்கிறதோ அவ்வளவுக்கவ்வளவு கலை ஜாஸ்தியாகி வருகிறது. இப்பொழுது பார்த்தால் பாடுகிறவர்கள், பாகவதர் கனிலிருந்து 500, 1,000, 2,000, 3,000 ரூபாய் வரையிலும் கேட்கிறார்கள். ஆனால் அவர்களுக்கு ஒரு நாள் கூட விடுமுறை இல்லாமல் அவர்களுக்கு தினம் கச்சேரிகள் இருந்துகொண்டே இருக்கிறது. சினிமா நடக்கிற இடத்தைப் போய் பார்த்தால் அங்கே ‘Queue’ system. நிற்பதற்குக்கூட இடம் கிடைக்கவில்லை. பத்து ரூபாய் கொடுத்துக் கூடபோவதற்கு தயாராக இருக்கிறார்கள். இப்பொழுது பணத்திற்கு கொஞ்சம்கூட value இருப்பதாகத் தெரியவில்லை. சாப்பாட்டிற்கு அரிசி இல்லையே தவிர பணம் எல்லா ரிடமும் இருக்கிறது. இந்த நிலைமையில் கவரின்மெண்டை நடத்துவதற்கு கட்டாயம் அதில் ஒரு பகுதி கொடுக்கத்தான்வேண்டும். அதையும் நாம் எல்லோரும் ஆமோதிக்கவேண்டுமென்பதாக நான் கேட்டுக்கொள்ளுகிறேன். ஏதாவது ஸ்கூல் நடத்தவோ, Public Institutions நடத்தவோ இவைகளுக்கு இந்த வரி இல்லாமல் செய்யவேண்டுமென்று ஏற்கனவே இருந்த சட்டத்திலிருக்கிறது. ஆனால் இப்பொழுது என்ன ஏற்படுகிறது என்றால் அதிகாரிகள் அம்மாதிரி செய்வது இல்லை. அவர்கள் தங்கள் குடும்பத்துடன் வந்து 8 பேர், 10 பேர், 15 பேருக்கு குறையாமல் டிக்கட் கேட்கிறார்கள். அவர்களுக்கு இல்லை என்றால் வரி வசூல் செய்கிறவர்களாவது அப்படி பண்ணுவது கிடையாது. அவர்களுக்கு வரி exempt செய்வது ரொம்பவும் கஷ்டமாக இருக்கிறது. ஸ்கூல் நடத்த வேண்டுமென்றாலும் ஏதாவது ஒரு நல்ல காரியம் நடத்தவேண்டுமென்று கேட்டாலும் அவர்களுக்கு exempt பண்ண அதிகாரிகளுக்கு நிச்சயமாக சொல்லவேண்டும். அதற்கு வேண்டிய provision பண்ணவேண்டும். இதை எல்லாரும் பூர்ணமாக ஆதரிக்கவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.”

* **SRI PILLALAMARRI VENKATESWARLU** :—“ Mr. Speaker, Sir, I rise to oppose the motion moved by the Hon. Minister for Finance. Sir, so much has been said about the provisions in the Bill, and particularly about the rate of taxation that is going to be increased. Whenever any fresh proposals for new taxation were brought forward we find the Hon. the Ministers bringing in the excuse of Prohibition. Because they have introduced Prohibition, if they are to increase the taxes at every stage, I ask hon. Members of the Congress party to imagine what people will think of their Prohibition policy and programme, and how will they view it? Food is being taxed, drinking water is taxed, and entertainment is also taxed, and it is going to be increased. Even the Justice party showed some consideration to the poorer section of the population who used to go to pictures purchasing the lowest class tickets, that is paying 2 annas or so. Now we have the Congress Government, who forgetting the poor people are taxing all classes of people—rich or poor—because as they say, they do not believe in socialism. So, they do not draw a distinction between rich and poor, and they tax each and everybody that comes in their way. That is how I understand the policy and programme of the Congress to-day. The Justice party exempted the lowest class, that is those persons who went for the 2 annas seats. Now the Congress party comes and levies tax on each and every class. Not only that. They are going to increase the tax. I like to point out that in this taxation proposal the professions to which the hon. Mr. Bhashyam and doctors belong, are not being taxed at all. I say the profession of the hon. Mr. Bhashyam and

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similar professions must be taxed cent per cent, and increased by 100 or even 300 per cent. I request the Hon. Minister to bring forward such a legislation before bringing this legislation. Of course, it is taxing the doctors and lawyers who are very influential. The Hon. Minister for Finance cannot go ahead in that direction. He may quote some of the decisions of the Privy Council. Apart from that, what is the effort he has made in this direction? Previously, there used to be a professional tax on the graded percentage. My suggestion is you increase the tax by 300 or even 400 per cent, and then you will get the finance.

"Then there is another thing. Your sales tax, entertainments tax, etc., have been increased without going into the condition of the people. You tax each and everybody that come in your way."

* MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Sir, I think my Hon. Friend Mr. Gopala Reddi is not feeling his position happy as Finance Minister (laughter), because it has been always his unfortunate lot to come to this House with new measures of taxation; and always for an increase of taxation. Never he had come to this House for affording any relief in any kind of taxation. I do not want to go into the merits or demerits of the Bill, after we had a number of speeches to-day, and more particularly when this Bill is going to the select committee. But this much is sure and certain from the number of speeches we have heard from both sides of the House that members feel that the rate of tax is really high. Therefore, the select committee, will consider this question deeply, and fix some reasonable rate. Some members have spoken that the industry is being killed, etc. To be very frank, I do not have any sympathy either for the cinema proprietors or the film producers. As we know, films which are produced in our Province at a cost of five to six lakhs of rupees are run for months together, and the producers are getting a good lot of money. So is the case with owners of cinema houses. They may build a house for a lakh or two lakhs of rupees but they get a good income for their whole life. I know that this tax is going to fall mainly on cinema goers. I may only suggest to Government that if nothing is possible, they should increase the rates of the various classes in cinema houses, but they should also control the rates of various seats in cinema houses. Otherwise, it is quite possible that as soon as this bill is passed into law, the rates for the different classes in cinema houses would also be increased. I do not know whether it would be possible for Government to make rules to control the rates in cinema houses so that the cinema proprietors and film producers may not take undue advantage of this tax. Therefore, Sir, I give my qualified support to this measure."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, Sir, I promised that I would not take more than three minutes. The Hon. the Finance Minister when commending the consideration of his motion to this hon. House said that there was inflation in the country now, and therefore one need not mind the increase in the entertainments tax. But, Sir, I beg to remind

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him of the fact that when people clamoured and demanded an increase in the price of paddy, which was very necessary for staving off the crisis and the famine that was threatening this country, we were told that such a step as that would push up the vicious spiral of inflation, and that on that score that legitimate demand of the people was being denied. Now, Sir, the Hon. Finance Minister comes forward and says that one need not mind the aggravation of the inflation which may be caused by this tax as well as the sales tax. I think he ought to have argued that this should not aggravate inflation. He ought to have assured us that inflation will have nothing to do with this tax, and if it is anything it should help to tide over the crisis, which is being now perpetrated by inflation.

"Another point which I want to touch upon is that almost the whole of the proceeds of this tax deducting the collection charges is being proposed to be handed over to the local boards. Relying upon this tax, if the local boards launch upon schemes of a permanent nature, what will be their position when there is no more inflation? Inflation is not a permanent thing; it is a temporary affair. Inflation is sure to subside some time or other, and then the proceeds of this tax would not be so much as it is to-day. Therefore, what are those local boards to do, after they have launched on schemes, particularly those schemes involving expenditure of a recurring nature? That point also the Hon. the Finance Minister must have in his view. One of the hon. Members expressed the hope that some day this tax might be reduced. But I want the members not to entertain any such hope as that. This tax as well as any other tax has got the nack of persisting and sticking on when once it is levied. We do not know of any tax that was abolished when once it was levied. It was said when this very tax was increased in 1945 that it would be reduced when the time became propitious. Instead of that, after two years, we find that it is being increased further. Therefore, Sir, I want hon. Members of the House to remember that they need not have any such hope. But, Sir, I expect the Minister in his reply to explain how this will not aggravate inflation from which the country is already suffering and how he expects local boards to adjust their finances in future when there is no more inflation when they cannot expect to get so much money as they will at present get."

* THE HON. SRI B. GOPALA REDDI:—"Sir, when I moved my motion I did not expect so many speakers to participate in the debate. While I am thankful to all the criticisms on the bill, I have nothing to complain about the speeches. Most of the speakers supported the motion, while a few opposed it. It has given me a peculiar sensation when both the Communist Members opposed the bill *in toto*. They could have pleaded for preferential rate for the poorer man, and I do not see any reason why they should object to the bill *in toto*, and refuse sanction to Government to levy a higher tax on the richer man."

"Apart from all that, had it been a taxation measure of Government I would have been subjected to greater criticism. Ninety

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per cent of the proceeds of this tax are to go to local boards. I must here say some Members were uncharitable to them when they said that local boards are inartistic institutions; some Members had a soft corner for them; while some had their misgivings about their capacity to pull on. I am sure all these misgivings will be cleared up in the select committee.

"So, Sir, it is a question whether local boards should be given further finance, and I am here voicing this question as the trustee of local bodies. I may say here all the money is not going to Government coffers, and whatever the select committee may like to say, I am willing to consider sympathetically, because it does not concern Government much. Yet, I am acting as the trustee of local bodies. They should be given necessary finance; for we have cast on them so many responsibilities. We have asked them to maintain their highways in a state of efficiency; we have asked them to maintain public health in a good condition; we have asked them to work the Public Health Act, which enjoins them to spend so much on public health; we want their medical institutions to be run well; we want them to make elementary education compulsory in their area; in fact, so many responsibilities are cast on them; we should not therefore grudge to give them necessary finance. It is not fair the local authorities should be treated in a step-motherly fashion by this august House. Government is giving them so many grants; Government is giving them so many compensatory allowances under one head or another. We are giving toll compensation, arrears of toll compensation, compensation for loss of profession tax, which was reduced by fifty per cent some time back,—under all these heads Government is giving local bodies so many lakhs, and yet we find eleven municipalities and eight district boards are unable to give effect to the revised scales of salary to their employees, and it is a very serious matter. Time and against this is coming up to Government, and we do not know what to do. If we give preferential treatment to teachers, it will lead to a lot of trouble; even then eight municipalities and eight district boards are unable to give effect; and so the matter is engaging the attention of the Government very seriously. Under these pathetic circumstances, we must do something to help these local bodies so that they can stand on their legs.

"The suggestion was made by Mr. Bhashyam, whether under the devolution powers, the power of taxation be not handed over to the municipalities themselves. That was tried some time ago; but to our surprise, only eleven municipalities, out of the 82 municipalities, took advantage of that power. So, in 1937 when Prohibition was introduced, it was decided that that power should be taken away and it should be exercised by Government themselves. In this way, it became a Government measure, the proceeds first went to Government coffers, and an annual compensation was given to the local bodies. In 1945, when Mr. Strathie was the Adviser in charge of finance, he looked into this matter carefully. As Inspector of Local Boards and Municipalities, he knew well the finances of local bodies, and in a reply to an address at Guntur he gave the assurance that the entertainments tax will be passed on to

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the municipalities and district boards. So from April 1945, the rates were revised, and ninety per cent of the tax was given to local bodies. Year by year, we saw the tax was going up and fear was expressed whether the film industry could bear this tax, whether music performances could bear this tax and so on. To-day the tax is mounting up and it is bound to mount up because of the people's cinema-mindedness. I am sure this will continue and the film industry could continue to bear taxation. There will be no difficulty. If there is any difficulty, or if the cinema industry is likely to be killed by this taxation, it is up to this Government to revise this matter if and when required; for there is no finality in this matter. Again, Sir, it is not as though the tax will fall heavily on the poor. Even now they are paying more than two annas and less than six annas. In some cases, the increase works out to 37½ per cent; in some it is 25 per cent; in some it is 32 per cent; in some it is 34.6 per cent. I have worked it out mathematically; and this percentage is very demonstrative; in some cases, even the existing rates work out to 31.4 per cent. So we have proposed 33-1/3 per cent as a flat rate. But much criticism was levelled against this flat rate. It was asked, why not a differential rate, a progressive sliding scale of rate be adopted? It is for that I am referring this bill to the select committee. I really want the whole thing to be gone into there, namely, 'whether to have a progressive sliding scale or a flat rate and if it is a flat rate, what percentage should it be?' 'Whether to have a differential rate and, if so, what should be the lower rate?' I have put very many eminent people in the select committee, people who are municipal chairmen and district board presidents, the Mayor of Madras, and they will all consider this question very carefully. If they do want a sliding scale, perhaps I may not object to it. Again, we will have to look into it. Also there is the question of 'dramatic performances' and 'music performances'. It is a very ticklish thing. I knew this would come up. I want to leave this to the Select Committee to decide. As it is, section 8, which deals with this, is a comprehensive section. Sub-section (2) covers all such cases. It runs thus:

'(2) The Provincial Government may, by general or special order, exempt any entertainment or class of entertainments from liability to the entertainments' tax.'

Under this sub-clause a number of performances were given exemption all along, and I think the latest figures show that exemptions were given liberally. The number of such performances as per last year's statistics is on the increase. It is not as though towns and municipalities are not having a great number of cinema houses. The actual number of performances is on the increase; and so there is no danger of entertainments being killed altogether. About music performances it is a matter for deep consideration and I would like the Select Committee to decide the matter. But I must say that these music performances are not merely for the sake of art or culture. I know in the city of Madras there are many music sabhas which are making a lot of money; that is my information; I do not think all of them should

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be given exemption. It is a question, whether we should give a general exemption or whether particular classes of performances should enjoy a preferential rate. That is a matter for the Select Committee, and I shall be guided by the Select Committee in the matter.

“There were other matters raised. Mr. Varadachari made very interesting suggestions that something must be earmarked for cultural education and for having a national theatre with necessary courses of study prescribed for that. I do not know whether the time is ripe to undertake all these. Again, it is a matter for the Hon. Minister for Education. Mr. Raza Khan made very interesting remarks. He asked whether Government should not control the rates which the cinema people are now levying, as they may hereafter increase the rates under the pretext of entertainments tax. That is a matter for the Hon. Home Minister. In consultation with him we shall see whether we should control it or not. But I do expect, in their own interest, cinema people will not raise the rates to any abnormal level, for it is to their own interest to keep it at a proper level, make profit for themselves and give a tax to Government. I have nothing more to add. There were other speakers who made certain other suggestions. We can consider them in the Select Committee. I therefore request that sanction may be accorded for referring the Bill to the Select Committee without any opposition.”

MR. SPEAKER:—“The question is that the Madras Entertainments Tax (Amendment) Bill, 1947, be referred to a Select Committee consisting of the following members:—

- (1) Mr. John Moses Wilson.
- (2) Begum Sultan Mir Amiruddin.
- (3) Abdul Hameed Khan Sahib Bahadur.
- (4) Sreemathi R. Lakshmipathi.
- (5) Sri R. V. Swaminathan.
- (6) Sri P. Ratnavelu Thevar.
- (7) Sri K. Subrahmanyam.
- (8) Sri K. Varadachari.
- (9) Sri P. Kakkan.
- (10) Sri U. Padmanabha Mallayya.
- (11) Sri B. S. Murthi.
- (12) Sri K. B. Narayana Reddi.
- (13) Mr. H. B. Walford.
- (14) The Hon. Sri K. Chandramouli.
- (15) The Hon. Sri B. Gopala Reddi.”

The motion was put and carried.

MR. SPEAKER:—“Under rule 78 of the Madras Assembly Rules, I appoint the Hon. Sri B. Gopala Reddi to be the Chairman of the Select Committee.”

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IV.—MOTION FOR CHANGING ORDER OF BUSINESS.

THE HON. DR. P. SUBBARAYAN:—“I move—

‘that item (3) in the Agenda, namely, the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947) may be taken up before item (2) The Madras Non-Power Factories Bill, 1947.’ ”

The motion was put and carried.

V.—THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947
(L.A. BILL NO. 15 OF 1947).

THE HON. DR. T. S. S. RAJAN:—“Sir, I present the Report of the Select Committee on the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947) and move—

‘that the Bill as reported by the Select Committee be taken into consideration.’

This Bill was already introduced in the House and it was referred to a Select Committee. The Select Committee appointed by the House has gone into the question and it has submitted a unanimous report. The Bill as submitted by the Select Committee is nothing strikingly different from the original Bill. The whole point is that the Select Committee which consisted of practically almost every labour member of this House discussed the Bill point by point in three or four continuous sittings and they have come to a unanimous decision. This is one of those bills which, I am sure, will be welcomed by society, because it provides for the regulation of working hours, holidays, recreation, payment of wages and all these things. It will make life easier and comfortable in a composite society of the modern world. This is one of the social legislations which has been enacted in all progressive countries where safeguards such as are provided in this Bill have already been provided for.

“To-day the International Labour Organization is meeting at Delhi. It has now taken up the question of the social standards and security in the Asiatic regions and they are now laying down the standards with regard to the maintenance of society. By a series of conferences all over the world they have more or less codified their standards and at every conference they add a few more and then put it before the countries for their acceptance and they check it again year after year as to how far those recommendations have been carried out and implemented by the nations concerned. Among the very many things that are now being considered by the International Labour Organization are many of the things which are contained in this Bill. It contains the regulation of hours of work, wages, it contains also holidays, it contains a surety of wages, health conditions that have to be better looked after, sanitary convenience to be provided for in places where workers are employed and their maximum hours of work. All these things are mentioned and provided for. There is an agency also provided in this Bill by which these things shall be looked after and checked and the Government have given the agency sufficient powers to interfere

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where interference becomes necessary. I need not dilate upon this because, it is only a small Bill containing a few chapters, the summary of which I have already given. It is now more or less in the second stage of discussion and I hope the House will give the consideration which this subject richly deserves and come to a unanimous conclusion and pass the Bill swiftly."

MR. SPEAKER:—"In the first stage the Bill was discussed exhaustively and so I think hon. Members will not take much of the time of the House."

SRI K. ANANDAN NAMBIYAR:—"I was in jail at that time, Sir."

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, the Hon. Minister for Labour has said that this Bill contains everything, leave, wages, holidays, sickness, insurance and everything, but I say that it contains everything and it contains nothing. (Laughter.) The reason for my saying so is very simple. If you go carefully through every section and every clause of the Bill you will come to the conclusion that the Bill is merely a copy of the Factories Act which was passed perhaps in 1934 and subsequently amended very recently. We just now heard the Hon. Minister for Labour referring to the Asiatic Conference and that it is going to pass some resolutions which we have perhaps to implement. My suggestion and submission to the Hon. Minister for Labour is this. Yesterday or the day before yesterday we found in the papers a resolution moved by the Government of India itself guaranteeing a minimum living wage and other essential service conditions. I should like to judge the Bill on the standard of that resolution. If all of us are agreed that we are in a way part and parcel of the India Government and that all that the Government of India do are in a way morally binding on us, I do not find any argument or reason in the contention that we are independent and we have nothing to do with the Government of India and that we are not going to take their advice. In regard to most of the issues we see our Ministers going to the Centre, seeking their advice and guidance to which I take no objection. On the other hand I welcome them. Therefore wherever there are salient points we have to copy them and implement them. The Bill should be viewed from this standard. I will read the resolution moved by the India Government in the Asiatic Conference—

"In order that the introduction of the social security service may be beneficial and effective, substantial progress should be made towards free and compulsory education, the establishment of a living wage and the provision of decent housing and healthy environment. The Government should therefore accord the highest priority to the fundamental measures . . .

I should like to request the Hon. Minister for Labour to show in this Bill any provisions as to living wage which is the most essential thing for the shop employees. When the living wage is neglected or omitted I cannot understand what this Bill is for—that is, as far as their economic condition is concerned.

"In most of the shops we find that already they are working only for 48 hours in a week. Only in a very few shops they are

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over-working. This Bill only says that they should work for not more than 48 hours. The resolution of every international convention, which I am sure the Hon. Minister for Labour respects as much as I do, clearly indicates a 40-hour week and now here we find in the Bill, 48 hours and 9 hours. Perhaps this Bill would have been welcome in 1937 when Dr. Rajan was the Minister for Health and not the Minister for Industries. Now he is the Hon. Minister for Industries. Ten years have elapsed and so many new conventions have come into force. When every other country is progressing to-day we find the Hon. Minister for Labour taking us back to 1937. That is why I object to this. My suggestion, therefore, is that the working hours should be reduced to 40 hours a week. We must aim at the ideal so that it might be implemented. The business is intended . . ."

MR. SPEAKER:—"The hon. Member has given notice of some amendments and he can speak on those."

* SRI PILLALAMARRI VENKATESWARLU:—"Even in the interests of the business people they should welcome the 40-hour week. They will have to sit in their shops only for 40 hours and can look after other jobs or take rest afterwards. The consumer can look after other jobs or take rest afterwards. The consumer it will not be inconveniencing anybody.

"Sir, there is another drawback in the Bill. In the Non-Power Factories Bill, it is provided that 15 days' sick leave and 15 days' casual leave and 15 days' privilege leave should be given. In the Bill here we find it is only 10 days' casual leave and 10 days' privilege leave. I should like to know why this has been made like this and why the very same Hon. Minister has accepted 15 days there. The Hon. Minister has been telling us that there is sick leave and everything. But as a matter of fact sick leave has been omitted from the Bill and I hope the Hon. Minister for Labour will accept our amendments so that 15 days' sick leave may be given as in the case of the Non-Power Factories Bill.

"Another thing of a most important nature is that a minimum living wage must be fixed before we can expect to maintain healthy relations. It is not an impossible thing to do. For instance we have got the Textile Enquiry Committee's award which has been accepted by the Government itself. It has clearly indicated that Rs. 27 should be the minimum wage if the cost of living index stood at 1939 level and for every 100 points rise over that there should be an increase of 3 annas. We can accept that here and enforce it. If the living wage is accepted all labour troubles can be avoided and all insinuations against the Communist Party can also be avoided. When the principle has been accepted I do not know why the Hon. Minister did not incorporate it in the Bill.

"Sir, most of the Ministers complain that they do not know what is meant by a living wage. It is inexcusable, Sir. We cannot expect the Hon. Ministers to be ignorant of what is meant by a living wage. Living wage is the most essential thing. Unless

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we accept the principle of living wage there cannot be industrial harmony or industrial peace. Everybody to-day is demanding a living wage and we have to accept the principle."

MR. SPEAKER:—"The hon. Member has spoken exhaustively at the first stage and he is repeating the points again."

* SRI PILLALAMARRI VENKATESWARLU:—"Even previously we were demanding from the private managements to enforce a living wage. Is it not our job now when there is a legislation coming up to make a provision in the Bill?"

"Then, Sir, there is another point about the domestic servants. They are not included in the Bill and the Bill is not going to benefit the domestic servants who are to-day serving in our houses. What about them? They are standing and dancing before us for all the twenty-four hours. What are you going to do for them? (Interruption.) I know they are going to do nothing separately for them. That is why I say that even now the question of the domestic servants must be included in the Bill. This Bill must be made applicable even to the domestic servants . . ."

MR. SPEAKER:—"That cannot be done. This Bill deals with the establishments in shops."

* SRI PILLALAMARRI VENKATESWARLU:—"The scope of the Bill can be extended and my point is that the scope of the Bill must be extended and some provisions must be made for the domestic servants in any of these two bills. We are viewing the Bills from the same angle. Either in the Non-Power Factories Bill or in the Shops and Establishments Bill the domestic servants must find a place, who are working for us for all the twenty-four hours of the day."

"Then I come to the question of dismissal. Everything is left in the hands of the managers of the shops. My suggestion is that before the manager becomes entitled to dismiss the employee the employer must have to prove his case against the employees. If it is not done there is no point in allowing the management to dismiss the employees and then asking the employees to go to the courts or to appeal. That is in no way going to benefit the employee."

"With these words, Sir, I commend the Bill for the consideration of the House."

4-30 p.m. * SRI K. ANANDAN NAMBIYAR:—"The Hon. Speaker wants me to speak even now, but I wanted to listen to the speeches of other hon. Members so that I may reply to their arguments."

MR. SPEAKER:—"Other Members will not speak. As soon as the hon. Member finishes, I am going to call upon the Hon. Minister to reply."

* SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I shall say a few words about some of the points which have been

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left out by my hon. Friend Mr. Venkateswarlu. I welcome this legislation intended for the protection of workers in small industries. But certain important things have been omitted from this Bill. The railway refreshment rooms have been omitted from the purview of the Bill. The Hon. Minister may say that they have been excluded because they are under the control of the Central Government. But the fact that they are under the Central Government will not satisfy the workers of the South Indian Railway if the benefits conferred by this Bill are not extended to them and the weekly holidays are refused to them. I request this Government to ask the Central Government to extend the benefits of this legislation to similar workers on the railway."

"Then, Sir, I find that clause 4 is very wide and ambiguous. It refers to persons employed in any establishment in a position of management, to persons whose work involves travelling and persons employed as canvassers and care-takers, to those who are employed in the Reserve Bank of India, under the Central and Provincial Governments, Local Authorities, etc. These men are excluded. I ask, Sir, why these men should be excluded from the benefits of this Act. There is no necessity to exclude them from the Bill."

"Then, Sir, the second objection is that the spread-over of time is given as twelve hours. We have our own experience of the nature of work which is called intermittent where the work is spread over 12 hours. When there is a chance of spread-over, the employer will extract work all the 12 hours."

"Then, Sir, there is the proviso to sub-section 9 (1) which says:

'Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of over-time wages, if the period of work, including overtime work does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.'

Sir, this restriction has been copied from the Payment of Wages Act. In that Act there is a ceiling limitation of 54 hours. Here also we have it. We have our own grievances against that ceiling limitation. Whenever a worker works beyond the time fixed—8 or 10 hours a day—he should be paid over-time wages at twice the ordinary rates. There should be no ceiling limitation in the case of over-time work. There should be generous payment for over-time work for all the hours actually worked."

"Then, Sir, there are workers who are actually employed in some difficult jobs. For instance the cooks in the hotels have to handle boiling water to cook food. If any accident occurs there is no provision in this Bill to give them any relief. I request the Hon. Minister to make some provision for giving them compensation in such cases. There have been instances in certain hotels where workers have met with accidents and have been removed to hospital at their own expense or that of their friends, but the hotel managers have not cared to do anything for them. I do not want to quote such instances and give names, because if I did that, I might not get my coffee in the hotel to-morrow. (Sri N. S. Varadachari: 'The hon. Member may shed all such fear when speaking

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in this House.) There have been instances in this City itself where the workers have met with accidents like that and had to go to hospitals at their own expense and the hotel proprietors have not cared to help them. No pay is given to them for the period of their absence. There is no provision in this Bill for the purpose. I request the Hon. Minister to make a suitable provision for this.

"Then, Sir, with regard to dismissals, my hon. Friend Mr. Venkateswarlu has already dealt with the question. I am very serious about that point. So many conditions have to be observed before railway workers are dismissed. We had a right of enquiry before dismissal. Our great South Indian Railway strike of last year was due to the fact that this right was taken away by the General Manager. It is said that no employer shall dismiss a person except for reasonable cause. The hotel proprietor or the shop manager will always find some reason for dismissing a worker. This is a very ambiguous word. The Government should see that *mala fide* action is stopped. The proprietors and managers must not be allowed to dismiss workers for flimsy reasons. There is no safeguard provided in the Bill. The worker should be dismissed only for serious offences. In our country, the main difficulty of industrial labour as well as other labour is that there is no security of service. Unless there is security of service, there will be no peace in the labour field. If one worker is dismissed unreasonably, all the workers in the industry will go on strike to vindicate their rights. I request the Hon. Minister to give a better and clearer safeguard against dismissal so that better understanding may be created between the workers and the managements.

"The last point is about holidays. My hon. Friend, Mr. Venkateswarlu said that the number of holidays should be increased to 15 days. I want that the number of holidays should be increased to 30 days with pay. The Railway workers get one month's privilege leave for a full year's service. We get also one month's sick leave for a year's service. We get also half-pay leave for 15 days. There is no use of leaving these workers at the mercy of the managers. Even these ten days they will not give the workers. Therefore, Sir, I want that these workers should be given at least 30 days leave in a year.

"It is stated that the leave should be granted after one year's service. I ask, Sir, why service should be taken into consideration. The manager or the hotel keeper will dispense with the cook or the cleaner and will say his service has lapsed. Again he may take him and say that his service has begun anew and that it is not continuous for one year, and that he cannot give the leave. Sir, there are certain hotel keepers in Madras who have entered into a sort of contract with the workers. I think the Nehru hotels or some such concern—I do not know which—have anticipated this kind of legislation and recruited their labour on certain conditions. They have asked their workers to sign an agreement according to which they could be dismissed by the management without assigning any reason. I request the Hon. Minister to take that aspect of the question into consideration.

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"As regards the remaining objections, we have put forward amendments and we hope the Hon. Minister will kindly go through them and accept them, if possible, without any prejudice because they have come from the Communists."

* THE HON. DR. T. S. S. RAJAN:—"Sir, many of the points raised by my hon. Friends here were matters of keen controversy and discussion in the Select Committee and I have made as much accommodation as possible for those views without defeating the very purpose of the Bill. Some of the new points were not considered by the Select Committee because they were not before the Select Committee. After having listened to what my hon. Friends have said, I really do not think I have much to say except that perhaps in a few places some provisions may be made to cover cases which are not now covered by this Bill. Sir, I have listened to them with as much attention and consideration as is necessary in the case of views expressed by persons who are already working for labour. I do not contend that this is a perfect Bill. There may be some room for improvement. As far as I can see, the great irregularities which prevail in the service conditions of these employees have been brought under the purview of this Act. Questions about the grant of leave for a few more days this way or that, and questions relating to the holding of an enquiry before a worker is dismissed, have all been brought to my notice.

"I may assure the House that if a management wanted to defeat the purpose of the Act by entering into agreement with the workers beforehand, they would be gravely disappointed. This Act will be enforced by a separate agency under the control of the Government and any such ingenuity such as resort to the civil laws, the laws of contract and so on on the part of the management will be absolutely of no avail. This Act will be applied to all the shops irrespective of any contracts they may have entered into. A man might have entered into a contract to make him a slave for five years, but when the slave law is abolished, you will find that the protection of that law is of no avail to the employer. As soon as this law comes into force, it will not be of any avail for hotel managements and employers to resort to such things.

"Then there is the question of leave with pay. We must remember that we are now giving certain privileges to workers who till now have not enjoyed those privileges. It may be that they may not get the full benefit of the privileges. But the Government will see that the grant of benefits provided under the Act is enforced by the agency which the Government is going to appoint. Therefore on that score, there need be no apprehension. With regard to holidays with pay, we must remember that the establishments for which this Bill is contemplated are not establishments like the railways to which the hon. Member referred. The Railways come under a different category altogether. The labour organization there, has received full recognition at the hands of the Government and by various statutes they have been well provided for. But here, this Bill is proposed to be brought into force

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for the first time over a large series of establishments of a multifarious nature from a pawn shop and ordinary eating house to a big hotel. A variety of business enterprises are covered by this Bill. They may be of such a precarious nature that it may be cruel to compel the managements to grant thirty holidays with pay and other service conditions obtaining in other institutions. We shall certainly take due notice of it and deal with it in going through the further stages of the Bill."

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

MR. SPEAKER:—"The Hon. Leader of the House has suggested that the House be now adjourned as we have got only ten minutes more. The House agrees to the suggestion. So I adjourn the House to meet again at 11 a.m. to-morrow."

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 345 asked by Sri A. Vedaratnam Pillai (on behalf of Sri N. M. R. Subbaraman) at the meeting of the Legislative Assembly held on the 31st October 1947, page 197 supra.]

Statement of Yarn Production.

Period.	Percentage of different counts in the total production.						
	(Up to 10s) (8s).	2 Above 10s 20s (20s).	2 Above 20s 32s (30s).	2 Above 32s 44s (40s).	60s.	80s.	100s.
October to December							
1944	7.1	59.1	9.9	19.8	2.9	1.0	0.2
1945	4.2	60.8	13.0	17.6	2.6	1.5	0.3
1946	2.4	59.8	14.7	18.4	3.1	1.4	0.2
April 1947	1.7	54.2	16.0	21.8	4.6	1.5	0.2
May 1947	2.0	51.1	21.1	19.4	4.7	1.5	0.2
June 1947	2.0	55.3	18.4	18.5	4.2	1.4	0.2

APPENDIX II.

[Vide answer to starred question No. 347 asked by Sri S. Nagappa at the meeting of the Legislative Assembly held on the 31st October 1947, page 198 supra.]

Statement showing the number of training schools for teachers in the Presidency—Districtwar.

District.	Number of training schools as on 31st March 1947 for		Total.
	Men.	Women.	
Vizagapatam, North	2 }	2	6
Do. South	2 }		
Godavari, East	5	2	7
Do. West	2	2	4
Kistna	4	4	8
Guntur, North	3 }	6	12
Do. South	3 }		
Kurnool	4	3	7
Bellary	3	3	6
Anantapur	1	1	2
Cuddapah	2	1	3
Nellore	3	2	5 *
Madras	3	* 6	9
Chingleput	2	3	5
North Arcot	5	3	8
Chittoor	1	2	3

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District.	Number of training schools as on 31st March 1947 for		Total.
	Men.	Women.	
South Arcot	3	2	5
Tanjore	3	2	5
Trichinopoly	4	5	9
Madura	2	* 3	5
Ramnad	2	2	4
Tinnevelly, East	1	* 5	8
Tinnevelly, West	2		
Coimbatore	* 4	3	7
Salem	2	3	5
The Nilgiris	1	:	2
Malabar, South	4		9
Do. North	4		7
South Kanara	3		8
Total	80	79	159

* The figures in respect of Nellore, Madras, Madura, Coimbatore and Tinnevelly districts as on 31st March 1946 have been adopted, as the returns relating to these districts for 1946-47 have not yet been received.

31st October 1947]

APPENDIX III.

[Vide item V at page 231 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The SELECT COMMITTEE appointed to consider the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated the 7th January 1947.

3. The Committee was appointed on the 24th April 1947.

4. The Committee met in the Legislative Council Chamber, Fort St. George, at 11 a.m. on Monday, the 21st July 1947, and concluded the consideration of the provisions of the Bill on Tuesday, the 22nd July 1947.

5. The more important changes introduced in the Bill by the Select Committee are as follows:—

Clause 1.—The Committee felt that the major panchayat boards also should be included and clause 1 (3) (a) was amended accordingly.

Clause 2.—It was felt that the term “wages” should be defined and a definition of “wages” was inserted in this clause.

Clause 4.—The Committee thought it necessary not to exclude persons employed in a confidential capacity from the operation of this Act and they also felt that certain persons and establishments referred to in the clause should not be given complete exemption, but that the rule regarding the opening and closing hours only should not be made applicable to them. The clause was amended accordingly.

Clause 18.—The Committee decided that women should not be exempted from working before 6 a.m. and after 7 p.m. since it would very seriously affect the working of the hospitals which employed female nurses and whose duty it was to attend on patients at all hours. The clause was amended accordingly.

New clause 24.—This new clause was inserted after clause 23 in order to provide an appeal against the decision of the Inspecting Officer. The subsequent clauses were renumbered, including internal references.

Clause 25.—It was thought desirable that an employee should get an additional ten days' sick leave in a year. The clause was amended incorporating this suggestion.

[31st October 1947]

Clause 31.—The Committee decided that the wages for overtime work should be twice the ordinary rate of wages. The clause was suitably amended. Mr. Viswanatham and others wanted that some provision should be made for the creation of a Provident Fund scheme or the starting of an insurance scheme by the employers for the benefit of the employees. The Chairman pointed out that the question was under the consideration of the Government of India who were expected to bring in a comprehensive legislation, and pending that, it was desirable not to press this matter. Mr. Viswanatham agreed with the Chairman, but stated that after the Central Government's legislation became an accomplished fact, the Provincial Government might bring in supplemental legislation, if necessary, at a later stage.

Clause 41.—Mr. Thompson pointed out that this clause would create hardship since it would apply to all kinds of labour, whether permanent, temporary or casual. The Select Committee agreed with him that the benefit of this clause should not go to casual or temporary labour, and the clause was amended accordingly.

The Committee also thought that an appeal should be provided for when an employer dispensed with the services of an employee under this clause. Accordingly, new sub-clauses (2) and (3) were added providing for such an appeal.

6. The Select Committee considered that, since no substantial changes had been made in the Bill, it was not necessary to republish the Bill.

7. A copy of the Bill, as amended by the Select Committee, is annexed.

FORT ST. GEORGE,
24th July 1947.

T. S. S. RAJAN,
Chairman.

ANNEXURE.

[Note.—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

(L.A. BILL No. 15 OF 1947.)

A Bill to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes.

WHEREAS it is expedient to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Shops and Establishments Act, 1947.

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

Short title,
extent, and
commence-
ment.

[31st October 1947]

(3) (a) It shall come into force in the City of Madras, in all the municipalities constituted under the Madras District Municipalities Act, 1920, and in all panchayats constituted under the Madras Local Boards Act, 1920, which, for the time being, are classified by the Provincial Government as major panchayats, on such date as the Provincial Government may by notification appoint.

Madras
Act V of
1920.

Madras
Act XIV
of 1920.

(b) The Provincial Government may, by notification direct that all or any of the provisions of this Act shall come into force in any other area on such date as may be specified in such notification.

CHAPTER I.

PRELIMINARY.

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

(1) “child” means a person who has not completed fourteen years;

(2) “closed” means not open for the service of any customer;

(3) “commercial establishment” means an establishment which is not a shop but which carries on the business of advertising, commission, forwarding or commercial agency, or which is a clerical department of a factory or industrial undertaking or which is an insurance company, joint-stock company, bank, brokers' office or exchange and includes such other establishment as the Provincial Government may by notification declare to be a commercial establishment for the purposes of this Act;

(4) “day” means the period of twenty-four hours beginning at midnight;

Provided that in the case of a person employed, whose hours of work extend beyond midnight, day means the period of twenty-four hours beginning from the time when such employment commences;

(5) “employer” means a person owning, or having charge of, the business of an establishment and includes the manager, agent or other person acting in the general management or control of an establishment;

(6) “establishment” means a shop, commercial establishment, restaurant, eating-house, theatre or any place of public amusement or entertainment and includes such establishment as the Provincial Government may by notification declare to be an establishment for the purposes of this Act;

(7) “factory” means any premises which is a factory within the meaning of clause (j) of section 2 of the Factories Act, 1934, or which is declared to be a factory under section 5 of that Act;

Central
Act XXV
of 1934.

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(8) "Inspector" means an Inspector appointed under section 42;

(9) "notification" means a notification in the *Fort St. George Gazette*;

(10) "opened" means opened for the service of any customer;

(11) "periods of work" means the time during which a person employed is at the disposal of the employer;

(12) "person employed" means—

(i) in the case of a shop, a person wholly or principally employed therein in connexion with the business of the shop;

(ii) in the case of a factory or an industrial undertaking, a member of the clerical staff employed in such factory or undertaking;

(iii) in the case of a commercial establishment other than a clerical department of a factory or an industrial undertaking, a person wholly or principally employed in connexion with the business of the establishment, and includes a peon;

(iv) in the case of a restaurant or eating-house, a person wholly or principally employed in the preparation or the serving of food or drink or in attendance on customers or in cleaning utensils used in the premises or as a clerk or cashier;

(v) in the case of a theatre, a person employed as an operator, clerk, door-keeper, usher or in such capacity as may be specified by the Provincial Government by general or special order;

(vi) in the case of all establishments, a person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer;

(13) "prescribed" means prescribed by rules made under this Act;

(14) "residential hotel" means any premises in which business is carried on *bona fide* for the supply of dwelling accommodation and meals on payment of a sum of money to a traveller or any member of the public or class of the public;

(15) "restaurant" or "eating-house" means any premises in which is carried on wholly or principally the business of the supply of refreshments or meals to the public or a class of the public for consumption on the premises but does not include a restaurant attached to a theatre;

(16) "shop" means any premises where any trade or business is carried on or where services are rendered to

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customers and includes offices, store-rooms, godowns and warehouses, whether in the same premises or otherwise, used in connexion with such business but does not include a restaurant, eating-house or commercial establishment;

(17) "theatre" includes any place intended principally or wholly for the representation of moving pictures or for dramatic performances;

(18) "wages" means all remuneration, capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable, whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity or of any service excluded by general or special order of the Provincial Government;

(b) any contribution paid by the employer to any pension fund or provident fund;

(c) any travelling allowance or the value of any travelling concession;

(d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(e) any gratuity payable on discharge.

(19) "week" means a period of seven days beginning at midnight on Saturday;

(20) "young person" means a person who is not a child and has not completed seventeen years.

3. References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwich mean time. References to time of day.

4. (1) Nothing contained in this Act shall apply to—

(a) persons employed in any establishment in a position of management;

(b) persons whose work involves travelling; and persons employed as canvassers and caretakers;

(c) establishments under the Central and Provincial Governments, local authorities, the Reserve Bank of India, the Federal Railway Authority, a railway administration operating a federal railway, and cantonment authorities;

(d) establishments in mines and oil-fields;

Exemptions.

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(e) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time ;

(f) establishments which, not being factories within the meaning of the Factories Act, 1934, are, in respect of matters dealt with in this Act, governed by a separate law for the time being in force in the Province. Central Act XXV of 1920.

(2) Nothing contained in section 7 or section 13, as the case may be, shall apply to—

(a) hospitals and other institutions for the treatment or care of the sick, the infirm, the destitute or the mentally unfit;

(b) such chemists' or druggists' shops as the Provincial Government may, by general or special order, specify;

(c) clubs and residential hotels ;

(d) stalls and refreshment rooms at railway stations, docks, wharves or ports.

Power of Government to apply Act to exempted persons or establishments. 5. Notwithstanding anything contained in section 4, the Provincial Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments mentioned in that section, other than those mentioned in clauses (c) and (f) of sub-section (1), and modify or cancel any such notification.

Exemptions. 6. The Provincial Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the Provincial Government deem fit.

CHAPTER II.

SHOPS.

Opening and closing hours of shops. 7. (1) Save as provided by or under any other enactment for the time being in force, no shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government, by a general or special order in that behalf:

Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Provincial Government shall hold an inquiry in the prescribed manner.

(3) The Provincial Government may, for the purposes of this section, fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

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8. Save as provided by or under any other enactment for the time being in force, no person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated. Selling out-side shops prohibited after closing hour.

Provided that nothing in this section shall apply to the sale of newspapers.

9. (1) Subject to the provisions of this Act, no person employed in any shop shall be required or allowed to work therein for more than eight hours in any day and forty-eight hours in any week. Daily and weekly hours of work in shops.

Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any shop shall be required or allowed to work therein for more than four hours in any day unless he has had an interval for rest of at least one hour.

10. The periods of work of a person employed in a shop shall be so arranged that, along with his intervals for rest, they shall not spread over more than twelve hours in any day. Spread over periods of work.

11. (1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shopkeeper more often than once in three months. Closing of shops and grant of holidays.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day:

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1), to an additional holiday.

(3) (a) The Provincial Government may, by notification, require in respect of shops or any specified class of shops, that they shall, in addition to the day provided for by sub-section (1), be closed at such hour in the afternoon of one week-day in every week at such hour as may be fixed by the Provincial Government.

(b) Every person employed in any shop to which a notification under clause (a) applies, shall be allowed in each week an additional holiday of one half-day commencing at the hour in the afternoon fixed for the closing of the shop under clause (a).

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(4) The Provincial Government may, for the purpose of sub-section (3), fix different hours for different shops or different classes of shops or for different areas or for different times of the year.

(5) The weekly day on which a shop is closed in pursuance of a requirement under sub-section (3) shall be specified by the shopkeeper in a notice permanently exhibited in a conspicuous place in the shop, and shall not be altered by the shopkeeper more often than once in three months.

(6) No deduction shall be made from the wages of any person employed in a shop on account of any day or part of a day on which it has remained closed or a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall none the less be paid for such day or part of a day the wages he would have drawn, had the shop not remained closed, or had the holiday not been allowed, on that day or part of a day.

CHAPTER III.

Establishments other than shops.

Application of this Chapter to establishments other than shops. 12. The provisions of this Chapter shall apply only to establishments other than shops.

Opening and closing hours.

13. (1) Save as provided by or under any other enactment for the time being in force, no establishment shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government by general or special order in that behalf:

Provided that in the case of a restaurant or eating-house, any customer who was being served or was waiting to be served therein at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.

(2) Before passing an order under sub-section (1), the Provincial Government shall make an inquiry in the prescribed manner.

(3) The Provincial Government may, for the purposes of this section, fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

Daily and weekly hours of work.

14. (1) Subject to the provisions of this Act, no person employed in any establishment shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week:

Provided that any such person may be allowed to work in such establishment for any period in excess of the limit fixed under this sub-section subject to payment of overtime

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wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.

(2) No person employed in any establishment shall be required or allowed to work in such establishment for more than four hours in any day unless he has had an interval for rest of at least one hour.

15. The periods of work of a person employed in an establishment shall be so arranged that along with his intervals for rest, they shall not spread over more than twelve hours in any day. Spread over of periods of work.

16. (1) Every person employed in any establishment shall be allowed in each week a holiday of one whole day: Holidays.

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days.

(2) The Provincial Government may, by notification, require in respect of any establishment or any specified class of establishments, that every person employed therein shall be allowed in each week an additional holiday of one half-day commencing at such hour in the afternoon as may be fixed by the Provincial Government.

(3) The Provincial Government may, for the purpose of sub-section (2), fix different hours for different establishments or different classes of establishments or for different areas or for different times of the year.

(4) No deduction shall be made from the wages of any person employed in an establishment on account of any day or part of a day on which a holiday has been allowed in accordance with this section; and if such person is employed on the basis that he would not ordinarily receive wages for such day or part of a day, he shall nonetheless be paid for such day or part of a day the wages he would have drawn, had the holiday not been allowed on that day or part of a day.

CHAPTER IV.

EMPLOYMENT OF CHILDREN . . . AND YOUNG PERSONS.

17. No child shall be required or allowed to work in any establishment. Children not to work in establishments.

18. No . . . young person shall be required or allowed to work in any establishment before 6 a.m. and after 7 p.m. Young persons to work only between 6 a.m. and 7 p.m.

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Daily and weekly hours of work for young persons. 19. Notwithstanding anything contained in this Act, no young person shall be required or allowed to work in any establishment for more than seven hours in any day and forty-two hours in any week nor shall such person be allowed to work overtime.

CHAPTER V.

HEALTH AND SAFETY.

Cleanliness. 20. The premises of every establishment shall be kept clean and free from effluvia arising from any drain or privy or other nuisance and shall be cleansed at such times and by such methods as may be prescribed; and these methods may include lime washing, colour washing, painting, varnishing, disinfecting and deodorising.

Ventilation. 21. The premises of every establishment shall be ventilated in accordance with such standards and by such methods as may be prescribed.

Lighting. 22. (1) The premises of every establishment shall be sufficiently lighted during all working hours.

(2) If it appears to an Inspector that the premises of any establishment within his jurisdiction is not sufficiently lighted, he may serve on the employer an order in writing specifying the measures which, in his opinion, should be adopted and requiring them to be carried out before a specified date.

Precautions against fire. 23. In every establishment such precautions against fire shall be taken as may be prescribed.

Appeals. 24. Against any order of the Inspector under this Chapter, an appeal shall lie to such authority and within such time as may be prescribed; and the decision of the appellate authority shall be final.

CHAPTER VI.

HOLIDAYS WITH PAY.

Holidays and sick leave. 25. (1) Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with pay for a period of ten days, in the subsequent period of twelve months, provided that such holidays with pay may be accumulated up to a maximum period of twenty days.

Explanation.—For the purposes of this sub-section any continuous period of service preceding the date on which this Act applies to any establishment shall also count, subject to a maximum period of twelve months.

(2) Every person employed in any establishment shall also be entitled, during his first twelve months of continuous service after the commencement of this Act, and during every

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subsequent twelve months of such service, to leave with pay for a period not exceeding ten days, on the ground of any sickness incurred or accident sustained by him.

(3) If a person entitled to any holidays under sub-section (1) is discharged by his employer before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the employer shall pay him the amount payable under this Act in respect of the holidays.

(4) If a person entitled to any leave under sub-section (2) is discharged by his employer when he is sick or suffering from the result of an accident, the employer shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A person employed shall be deemed to have completed a period of twelve months continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (i) by sickness, accident, or authorized leave (including authorised holidays), not exceeding ninety days in the aggregate for all three; or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorized leave shall be deemed not to include any weekly holiday or half-holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

26. Every person employed shall, for the holidays or the period of the leave allowed under sub-section (1) or (2) of section 25, be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months exclusive of any earnings in respect of overtime.

27. Notwithstanding anything contained in section 25, the Provincial Government may, by notification, increase the total number of annual holidays and the maximum number of days up to which such holidays may be accumulated in respect of any establishment or class of establishments.

28. Any Inspector may institute proceedings on behalf of any person employed to recover any sum required to be paid under this Chapter by an employer which he has not paid.

CHAPTER VII.

WAGES.

29. Every employer shall be responsible for the payment to persons employed by him of all wages and sums required to be paid under this Act.

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Fixation of wage period. 30. (1) Every employer shall fix periods (in this Act referred to as wage periods) in respect of which such wages shall be payable.

(2) No wage period shall exceed one month.

Wages for overtime work. 31. Where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at **twice** the ordinary rate of wages.

Explanation.—For the purpose of this section, the expression “ordinary rate of wages” shall mean such rate of wages as may be calculated in the manner prescribed.

Time of payment of wages. 32. (1) The wages of every person employed shall be paid before the expiry of the fifth day after the last day of the wage period in respect of which the wages are payable.

(2) Where the employment of any person is terminated by or on behalf of the employer, the wages earned by such person shall be paid before the expiry of the second working day from the day on which his employment is terminated.

(3) The Provincial Government may, by general or special order, exempt an employer from the operation of this section in respect of the wages of any person employed or class of persons employed, to such extent and subject to such conditions as may be specified in the order.

(4) All payments of wages shall be made on a working day.

Wages to be paid in current coin or currency notes. 33. All wages shall be paid in current coin or currency notes or in both.

Deductions which may be made from wages. 34. (1) The wages of a person employed shall be paid to him without deductions of any kind except those authorized by or under this Act.

Explanation.—Every payment made by a person employed to the employer shall, for the purposes of this Act, be deemed to be a deduction from wages.

(2) Deductions from the wages of a person employed shall be made only in accordance with the provisions of this Act, and may be of the following kinds only, namely:—

(a) fines;

(b) deductions for absence from duty;

(c) deductions for damage to, or loss of, goods expressly entrusted to the employed person for custody, or for loss of money for which he is required to account, where such damage or loss is directly attributable to his neglect or default;

(d) deductions for house accommodation supplied by the employer;

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(e) deductions for such amenities and services supplied by the employer as the Provincial Government may, by general or special order, authorize;

(f) deductions for recovery of advances or for adjustment of over-payments of wages;

(g) deductions of income-tax payable by the employed person;

(h) deductions required to be made by order of a Court or other authority competent to make such order;

(i) deductions for subscriptions to, and for repayment of advances from, any provident fund to which the Provident Funds Act, 1925, applies or any recognized provident fund as defined in section 58-A of the Indian Income-tax Act, 1922, or any provident fund approved in this behalf by the Provincial Government during the continuance of such approval;

Central Act XIX of 1925, Central Act XI of 1922.

(j) deductions for payments to co-operative societies approved **in this behalf** by the Provincial Government or to a scheme of insurance maintained by the Indian Post Office **or by any insurance company approved in this behalf by the Provincial Government;**

(k) deductions made with the written authorization of the employed person in furtherance of any savings scheme approved by the Provincial Government for the purchase of securities of the Central or Provincial Government.

35. (1) No fine shall be imposed on any person employed save in respect of such acts and omissions on his part as the employer, with the previous approval of the Provincial Government or of the prescribed authority, may have specified by notice under sub-section (2).

(2) A notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on.

(3) No fine shall be imposed on any person employed until he has been given an opportunity of showing cause against the fine, or otherwise than in accordance with such procedure as may be prescribed for the imposition of fines.

(4) The total amount of fine which may be imposed in any one wage period on any person employed shall not exceed an amount equal to half an anna in the rupee of the wages payable to him in respect of that wage period.

(5) No fine shall be imposed on any person employed who has not completed his fifteenth year.

(6) No fine imposed on any person employed shall be recovered from him . . . after the expiry of **sixty** days from the day on which it was imposed.

(7) Every fine shall be deemed to have been imposed on the day of the act or omission in respect of which it was imposed.

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(8) All fines and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed; and all such realizations shall be applied only to such purposes beneficial to the persons employed in the establishment as are approved by the prescribed authority.

Explanation.—When the persons employed are part only of a staff employed under the same management, all such realizations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.

Deductions
for absence
from duty.

36. (1) Deductions may be made under clause (b) of sub-section (2) of section 34 only on account of the absence of an employed person from the place or places where, by the terms of his employment, he is required to work, such absence being for the whole or any part of the period during which he is so required to work.

(2) The amount of such deduction shall in no case bear to the wages payable to the employed person in respect of the wage period for which the deduction is made, a larger proportion than the period for which he was absent bears to the total period, within such wage period during which by the terms of his employment, he was required to work:

Provided that, subject to any rules made in this behalf by the Provincial Government, if ten or more employed persons acting in concert absent themselves without due notice (that is to say, without giving the notice which is required under the terms of their contract of employment) and without reasonable cause, such deduction from any such person may include such amount not exceeding his wages for eight days as may by any such terms be due to the employer in lieu of due notice.

Explanation.—For the purposes of this section, an employed person shall be deemed to be absent from the place where he is required to work, if, although present in such place, he refuses, in pursuance of a stay-in-strike or for any other cause which is not reasonable in the circumstances, to carry out his work.

Deductions
for damage
or loss.

37. (1) A deduction under clause (c) of sub-section (2) of section 34 shall not exceed the amount of the damage or loss caused to the employer by the neglect or default of the person employed and shall not be made until the person employed has been given an opportunity of showing cause against the deduction, or otherwise than in accordance with such procedure as may be prescribed for the making of such deductions.

(2) All such deductions and all realizations thereof shall be recorded in a register to be kept by the employer in such form as may be prescribed.

[31st October 1947]

38. A deduction under clause (d) or clause (e) of sub-section (2) of section 34 shall not be made from the wages of a person employed unless the house accommodation, amenity or service has been accepted by him, as a term of employment or otherwise, and such deduction shall not exceed an amount equivalent to the value of the house accommodation, amenity or service supplied and in the case of a deduction under the said clause (e) shall be subject to such conditions as the Provincial Government may impose.

Deductions
for services
rendered.

39. Deductions under clause (f) of sub-section (2) of section 34 shall be subject to the following conditions, namely:—

Deductions
for recovery
of advances.

(a) recovery of an advance of money given before employment began shall be made from the first payment of wages in respect of a complete wage period, but no recovery shall be made of such advances given for travelling expenses;

(b) recovery of advances of wages not already earned shall be subject to any rules made by the Provincial Government regulating the extent to which such advances may be given and the instalments by which they may be recovered.

40. Deductions under clauses (j) and (k) of sub-section (2) of section 34 shall be subject to such conditions as the Provincial Government may impose.

Deductions
for payments
to co-operative
societies
and insurance
schemes.

41. (1) No employer shall dispense with the services of a person employed **continuously for a period of not less than six months, except for a reasonable cause and without giving** such person at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such person are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an inquiry held for the purpose.

Notice of
dismissal.

(2) The person employed shall have a right to appeal to such authority and within such time as may be prescribed either on the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the employer.

(3) The decision of the appellate authority shall be final and binding on both the employer and the person employed.

CHAPTER VIII.

APPOINTMENT, POWERS AND DUTIES OF INSPECTORS.

42. The Provincial Government may, by notification, appoint such officers of the Provincial Government or of any local authority as they think fit to be Inspectors for the purposes of this Act, within such local limits as the Provincial Government may assign to them.

Appoint-
ment of
Inspectors.

[31st October 1947]

Powers and
duties of
Inspectors.

43. Any Inspector may at all reasonable hours enter into any premises which is, or which he has reason to believe is, an establishment, with such assistants and make such examination of the premises and of the prescribed registers, records or notices as may be prescribed.

Inspectors
to be public
servants.

44. Every Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. **Central Act XL of 1860.**

CHAPTER IX.

PENALTIES FOR OFFENCES.

Penalties.

45. (1) Any employer who contravenes any of the provisions of sections 7, 9 to 11, 13 to 23, 25, 26, 29 to 41 and 47 shall be punishable, for a first offence, with fine which may extend to twenty-five rupees, and for a second or subsequent offence, with fine which may extend to two hundred and fifty rupees.

(2) Whoever contravenes the provisions of section 8 shall be punishable, for a first offence, with fine which may extend to ten rupees, and for a second or subsequent offence, with fine which may extend to one hundred rupees.

Penalty for
obstructing
Inspector,
etc.

46. Any person who wilfully obstructs an Inspector in the exercise of any power conferred on him under this Act or any person lawfully assisting an Inspector in the exercise of such power, or who fails to comply with any lawful direction made by an Inspector, shall be punishable with fine which may extend to two hundred and fifty rupees.

CHAPTER X.

MISCELLANEOUS.

Maintenance
of registers
and records
and display
of notices.
Delegation
of powers.

47. Subject to the general or special orders of the Provincial Government, an employer shall maintain such registers and records and display such notices as may be prescribed.

48. (1) The Provincial Government may, by notification, authorize any officer or authority subordinate to them, to exercise any one or more of the powers vested in them by or under this Act, except the power mentioned in section 49, subject to such restrictions and conditions, if any, as may be specified in the notification.

(2) The exercise of the powers delegated under sub-section (1) shall be subject to control and revision by the Provincial Government or by such persons as may be empowered by them in that behalf. The Provincial Government shall also have power to control and revise the acts or proceedings of any person so empowered.

Power to
make rules.

49. (1) The Provincial Government may make rules to carry out the purposes of this Act.

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(2) In making a rule under sub-section (1), the Provincial Government may provide that a contravention thereof shall be punishable with fine which may extend to fifty rupees.

(3) The power to make rules conferred by this section shall be subject to the condition of the rules being made after previous publication.

(4) All rules made under this section shall be published in the *Port St. George Gazette* and on such publication shall have effect as if enacted in this Act.

50. Nothing contained in this Act shall affect any rights or privileges which any person employed in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act. **Rights and privileges under other law, etc., not affected.**

51. If any question arises whether all or any of the provisions of this Act apply to an establishment or to a person employed therein or whether section 50 applies to any case or not, it shall be decided by the Commissioner of Labour and his decision thereon shall be final and shall not be liable to be questioned in any Court of Law. **Commissioner of Labour to decide certain questions.**

52. On any special occasion in connexion with a fair or festival or a succession of public holidays, the Provincial Government may, by notification, suspend for a specified period the operation of all or any of the provisions of this Act. **Power of Government to suspend provisions of the Act during fairs and festivals.**

53. On and from the date on which this Act comes into operation in respect of an establishment, the Weekly Holidays Act, 1942, shall cease to apply to such establishment. **Central Act XVIII of 1942 not to apply to establishments governed by this Act.**

Central
Act
XVIII
of
1942.

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 1st November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

MR. SPEAKER:—"Before we take up the questions, I wish to inform the House that the Madras Shops and Establishments Bill, 1947, and the Madras Non-power Factories Bill, 1947, have been before the House for a long time and I am not going to receive further amendments except from the Government."

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

[Questions held over from the list dated 31st October 1947.]

Repairs of minor irrigation channels in the Nanguneri and Ambasamudram taluks.

* 350 Q.—SRIMATHI V. LAKSHMI AMMAL: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of minor irrigation channels taken up for repairs in the Nanguneri and Ambasamudram taluks;

(b) the amount of money spent on those repairs;

(c) the number of channels that are considered by the Government in a state of disrepair and have not been repaired; and

(d) when the Government propose to take up the repairs of such irrigation channels?

THE HON. SRI KALA VENKATA RAO:—" (a) to (d) 'Repairs' to Sevalakarankal in Ambasamudram taluk 'is the only work that has been taken up for execution during 1947-48 at an estimated cost of Rs. 1,748.

The work has not yet been started due to the presence of water in the channel.

No channel work has been proposed in Nanguneri taluk during 1947-48.

The general condition of the channels in both the taluks is reported to be fair and not in need of any urgent repairs."

SRIMATHI V. LAKSHMI AMMAL:—"Sir, is the Hon. Revenue Minister aware that so many channels are unrepared and due to that cultivation is hampered?"

THE HON. SRI KALA VENKATA RAO:—"If there are any particular cases, I will request the hon. Lady Member to inform me so that the works can be taken up."

SRI D. DURAIRAJA PANDIAN:—"Will the Government consider the desirability of amalgamating the Minor Irrigation department with the Public Works Department?"

[1st November 1947]

THE HON. SRI KALA VENKATA RAO:—"That is a large question, Sir, and we will consider about it when the question of ryotwari legislation comes up before the House."

SRIMATHI V. LAKSHMI AMMAL:—"Sir, there are so many channels in the Ambasamudram and Nanguneri taluks which are in charge of both the Minor Irrigation department and the Public Works Department; and while the channels in charge of the Public Works Department are repaired quicker, the repairs to those in-charge of the Minor Irrigation department are not finished at all. May I know, Sir, what steps the Government propose take to expedite the repairs to these channels?"

THE HON. SRI KALA VENKATA RAO:—"The point is that a few years ago, the lower subordinates course for overseers in the Engineering College was abolished and the Government are, therefore, short of overseers. I would be very glad to employ any number of overseers provided they are available. Until they are recruited, trained and actually put in charge of the work, the progress of minor irrigation works is bound to be slow, Sir."

Alienation of certain lands occupied by certain peasants in the Pattukkottai taluk.

* 351 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government have received a memorandum from 50 peasants of the village of Peravoorini in Pattukkottai taluk, Tanjore district, concerning the alienation of the lands of these peasants by certain absentee landlords and also concerning 120 acres of most fertile lands lying waste now, near the Cauvery-Mettur Project Canal; and

(b) if so, whether the Government propose to restore these lands to the peasants and stop the proceedings against them in the courts?

THE HON. SRI KALA VENKATA RAO:—" (a) & (b) The memorandum referred to by the hon. Member is not traceable. But the Government have now called for a report from the Collector. The report is awaited."

SRI K. ANANDAN NAMBIYAR:—"May I know whether the Government are aware that 300 tons of paddy can be produced in the area referred to in this question, Sir?"

THE HON. SRI KALA VENKATA RAO:—"It may be possible, Sir."

SRI K. ANANDAN NAMBIYAR:—"May I know whether the Government will instruct the District Magistrate to allow these men to cultivate those lands at present, pending further orders?"

THE HON. SRI KALA VENKATA RAO:—"That is the reason why, Sir, we have called for a report from the Collector. If the report is favourable, we will allow them to cultivate the lands."

[Questions 352 to 354 answered on 31st October 1947.]

[1st November 1947]

Measures taken against corruption and blackmarketing.

* 355 Q.—SRI N. GOVINDASWAMI NAYUDU: Will the Hon. the Premier be pleased to state what steps the Government have taken to get rid of corruption and blackmarketing?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—"The attention of the hon. Member is invited to the Press Communiqué No. 26, dated 19th July 1946, which was placed on the table of the House with reference to Legislative Assembly Question No. 176 of 1946 answered on 7th September 1946. Since the issue of that communiqué the Government have constituted a Committee to enquire into the question of corruption in Government departments and to suggest ways and means of dealing with it. The question what further steps should be taken in the matter will be considered after the Committee's report has been received."

A special staff has been appointed to look into cases of black-marketing."

SRI N. GOVINDASWAMI NAYUDU:—"ஸ்பெஷல் ஆபீசர் களை ஏற்படுத்தி இருந்தால் அவர்களை ஒவ்வொரு M.L.A.க்கும் தெரிந்திருக்குமானால் அவர்களிடம் எங்களுக்குத் தெரிந்த விஷயங்களைச் சொல்லக்கூடும். ஆனால், அவர்களை எங்களுக்குத் தெரியவில்லை."

THE HON. DR. P. SUBBARAYAN:—"The question is a long one, Sir, and I have not been able to follow it."

MR. SPEAKER:—"நீங்கள் கேள்விதான் கேட்கவேண்டும். ஸ்டேட் மெண்டு கொடுக்கக் கூடாது."

Transfers of District Collectors in Cuddapah district.

* 356 Q.—SHAH ALAM KHAN SAVOI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) how many transfers of District Collectors were effected in the Cuddapah district during the last two years; and

(b) the period during which each one of them was allowed to serve in the district?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) & (b) By transfers, the Member presumably means the changes effected in the personnel of the District Collector, Cuddapah, during the last two years, whether due to transfer, or due to other reasons such as the officers concerned taking leave or the death of an officer. If so, the number of such changes is five. The names of officers who were District Collectors of Cuddapah during the last two years, and periods for which each of them was allowed to serve in the district are given below:—

(1) Mr. R. M. Seshadri from 29th June 1945 to 30th September 1946.

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- (2) Mr. T. S. Ramachandran, I.C.S., from 1st October 1946 to 15th March 1947 (proceeded on leave).
- (3) Mr. H. S. Paul from 16th March 1947 to 3rd June 1947.
- (4) Khan Bahadur Muhammad Ismail Sahib Bahadur from 4th June 1947 to 15th June 1947 (died).
- (5) Sri A. Kameswara Rao, Personal Assistant to Collector in charge from 16th June 1947 to 29th June 1947 afternoon.
- (6) Sri R. S. Malayappan from 30th June 1947 up to 14th October 1947 (under orders of transfer as Collector, Kistna).
- (7) Mr. W. H. Mitchell to take charge on 15th October 1947."

SHAH ALAM KHAN SAVOI SAHIB BAHADUR:—" Will the Government realize that by making such constant transfers, the administration of the district is adversely affected? "

THE HON. DR. P. SUBBARAYAN:—" As far as the Government knows, the administration of the district has not in any way been adversely affected."

SHAH ALAM KHAN SAVOI SAHIB BAHADUR:—" In view of the critical food situation in the district, will the Government stop changing horses in the stream, Sir? "

THE HON. DR. P. SUBBARAYAN:—" Well, Sir, sometimes horses will have to be changed even in midstream."

SRI S. NAGAPPA:—" Sir, arising out of the answer of the Hon. Minister, that there were sound reasons for transferring these Collectors, may I know what those reasons are? "

THE HON. DR. P. SUBBARAYAN:—" The reasons are one entirely between the Government and the officers, Sir, and I am not prepared to disclose them."

SRI S. NAGAPPA:—" If that is the case, Sir, may I ask the Government, that if the Collectors take up certain work, and they are transferred before they complete it, will it not affect the administration of the district adversely, and for that reason, do not the Government consider it desirable that they should be retained for a longer time so that they might complete the work? "

THE HON. DR. P. SUBBARAYAN:—" The Government always act according to the convenience of the Government and of the services."

[* 357 Q.—

MR. SPEAKER:—" The hon. Member who put the question is not in his place; the answer will be printed in the proceedings."]

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Refugees from Pakistan.

* 357 Q.—MOHAMED RAFFIUDIN AHMAD ANSARI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the Government have undertaken to accommodate refugees from Pakistan and Hyderabad;

(b) if the answer is in the affirmative, what is the exact number of such refugees, their community and the Provinces from which they are coming;

(c) whether these refugees would be permanently settled in this Province or whether they would be sent back after some time;

(d) whether the refugees would be settled in the Madras City or whether they would be distributed in the districts;

(e) what steps the Government have taken for their rehabilitation; and

(f) what steps the Government have taken to see that refugees do not directly or indirectly disturb the peaceful life in the Province?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) The Government have undertaken officially to provide relief for refugees from Pakistan. No such undertaking however has been given as regards those from Hyderabad.

" (b) Not more than 10,000 refugees altogether from Sind, the Punjab and North-West Frontier Province as may be sent through the Government of India's relief agencies.

" (c) The intention is to accommodate them and provide other relief here for a short period till conditions settle down in the North.

" (d) The Camps so far opened in the city are the Lutterale Gardens in Kilpauk and the Military Holiday Home at Saidapet which together can accommodate about 1,000 persons. It is proposed to use the former as a transit camp. The Malayan Emigration depot at Avadi which can accommodate about 3,000 people has also been placed at the disposal of this Government for this purpose. It is intended to accommodate the refugees in suitable camps in the mufassal also and the question of selecting such camps in the mufassal which can be put in order with the minimum cost and delay is also under consideration.

" (e) The matter is under the consideration of the Government. There is however no objection to the refugees securing lands or employment through private efforts or with the assistance of private persons or bodies in this Province.

" (f) The Officer-in-charge of the Camp and the Police authorities are taking sufficient precautions in the matter. The refugees are strictly warned against spreading alarmist rumours."

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The number of cases pending under section 107, Criminal Procedure Code against Communists, etc., in certain Telugu districts.

* 358 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Home Minister be pleased to state—

(a) the number of cases still pending under section 107, Criminal Procedure Code, in Nellore, Kistna, West Godavari, East Godavari and Vizagapatam against Communists, peasants and agricultural labourers in connexion with agrarian disputes;

(b) the number of persons involved in each case; and

(c) whether the Government have come to any decision regarding the withdrawal of the cases as had been stated in their communiqués?

THE HON. DR. P. SUBBARAYAN:—

“(a) Nellore	Nil.
Kistna	8
West Godavari	5
East Godavari	Nil.
Vizagapatam	1

“(b) Kistna —

M.C. 1/47	6
M.C. 54/46	32
M.C. 55/46	34
M.C. 3/47	22
M.C. 19/47	18
M.C. 44/47	2
M.C. 57/47	8
M.C. 58/47	15

8 cases. 137 persons.

West Godavari—

53/47	10
54/47	19
66/46	30
67/47	15
14/47	15

5 cases. 89 persons.

Vizagapatam—

M.C. 12/47	19
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“(c) The Government are examining the cases and deciding each on its merits. They have already issued orders for the withdrawal of certain cases.”

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SRI PILLALAMARRI VENKATESWARLU:—“ May I know, Sir, in how many cases, such orders of withdrawal were issued? ”

THE HON. DR. P. SUBBARAYAN:—“ As I have said, Sir, every case is being examined on its merits; and the question of withdrawal or continuance of the case depends on whether violence has been involved in it or not.”

SRI K. ANANDAN NAMBIYAR:—“ May I ask the Hon. Minister whether he would assure us that prejudice against Communists will not stand in the way of clemency being shown to anybody, Sir? ”

THE HON. DR. P. SUBBARAYAN:—“ There is no question of prejudice against anybody, Sir. If there has been any prejudice, there would have been no occasion for exercising any clemency at all.”

SRI PILLALAMARRI VENKATESWARLU:—“ Arising out of the answer given by the Hon. the Minister that in certain cases orders have been passed and in certain cases, there were withdrawals, may I ask in how many cases orders have been passed? ”

THE HON. DR. P. SUBBARAYAN:—“ I cannot reply that from my memory.”

SRI V. I. MUNISWAMI PILLAI:—“ May I know from the Leader of the House how many cases against the peasants and how many against the agricultural labourers are still pending? ”

THE HON. DR. P. SUBBARAYAN:—“ I should require notice of this question because I have not got the information.”

SRI D. V. RAMASWAMI:—“ May I know out of the 19 cases how many are against communists and how many against agriculturists? ”

THE HON. DR. P. SUBBARAYAN:—“ This again would require examination.”

SRI V. RAGHAVAYYA:—“ In view of the large number of cases relating to agrarian disputes, as the Government calls them, involving questions of wages and other things, will the Government take steps to set up a board, for settling agricultural land disputes and to assist in this matter in view of the large expenses which the Government is incurring on these cases? ”

THE HON. DR. P. SUBBARAYAN:—“ This is a matter on which the hon. Gentleman should address my Hon. Colleague the Minister for Food.”

SRI S. NAGAPPA:—“ May I ask the Government that whenever there is trouble between the peasants and agricultural labourers, injustice is done only to the labourers even in a court of law? ”

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THE HON. DR. P. SUBBARAYAN:—"This reference to the court of law, I rather deprecate because I do not think the hon. Gentleman's premises are correct and the hon. Member's opinion is entirely unjustified and wrong."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, whether after examining the number of cases that are still pending, Government are prepared to appoint a Committee from this House to go into the question."

THE HON. DR. P. SUBBARAYAN:—"Certainly not."

[* 359 Q.—

MR. SPEAKER:—"The hon. Member is not in his place. The answer will be printed in the proceedings."]

Police help for procurement staff.

* 359 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state—

(a) on how many occasions the procurement staff had recourse to the police force in their recent (from 1st April to 15th August) procurement operations in Tanjore district; and

(b) the nature of help or work, the police rendered to the procurement officers?

THE HON. DR. T. S. S. RAJAN:—" (a) The help of the police was sought for on three occasions.

" (b) On two occasions the procurement staff was working in the coastal belt areas of Pattukkottai, Tirutturaiipoondi and Arantangi taluks to drain the area of surplus paddy which it was apprehended would be smuggled to Ceylon. A reserve police party was kept in readiness in the background on both these occasions to give timely protection to the procurement officers in case they were molested by the smugglers or their suppliers. This had the desired effect and actually there was no need to invoke the aid of the police.

The third occasion was in Mannargudi taluk when with the help of the local police, a drunken rowdy who prevented the procurement staff from doing their work, was removed."

[* 360 Q.—

MR. SPEAKER:—"The hon. Member is not in his place. The answer will be printed in the proceedings."]

Labour Welfare Fund.

* 360 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state whether the Government have considered the advisability of inaugurating a Labour Welfare Fund by suitable enactment by levying a cess on certain industries?

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THE HON. DR. T. S. S. RAJAN:—"The question of setting up Welfare Trust Funds by legislative measure is under the consideration of the Government of India."

Conditions of workers in beedi, cigar, etc., industries.

* 361 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government propose to implement the recommendations made by the court of enquiry into the conditions of workers in beedi, cigar, snuff and tannery industries in our Province; and

(b) if not, why not?

THE HON. DR. T. S. S. RAJAN:—" (a) & (b) The Government have commended the recommendations of the court of enquiry to the workers and the managements of the several industries concerned and have requested the latter to give effect to the recommendations of the court.

The recommendations of a court of enquiry cannot be enforced on the parties as in the case of the awards of industrial tribunals."

SRI K. ANANDAN NAMBIYAR:—"May I ask the Government that in view of the fact that a court of enquiry was appointed by the Government and its award was impartial, will the Government see that such awards are implemented, if necessary through legislation?"

THE HON. DR. T. S. S. RAJAN:—"Sir, it is not a court of enquiry here which gave a decision."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Since these recommendations are one-sided and since representations have been made by parties interested, will the Government be pleased to see that these recommendations are not implemented?" (Laughter.)

THE HON. DR. T. S. S. RAJAN:—"In cases where decisions are given by industrial tribunals, the Government have power under the law to enforce the decisions, if the parties feel that they should be enforced and Government have got a right to prosecute if they do not conform to the findings of the tribunal."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that this enquiry has been instituted by the Government and that Government have been responsible for its findings, will the Government see that necessary industrial legislation is passed so that such decisions may be enforced?"

THE HON. DR. T. S. S. RAJAN:—"I have made the point very clear. In this case, it is a court of arbitration and there is no industrial tribunal. Only awards of industrial tribunals can be enforced by the Government; the awards of courts of arbitration are only recommendations, and the

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Government can only recommend the findings of the courts of arbitration to the parties concerned. That is how the law stands at present."

MR. SPEAKER:—"The hon. Member's question is whether the award can be enforced by way of legislation."

THE HON. DR. T. S. S. RAJAN:—"According to the present law, we have no powers to enforce arbitration awards. We have got powers to enforce awards of industrial tribunals. If the managements refuse to enforce the awards given by industrial tribunals, Government have got power to prosecute the management and to ask them to carry out the awards. In the event of their not being satisfactory, matters shall be considered again whether further legislation will be required."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that conditions have already proved difficult with reference to certain industries and do they also know that some of the tanneries are already closing down?"

THE HON. DR. T. S. S. RAJAN:—"While the Government are closely watching the effect of the awards of these industrial tribunals, if any further relief is sought for either by the management or the workers, it will be considered."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I ask the Government whether it is the practice of the Government to accept *in toto* the recommendations of the court of enquiry, inasmuch as the number of personnel in the Court is only one?"

THE HON. DR. T. S. S. RAJAN:—"It does not matter as to the number. It is a tribunal whether it is composed of one or two."

SRI B. S. MALLIKARJUNA RAO:—"Are the Government aware that the employers that constitute the Association of Employers for tanneries are instigating systematically their constituents to violate the orders of the court of enquiry?"

THE HON. DR. T. S. S. RAJAN:—"Government are not aware of such a thing."

SRI V. I. MUNISWAMI PILLAI:—"In view of the serious helplessness of the labourers in the tanneries, will the Government see its way to implement the award already made?"

THE HON. DR. T. S. S. RAJAN:—"If it is an award of an arbitrator, Government can only recommend the decision both to the management and to the workers and as I have already stated, if it is an award of an industrial tribunal, that alone can be enforced by the Government."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer to the question whether tanneries are being closed down and in continuation, may I ask the Government to take steps to prevent such closure of these tanneries—because most of the workers will be handicapped?"

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THE HON. DR. T. S. S. RAJAN:—"There is the Non-Power Factories Bill before this House. When that Bill is passed, probably Government will get all the powers necessary to give such relief to the workers as is possible under the Act."

M. S. ABDUL MAJID SAHIB BAHADUR:—"My question was whether the decisions of the arbitrator are accepted *in toto*?"

THE HON. DR. T. S. S. RAJAN:—"Again, if it is a decision of the arbitrator, it is simply conveyed to the parties concerned and Government have no power to enforce it under the existing law."

The Moyar and Machkund Hydro-Electric schemes.

* 362 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether tenders were called for for the Moyar and Machkund Hydro-Electric schemes;

(b) if so, when were they actually called for; and if not, why not;

(c) whether work has begun in either of these schemes; and

(d) whether it is a fact that the machinery has to be got from foreign countries and how much time will it take to get the machinery?

THE HON. SRI M. BAKTHAVATSALAM:—" (a) (i) *Moyar Scheme*.—Yes.

(ii) *Machkund Scheme*.—Tenders will be called for in the course of one month for generating plant, and within two or three months for switchgear and power transformers at the generating stations, etc. Tenders have been invited for some buildings.

" (b) (i) *Moyar Scheme*.—Tenders were received on the following dates:—

Generating units	...	...	March 1946
Transformers	...	...	July 1946
Switchgear	...	...	November 1946
Transmission lines	...	...	May 1946

(ii) *Machkund Scheme*.—Specifications are issued according to programme, pending invitation of tenders, except in the case of some buildings.

" (c) (i) *Moyar Scheme*.—Yes. Most of the Camp buildings have been completed. The 11 K.V. line from Singara to Moyar has been completed with the L.T. Distribution system both at Moyar and Masinigudi. Construction of new roads has been completed. Excavation is in progress. Core wall for Forebay bund is being constructed.

(ii) *Machkund Scheme*.—The survey of villages in connexion with land acquisition is in progress. Improvements to the local roads were attended to and temporary bridges

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constructed. Detailed exploration by excavation of trenches, calyx drilling, etc., for diversion dam is in progress. Designs are in progress for various items of works. Tender set has been prepared for tunnel work. Sheds for labourers at Makkiput have been completed. Some blocks in camps were completed and some others are in progress. Construction power supply plant and other construction machinery have been ordered and are awaited. Attempt has been and is being made to secure some of the Army Surplus equipment for this construction.

“(d) (i) *Moyar Scheme*.—Yes, except towers for transmission lines. The promised dates of delivery for various items of machinery and equipment range between February 1948 and April 1950.

(ii) *Machkund Scheme*.—Yes. It may take from 24 to 30 months for the machinery to be manufactured and delivered at site after the award of the contracts.”

SRI PILLALAMARRI VENKATESWARLU:—“As it is a big answer running up to several pages, I request the Hon. Speaker to take this up to-morrow for putting supplementary questions.”

MR. SPEAKER:—“It cannot be taken to-morrow. If the hon. Member insists, I will have to mark it as an unstarred question. So, the hon. Member may please put the supplementary question to-day itself.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know, Sir, why the Machkund Scheme has been delayed till now?”

THE HON. SRI M. BAKTHAVATSALAM:—“There is no question of any delay regarding the Machkund Scheme. It is only executed according to programme. There is no comparison between the Machkund Scheme and the Moyar Scheme because the Moyar Scheme is estimated only at Rs. 2 crores and the Machkund Scheme is estimated at Rs. 4½ crores. The Moyar Scheme was sanctioned in 1945 and the Machkund Scheme was sanctioned in 1946. Apart from that, the Machkund area is very inaccessible. It is at a distance of nearly 120 miles north-east from the railway station and during the rainy season, it is not possible to do any work. Moreover, it is a very bad malarial tract which is being treated and there is also difficulty in securing staff. But, I can assure the hon. Member that we are doing our best in the circumstances.”

SRI PILLALAMARRI VENKATESWARLU:—“Regarding the difficulty due to the location of the scheme being 120 miles away from the railway line, will the Government consider constructing a railway line and request the Central Government to consider such a railway line there?”

THE HON. SRI M. BAKTHAVATSALAM:—“That question does not arise. We are constructing roads.”

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SRI D. V. RAMASWAMI:—“May I know from the Government whether they have received any communications from the office of Superintending Engineer of the Machkund Division that the cause for the delay is due to want of proper machinery and nothing else?”

THE HON. SRI M. BAKTHAVATSALAM:—“That may be one of the reasons.”

SRI N. S. VARADACHARI:—“Will the Government afford more generous relief to the workers and to the staff now employed there in view of the very unhealthy conditions prevailing there?”

THE HON. SRI M. BAKTHAVATSALAM:—“We give all necessary relief, Sir.”

SRI D. V. RAMASWAMI:—“May I ask the Government to give a high priority to the Machkund Scheme for importing immediately the necessary machinery, etc.?”

THE HON. SRI M. BAKTHAVATSALAM:—“Yes, Sir. The highest priority is given.”

The number of Registrars and Sub-Registrars in the Registration Department.

* 363 Q.—SRI S. C. BALAKRISHNAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the total number of Registrars and of Sub-Registrars in the Registration Department;

(b) the number of upper grade sub-registrars; and

(c) the number of Harijan Sub-Registrars and Upper grade Harijan Sub-Registrars?

THE HON. MR. DANIEL THOMAS:—“(a) District Registrars—25 permanent and 6 temporary.

Sub-Registrars, I Grade—123.

Sub-Registrars, II Grade—492.

Reserve Sub-Registrars—74.

“(b) 123.

“(c) Sub-Registrars, Grade I—Nil.

Sub-Registrars, Grade II—24 permanent and 3 temporary.

Reserve Sub-Registrars—4.

Promotion to the first grade is made by selection according to merit and ability. Up to now the claims of no Harijans have been overlooked in the matter of promotion to the first grade.”

SRI S. NAGAPPA:—“May I ask the Hon. the Minister what he means by merit and ability?”

THE HON. MR. DANIEL THOMAS:—“I would refer the hon. Member to the Oxford English Dictionary.”

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SRI S. NAGAPPA :—“ May I ask the Hon. Minister what sort of ability he wants from a Sub-Registrar who writes and registers the documents? ”

THE HON. MR. DANIEL THOMAS :—“ Merit and ability for discharging the duties of the office of Sub-Registrar.”

SRI C. M. KOTHARI :—“ Will the Hon. the Minister please convert the Assistant Registrar's post of Joint Stock Companies into one of Registrar as is done in Bombay and Calcutta? ”

MR. SPEAKER :—“ A separate question may be put.”

11-30 a.m. SRI V. I. MUNISWAMI PILLAI :—“ In view of the meagre number of Harijans employed in the higher grades in the department, will the Government consider the necessity of relaxing the rules relating to efficiency in promoting them? ”

THE HON. MR. DANIEL THOMAS :—“ The position now is that promotions to the first grade are made out of senior men in the second grade. Apparently most of the Harijan Sub-Registrars are in the junior grade and therefore they do not come up for promotion to the first grade, but I think the question can be considered whether there cannot be direct recruitment to the first grade which would mean a greater percentage to the Harijans.”

SRI K. VARADACHARI :—“ Will the Government be pleased to consider the desirability of increasing the number of Sub-Registrars' offices seeing that people have to walk long distances to those offices in certain districts? ”

THE HON. MR. DANIEL THOMAS :—“ I submit this question has been dealt with as and when occasion arose in several districts and Sub-Registrars' offices have been opened whenever greater convenience could be provided and they could be run on an economic basis.”

SRI K. VARADACHARI :—“ Is it not a fact that registration fees and stamp fees have been doubled and trebled in recent times which justify the expansion of these offices? ”

THE HON. MR. DANIEL THOMAS :—“ Registration fees no doubt have been increased but we find that revenue from the non-judicial stamps is going down apparently because a large number of people registering documents are under-valuing their property.”

SRI S. C. BALAKRISHNAN :—“ May I know whether the Government will consider the question of the appointment of Harijans in the Registration Department in a more liberal manner? ”

THE HON. MR. DANIEL THOMAS :—“ I find from the figures that there are a good number of Harijans in the inferior services of the department and the particular suggestion of the hon. Member will be considered.”

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SRI S. NAGAPPA :—“ May I ask the Hon. Minister whether the Government were liberal in March last while the recruitment was made and whether they recruited all the Harijans who applied for Sub-Registrars' posts? ”

THE HON. MR. DANIEL THOMAS :—“ Recruitment of Sub-Registrars is made by the Madras Public Service Commission and they do it on the communal basis also, namely, at the rate of one out of twelve.”

SRI P. NATESAN :—“ Arising out of the answer of the Hon. Minister that the revenue from non-judicial stamps was going down as a result of the under-valuation of property, may I know what steps the Hon. Minister is going to take to prevent this? ”

THE HON. MR. DANIEL THOMAS :—“ The Government have already issued instructions to the Inspector-General of Registration to inform all the Sub-Registrars to have a watchful eye on those transactions and to report to the revenue authority to properly value such property where they suspect that there has been an under-valuation.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—“ Is it a fact that there has been a very large number of applicants from among the Harijan community for these posts? ”

THE HON. MR. DANIEL THOMAS :—“ This question will have to be answered with reference to the records of the Madras Public Service Commission.”

SRI M. BAPINEEDU :—“ May I ask the Hon. Minister how many Sub-Registrars are there from the excluded areas? ”

THE HON. MR. DANIEL THOMAS :—“ Notice, Sir.”

SRI V. RAGHAVAYYA :—“ Are the Government aware that still the evil practice of collecting mamool for every registered document is obtaining in all the registration offices without exception and will the Government try to prevent this evil habit as quickly as possible? ”

THE HON. MR. DANIEL THOMAS :—“ I think, Sir, the hon. Member has put it too broadly and too widely. Action has been taken in every case where such instances have been brought to the notice of the Government.”

Regional Transport Officer, Coimbatore.

* 364 Q.—SRI T. K. T. N. R. TATACHARI: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Regional Transport Officer at Coimbatore issued seven permits to Mettupalayam-Coonoor Service of Coimbatore for the Coimbatore Town Bus Service on 6th July 1947;

(b) if so, whether the notifications for these permits were put on the notice board at the Regional Transport Office only on 7th July 1947;

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(c) whether the Collector of Coimbatore has made a reference about this officer's conduct of affairs to the Central Road Traffic Board; and

(d) if so, whether the Government will place on the table of the House the connected correspondence in the matter?

THE HON. MR. DANIEL THOMAS:—“(a) The permits were issued with the prior approval of the District Magistrate and the District Superintendent of Police.

“(b) The notification inviting applications for permits was put up on the notice board on 5th July 1947. The issue of permits on 6th July 1947 was a purely provisional arrangement to meet the existing demand for more buses in Coimbatore town and was subject to the specific condition that the vehicles should be withdrawn if necessary when the Regional Transport Authority came to a final decision in the matter after observing the necessary formalities.

“(c) The answer is in the negative.

“(d) Does not arise.”

SRI T. K. T. N. R. TATACHARI:—“May I know that in view of the admitted conviction which this company has been subjected to previously about which there has already been questions put in this Assembly, whether the continuance of these permits for this company is justified and why the Regional Transport Officer is specially molycoddling with this particular company as it is stated that the permit was issued only as an emergency measure?”

THE HON. MR. DANIEL THOMAS:—“I find from the records that later on when this question came before the Road Traffic Board, it was found that the Regional Transport Officer went into the matter and exercised his discretion properly in confirming the permit issued.”

SRI N. S. VARADACHARI:—“Will the Hon. Minister be pleased to state whether on a former occasion when five permits were issued to this very company Government gave the answer that they would institute a full enquiry into the details of such issue even though the company had been subjected to a number of prosecutions on conduct which almost amounted to misdemeanour?”

THE HON. MR. DANIEL THOMAS:—“I think there is a separate question which is pending answer in this House on the point raised by my hon. Friend, but I may tell you, Sir, that the report which was promised to be called for, has been called for and it has been obtained and the Government have passed orders on the report.”

SRI V. I. MUNISWAMI PILLAI:—“May I know whether there was any conviction of this particular motor service company?”

THE HON. MR. DANIEL THOMAS:—“I have a vague idea that there was some conviction in some case and another case is also pending against that company.”

SRI N. S. VARADACHARI:—“Is it not a fact that while the enquiry was pending seven more permits were issued while the

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notification to the effect that those who had lease-lend vehicles with a city type body would be given permits was put on the notice board on the 5th July and on the 6th permits were handed over to this particular gentleman who had these vehicles ready though there were military vehicles and bodies built in Bombay, thus preventing any other person from plying buses?”

THE HON. MR. DANIEL THOMAS:—“Notice, Sir.”

SRI N. S. VARADACHARI:—“Is this not illustrative of the general conduct of the Transport Department of this Government and would they not institute a fuller enquiry into this matter and find out the whole truth?”

THE HON. MR. DANIEL THOMAS:—“I deprecate the suggestion of the hon. Member. I have said that a report has been called for, it has been obtained and action has been taken by the Government in the matter.”

K. M. SEETHI SAHIB BAHADUR:—“May I know whether the Government are not aware of the existence of a number of rival companies interested in taking permits similar to those issued to this company?”

THE HON. MR. DANIEL THOMAS:—“The hon. Member seems to possess information in that matter.”

SRI N. S. VARADACHARI:—“Will the Hon. Minister allow a perusal of the report so that we may be able to go further into this question?”

THE HON. MR. DANIEL THOMAS:—“If the hon. Member comes to my chamber I shall call for the papers for his perusal.”

MR. SPEAKER:—“I think the hon. Member wanted to know whether it could be laid on the table of the House.”

THE HON. MR. DANIEL THOMAS:—“No, Sir, only for his perusal.”

SRI V. I. MUNISWAMI PILLAI:—“May I know from the Hon. Minister who are those that applied for permits and what their status are?”

THE HON. MR. DANIEL THOMAS:—“I would ask the hon. Member to put a separate question.”

Hardship and insecurity to tenants of houses under certain conditions.

* 365 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Minister for Prohibition be pleased to state whether the Government propose to amend the law so as to prevent hardship and insecurity caused to tenants of houses, allotted to them by the proper authority, when, soon after occupation, they are asked by subsequent purchasers to vacate those houses?

THE HON. MR. DANIEL THOMAS:—“Under section 3 of the Madras Buildings (Lease and Rent Control) Act, 1946, buildings are allotted only for Government purposes or for

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the use of any public institution under Government control or any officer of the Government. In respect of such buildings, the Provincial Government are the tenants. All buildings of which the Provincial Government are tenants have been exempted from the provisions of sub-sections (2) and (3) of section 7 of the Act which relate to eviction of tenants. The tenants occupying the buildings taken on lease by Government under section 3 of the Act cannot therefore be evicted from these buildings. There is therefore no hardship or insecurity caused to such tenants and the question of amending the Act does not arise. But I may add, that even as regards ordinary tenants under private arrangements with landlords, Government have under consideration proposals to amend the Madras Buildings Act so as to provide greater security and continuance for the tenants, and particularly for tenants engaged in essential public services."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know from the Hon. Minister what is the position in regard to a tenant who has been allotted a building under the old Act by the Controller of Accommodation with reference to eviction when some new purchaser buys that property?"

THE HON. MR. DANIEL THOMAS:—"I believe, Sir, there are provisions under the Act by which an owner of a house or a particular landlord can apply to the Rent Controller for eviction of the tenant if he needs it for his own accommodation and is not in possession of any other house. But, even as regards that matter we have under consideration a provision according to which no new purchaser can be entitled to apply for eviction of the tenant until one year at least has elapsed from the date of purchase."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact that under the present Act while a person is liable to punishment if he does not intimate about the vacancy of his house, there is no provision under the existing Act to put the Government in possession of the building? Will the Government therefore take steps to attend to the existing lacuna?"

THE HON. MR. DANIEL THOMAS:—"I am thankful to the hon. the Lady Member for drawing attention to a matter which is really a lacuna in the present Act and action is being taken to amend the Act so as to take possession of the property which is not allowed under the existing Act."

SRI V. I. MUNISWAMI PILLAI:—"In view of the serious situation of evictions in Malabar just now will the Government consider the necessity of amending the Act as early as possible or cause an executive order to stop evictions?"

THE HON. MR. DANIEL THOMAS:—"The Bill is already ready and I think it will be approved by the Cabinet shortly and published and the Government will take steps to put it up before the House as early as possible."

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Supply of sewing thread.

* 366 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether any action has been taken on the memorandum submitted by the Madras and Mufassal Tailors' Associations for the supply of sewing thread; and

(b) whether it is proposed to arrange for an equitable and proper distribution of sewing threads among the needy tailoring classes and to relieve them from the present shortage of sewing thread?

THE HON. SRI H. SITARAMA REDDI:—" (a) Yes.

" (b) Arrangements have already been made for the equitable distribution of sewing thread among tailors. The arrangement is that 60 per cent of the quantity of sewing thread received in the district is allotted to Tailors' Associations which are working satisfactorily for distribution to their members and that the remaining 40 per cent is allowed to be sold by the sewing thread dealers to other bona fide consumers. The basic supply of sewing thread for this Province has been fixed by the Textile Commissioner, Bombay. Any increase in the basic supply can be made only by the Textile Commissioner, Bombay. Statistics about the monthly requirements of each district are being collected. As soon as the work is complete the Textile Commissioner, Bombay, will be addressed for increasing the basic supply to this Province."

SRI S. PARAMANANDA RAYAR:—"Are the Government aware, Sir, that most of the sewing thread goes to the black-market instead of going into the dealers' hands and whether the Government propose to take any action to put down black-marketing in view of the ensuing great demand on account of Deepavali?" 11-45 a.m.

THE HON. SRI H. SITARAMA REDDI:—"Sir, if such black-markets are brought to the notice of the Government, they will certainly take immediate action."

SRI S. NAGAPPA:—"Will the Government consider the desirability of entrusting the Tailors' Co-operative Societies wherever they exist with this business, Sir?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, I have already answered that wherever such associations exist and are working satisfactorily 60 per cent of the sewing thread is being allotted to them for distribution to their members."

N. VENKATA SUBBAYYA:—"Will the distribution be according to ration cards?"

THE HON. SRI H. SITARAMA REDDI:—"No, Sir."

SRI S. NAGAPPA:—"May I ask, Sir, whether Government are aware that no such distribution has been done in Kurnool? The Tailors' Association of this place have to go to Anantapur for the purpose of getting these supplies."

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THE HON. SRI H. SITARAMA REDDI:—"Certain representations have been received, Sir, from some of the districts but no representation has been received up till now at least by the Government from Kurnool and if any representations are received I will consider."

Supply of defective steel to Madras by the Tata Iron and Steel Company, Limited.

* 367 Q.—SRI C. M. KOTHARI: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government are aware that defective steel of more than 4,000 tons is delivered by the Tata Iron and Steel Company, Limited, every month to Madras; and

(b) if so, whether the Government propose to control the distribution of the same?

THE HON. SRI H. SITARAMA REDDI:—" (a) Allotment of defective steel is made by Messrs. The Tata Iron and Steel Company, Limited, to the controlled stockists in this Province who intimate the Industries Department as and when they receive supplies. The quantity reported to have been received so far during the current year is 1,970 tons.

" (b) The question of imposing control over defective steel is one for decision by the Government of India. The Director of Industries and Commerce has already addressed the Iron and Steel Controller, Calcutta, in the matter. His reply is awaited."

SRI C. M. KOTHARI:—"Will the Hon. Minister be pleased to hasten up the correspondence in this connection as defective steel is being distributed as correct steel in this Presidency?"

THE HON. SRI H. SITARAMA REDDI:—"When the question was previously taken up with the Government of India the fact that some of the defective steel is being mixed up with standard steel and was likely to cause trouble was one of the points urged by the Madras Government and I can assure the hon. Member that I will take steps again."

SRI V. RAGHAVAYYA:—"In view of the fact that this year ploughshares were distributed after the transplantation was over and manure was supplied after the crops were cut, will the Government take steps to see that all steel and iron required for agricultural implements are distributed to the Agricultural Department and not to the Industries Department?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot give that assurance now because there are certain difficulties in the matter of procurement and distribution of iron and steel and if the present arrangements are disturbed it is likely to cause harassment and trouble to the agriculturists."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will the Government arrange to introduce certain methods by which the public will be able to know which is defective steel and which is standard steel?"

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THE HON. SRI H. SITARAMA REDDI:—"Sir, the defective steel is marked as defective and it is sold separately from the standard steel. I believe, Sir, we must depend largely upon the dealers and if any of them sells defective steel as standard steel he will be liable for prosecution."

H. S. HUSSAIN SAHIB BAHADUR:—"May I know, Sir, for how long has this delivery of defective steel been going on in this Province?"

THE HON. SRI H. SITARAMA REDDI:—"In the manufacture of steel there is standard steel and what is called defective steel or which is not standard steel and this has been in existence for quite a long time in the manufacturing process."

Paper consumed in the Province.

* 368 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) the total quantity of paper consumed in this Province per month for (i) Newspapers, (ii) Bookwork and Publishing, (iii) School and office requirements, (iv) for other needs;

(b) the number and names of the paper mills in the Province;

(c) whether any new applications were received for starting paper mills;

(d) the present output of the paper mills in the Province per month; and

(e) whether the Government have any proposals to start or aid new paper mills in the Province?

THE HON. SRI H. SITARAMA REDDI:—" (a) The actual quantities of paper consumed by different types of consumers is not available. Approximate particulars of consumption of paper other than newsprint per month gathered from available sources are as follows:—

(i) Newspapers	...	...	10 tons.
(ii) Bookwork and publishing	...	...	166 tons.
(iii) School and office requirements.	...	...	100 tons.
(iv) Other needs	...	...	594 tons.

" (b) One—The Andhra Paper Mills, Ltd. (under liquidation).

" (c) Yes, Sir.

" (d) Nil.

" (e) The Government do not propose to start any new mill. They have agreed to one new mill in Papanasam and are considering applications for two others."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, how long the Government intend to keep on the paper control?"

THE HON. SRI H. SITARAMA REDDI:—"The paper control is imposed by the Government of India and as long as the Government of India keep up that control this Government also will have to fall in line."

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K. M. SEETHI SAHIB BAHADUR:—" May I know, Sir, whether the Government will consider the possibility and the utility of starting a paper mill in Malabar in view of the availability of raw materials from the forests of Malabar? "

THE HON. SRI H. SITARAMA REDDI:—" If anybody from Malabar puts up the proposition the Government will be prepared to give them the best help that they can. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I request the Hon. Minister, Sir, to repeat his reference to some proposal connected with Papanasam? He said that it is proposed to start a paper mill in Papanasam. I did not catch his remarks regarding that proposal. "

THE HON. SRI H. SITARAMA REDDI:—" I said that the Government have agreed to starting one new mill in Papanasam. That is all, Sir. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know, Sir, at what stage this proposal is now? "

THE HON. SRI H. SITARAMA REDDI:—" The application that was forwarded to us has been forwarded to the Government of India for capital issue and import of capital goods. That is the stage in which it is now. If the hon. Member wants any further information at what actual stage it is, he can put a separate question and I shall furnish him the details. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" How many applications for starting of the mill at Papanasam were received? "

THE HON. SRI H. SITARAMA REDDI:—" Notice, Sir. "

M. S. ABDUL MAJID SAHIB BAHADUR:—" As the paper quota already assigned to the publishers are inadequate and is causing great hardship, will the Hon. Minister be pleased to assign paper to the publishers on the basis of paper required for publishing and republishing the books? "

THE HON. SRI H. SITARAMA REDDI:—" When paper is allotted we must also take into consideration the quantity available for distribution and as far as possible equitable distribution will be made between the various people who need the same. "

SRI ALLURI SATYANARAYANA RAJU:—" May I know how much hand-made paper is consumed in this Province every month? "

THE HON. SRI H. SITARAMA REDDI:—" I have no information with me. I would suggest the hon. Member to put a separate question specifically about this. "

SRI B. S. MURTHI:—" May I know, Sir, whether the Hon. Minister is aware that there is difficulty in obtaining newsprint by the small newspapers, I mean the weekly newspapers and will the Government come to their rescue? "

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THE HON. SRI H. SITARAMA REDDI:—" I may bring to the notice of the hon. Member that newsprint is not controlled. "

SRI A. VEDARATNAM PILLAI:—" As there are lots of complaints against the paper control, will the Government consider the desirability of removing the paper control? "

THE HON. SRI H. SITARAMA REDDI:—" Controls are always imposed when there is shortage of material and it is intended for public benefit and in the administration of controls if there are complaints that is not the reason for its abolition altogether. "

SRI B. S. MURTHI:—" May I know, Sir, arising out of the answer of the Hon. Minister for Industries what those two concerns are that applied for starting new paper mills? "

THE HON. SRI H. SITARAMA REDDI:—" Sir, I said there are two applications which are being considered. I do not have the names of the mills. A separate question may be put if desired. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" In view of the shortage of paper in the Province, Sir, may I know what other steps the Government are taking to increase supply apart from the starting of new mills within the Province itself? "

THE HON. SRI H. SITARAMA REDDI:—" The Government are conducting a few hand-made paper centres and Government are prepared to give them every encouragement by way of technical advice and otherwise to enable this paper to supplement the shortage we have. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Apart from this, are Government taking any steps to get supplies from outside? Are they importing any from outside? "

THE HON. SRI H. SITARAMA REDDI:—" Every attempt to get as much as possible to this Province is being done. That is all I can tell the hon. Member now. "

SRI PYNDIAH VENKATANARAYANA:—" In view of the fact that the Andhra Paper Mills and such other mills are in liquidation, should not Government take over the machinery that are in perfect working order and run the mills if this Province is not to entirely depend on foreign imports? "

THE HON. SRI H. SITARAMA REDDI:—" No steps have yet been taken to run the mills by the Government. "

SRI K. VARADACHARI:—" Sir, the legal profession is finding it difficult to obtain their necessary quotas. Would the Government ration paper among them with a minimum quota? "

THE HON. SRI H. SITARAMA REDDI:—" I do not think, Sir, that we can concede special privileges for the legal profession. "

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SRI M. BAPINEEDU:—"Is it a fact, Sir, that the Stationery Department of the Government of Madras is not getting the hand-made paper manufactured by the Government Factory at Bezvada?"

THE HON. SRI H. SITARAMA REDDI:—"I take the information from hon. Friend, Sir."

SRI V. RAGHAVAYYA:—"Is it a fact, Sir, that big publishers registered prior to 1944 alone are entitled to get Indian paper cheaper and the others have to purchase foreign paper which is very costly for publishing their books?"

THE HON. SRI H. SITARAMA REDDI:—"I should like to have notice of this."

SRI K. P. KAMAKSHI CHETTIYAR:—"Is it not a fact, Sir, that there are resources for starting a paper mill near Berijam of Kodaikanal Hills?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, there are resources in several places and some of them are being investigated. I do not know of the possibilities of starting a paper industry on a large scale in Kodaikanal but if my hon. Friend thinks it should be investigated I would suggest to him to write to me and I shall take it up."

12 noon. SRI P. KANDASWAMI PILLAI:—"In view of the shortage of paper in this Province, will the Government consider the desirability of appointing an expert committee to go into the matter, study the availability of raw materials in different parts of the Province, find out which place is suitable for starting this industry, consider the question of grant of subsidies and suggest steps for encouraging the starting of such mills?"

THE HON. SRI H. SITARAMA REDDI:—"No Sir."

SRI B. S. MALLIKARJUNA RAO:—"In view of the continued paper shortage, will the Government consider the desirability of running the paper mills at Rajahmundry pending liquidation proceedings?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot give any such assurance."

BEGUM SULTAN MIR AMIRUDDIN:—"In view of the fact that the stock position and the supply of paper have improved, will the Government allot a large quantity of paper to the University of Madras and also to the consumers?"

THE HON. SRI H. SITARAMA REDDI:—"When there is more paper available, more will certainly be allotted."

SRI K. LINGA RAJU:—"Will the Government consider the desirability of asking the liquidators to run the Andhra Paper Mills pending liquidation?"

THE HON. SRI H. SITARAMA REDDI:—"The suggestion of the hon. Member will be considered."

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SRI N. VENKATA SUBBAYYA:—"With reference to the Hon. Minister's assurance that encouragement will be given to hand-made paper mills, may I ask why they have ordered the closure of the hand-made paper mills at Gazuhpalli in Kurnool district?"

THE HON. SRI H. SITARAMA REDDI:—"Every attempt was made to run the centre but it was found that it was a very very uneconomical affair and so it had to be closed down."

Election to the Municipal Council, Vizagapatam.

* 369 Q.—SRI V. RAGHAVAYYA (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Local Administration be pleased to state—

(a) when the elections to the Municipal Council were held in the Vizagapatam Municipality;

(b) whether the Commissioner of the Municipality was directed by the Government to take leave and be absent from Vizagapatam on the date of election and also for 3 or 4 days prior to the date of election, handing over the charge to the Health Officer;

(c) if so, what were the reasons; and

(d) whether the Government will place on the table of the House the rules governing such action?

THE HON. SRI K. CHANDRAMOULI:—" (a) Elections to the Vizagapatam Municipal Council were held on 29th September 1947.

" (b) No.

" (c) & (d) Do not arise."

SRI V. RAGHAVAYYA:—"Is it a fact that the Commissioner was actually absent from the municipal limits during the days of election and if so, did he plead ill-health or other reason than the one given in the question?"

THE HON. SRI K. CHANDRAMOULI:—"The matter was not brought to the notice of Government."

SRI B. S. MURTHI:—"May I know whether any oral instructions were sent to the Commissioner to absent himself for those days mentioned in the question?"

THE HON. SRI K. CHANDRAMOULI:—"The Government are not at all aware of any such things."

SRI V. RAGHAVAYYA:—"Arising out of the answer to clause (b), may I know whether the Government will make an enquiry into the actual reasons which impelled the Commissioner to go out of the station on a very important occasion, even though he did not volunteer to go? In view of the absence of satisfactory information in connexion with this question furnished by the Hon. Minister, may I know whether the Government will be willing to find out what actually made the Commissioner desert his post at such an important occasion like the elections while it was his duty to have remained there; whether it was on his own volition that he went or whether it was due to compulsion?"

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THE HON. SRI K. CHANDRAMOULI:—"The Government have no objection to find out the cause if the hon. Member wants it."

SRI S. PARAMANANDA RAYAR:—"The question put is regarding the fact whether the Government has permitted the Commissioner to take leave during those days of election and so Government must have in their possession records to show the reasons why he has taken leave; the Government must have been apprised of the reasons and will it be possible for Government to tell what they are?"

THE HON. SRI K. CHANDRAMOULI:—"As I have already informed the House, the Government have never instructed regarding the matter."

SRI D. V. RAMASWAMI:—"Will the Government take the information from the Members of this House belonging to Vizagapatam district that the Commissioner is quite hale and healthy and there would not have been any reason to take leave?"

MR. SPEAKER:—"The hon. Member has made a statement; it is not a question."

SRI B. S. MURTHI:—"May I know whether the Government has given any instructions to any other Commissioner in the Presidency for his absence during election time?"

THE HON. SRI K. CHANDRAMOULI:—"The Government have not at all given any instruction to any Commissioner to take leave or to apply for leave during such time."

*Condition of orphans in the Fellowship Mission,
Tinnevely district.*

* 370 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Education be pleased to state whether the Government have received any reports about the condition of the orphans in the Fellowship Mission in Donavoor, Tinnevely district?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"No report has been received."

SRI K. T. KOSALRAM:—"May I know, Sir, whether the inmates of the orphanage are being forcibly converted to Christianity?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"No, Sir. The Government have no information."

SRI K. T. KOSALRAM:—"Will the Government take necessary action to prevent forcible conversion?"

MR. SPEAKER:—"The question does not arise."

SRI P. KAKKAN:—"May I know whether the Government have taken any steps to start orphanages in this Province?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That does not arise out of this question."

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*Damage due to heavy rains in certain parts of
Kistna district.*

* 371 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) what is the extent of damage to crops and houses in the taluks of Gannavaram, Bezwada, Kaikalur, Bandar and Gudivada due to the recent heavy rain and consequential floods;

(b) whether the Government propose to take immediate action to repair the tanks in zamindari areas which were damaged during the rains, under the Madras Private Irrigation Works (Repairs and Improvements) Act, so that they can be used immediately for irrigation purposes; and

(c) in view of the frequent damages to crops due to heavy rains, whether there is any proposal before the Government to construct the Budameru Reservoir Scheme soon?

THE HON. SRI KALA VENKATA RAO:—" (a) to (c) The information asked for by the hon. Member is laid on the table."

SRI PILLALAMARRI VENKATESWARLU:—"May I know when the Budameru Reservoir Scheme will be taken up by the Government?"

THE HON. SRI KALA VENKATA RAO:—"I would suggest to the hon. Member to put a separate question to my Hon. Colleague the Minister for Public Works."

Revision of scales of pay of Village Headmen and Karnams.

* 372 Q.—SRI V. PONNUSWAMI GOUNDER: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether there is any proposal to raise the salaries of village Headmen and Karnams;

(b) whether the Government are aware that the bonus amounts sanctioned to village officers have not yet been disbursed in many places; and

(c) whether the Government have any scheme to revise the scales of pay of village Headmen and Karnams to be in line with other departmental subordinates?

THE HON. SRI KALA VENKATA RAO:—" (a) There is no such proposal.

" (b) The Government are not aware of any instance where bonus due to village officers has not been paid. The bonus due to the village karnams, assistant karnams and triune officers (including menons and assistant menons in the Mala-bar district) is drawn monthly by the Tahsildars and paid through the Firka Revenue Inspectors either at the headquarters of the Revenue Inspectors or during the Revenue Inspector's tours in the villages. Generally, these amounts are disbursed within a week of their drawal. As regards

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village headmen, they are paid at the end of the period for which bonus is sanctioned to them. They should have been paid their bonus due for the period from 1st April 1946 to 31st March 1947 during the jamabandi for fasli 1356. The bonus due to them from 1st April 1947 to 30th September 1947 will be drawn and paid to them during October 1947. In all cases the Tahsildars and the Huzur Treasury exercise a check over these payments.

“(c) The whole question of re-organizing the present system of village establishments on more efficient and economic lines is engaging the attention of the Government.”

SRI V. PONNUSWAMI GOUNDER:—“மிராம உத்தியோகஸ்தர்களுடைய அந்தஸ்தையும் சம்பளத்தையும் உயர்த்தி அவர்களுக்கு கிராமங்களில் நல்ல செல்வாக்கு இருக்கும்படி செய்து விவசாயிகளுக்கும் சர்க்காருக்கும் இருக்க வேண்டிய நல்ல தேவை முதலியவை சீர்படவும், அவைகள் கெடாமல் இருக்கவேண்டுமென்றும் சர்க்கார் கருதுகிறதா? அப்படி கருதினால் அதற்குத்தகுந்த அந்தஸ்து சம்பளம் முதலியவைகளை சர்க்கார் இப்பொழுது உயர்த்த உத்தேசிக்கிறார்களா?”

THE HON. SRI KALA VENKATA RAO:—“If the salaries of the village officers are to be raised to the extent desired by my hon. Friend all the taxes paid by the villagers will be consumed by that commitment.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know whether the village headmen and karnams are whole-time or part-time servants of Government?”

THE HON. SRI KALA VENKATA RAO:—“They are full-time Government servants; but some of them I mean village headmen have an honorary status.”

SRI R. V. SWAMINATHAN:—“May I know, Sir, whether there is any proposal for legislation under the consideration of Government regarding the conditions of service of village headmen and karnams, including the abolition of the hereditary system?”

THE HON. SRI KALA VENKATA RAO:—“My hon. Friend has not read my answer or at any rate not heard it.”

MAHIN SCHAMNAD SAHIB BAHADUR:—“May I know whether the village officers are entirely under obligation to landlords as their pay is not at all sufficient to feed their children and whether Government intend to rectify it?”

THE HON. SRI KALA VENKATA RAO:—“Whether they are under obligation to landholders or not, the hon. Gentleman who is a good landlord must inform me.”

H. S. HUSSAIN SAHIB BAHADUR:—“Is it not a fact that as compared with the scales for other Government servants, the scale of pay of these most important class of Government servants is quite inadequate especially in these very hard days?”

THE HON. SRI KALA VENKATA RAO:—“If they are real servants in the full sense of the term, their pay is inadequate; but my hon. Friend knows that they are on an honorary basis and in hereditary posts.”

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know what is the sort of control that Government have over these honorary village officers?”

THE HON. SRI KALA VENKATA RAO:—“I would refer my hon. Friend to Act II of 1894 and III of 1895.”

SRI B. S. MURTHI:—“May I know whether Government is considering the question of doing away with the hereditary system of village officials?”

THE HON. SRI KALA VENKATA RAO:—“I have already answered in reply to clause (c) that the Government is engaged in examining this question as a whole.”

SRI A. VEDARATNAM PILLAI:—“May I know whether the Government will consider the idea of making the receipt of mamools on the part of village officers lawful so that there will be no need for enhancement of salaries for them?”

THE HON. SRI KALA VENKATA RAO:—“That is a suggestion which I cannot accept.”

SRI D. DURAIRAJA PANDIAN:—“Are the Government aware that in view of the fact that village officers are poorly paid most of the educated young men do not come for that job?”

THE HON. SRI KALA VENKATA RAO:—“No applications are called for from young men to fill those posts.”

SRI K. BRAHMANANDAM REDDI:—“Is there any proposals under the consideration of Government to give village headmen and karnams travelling allowances when they go to Taluk Offices?”

THE HON. SRI KALA VENKATA RAO:—“Not always; but when they go for *jamabandi* travelling allowance is given to them.”

SRI M. BAPINEEDU:—“May I know whether there are any proposals before Government to amalgamate the office of karnam and headman?”

THE HON. SRI KALA VENKATA RAO:—“That is a very difficult job, Sir.”

SRI P. KAKKAN:—“May I know whether along with the salaries of village officers the salaries of vettiyans and talaiyaris will also be considered and raised by Government?”

THE HON. SRI KALA VENKATA RAO:—“When the question of raising the salary of all the village officers is considered, this question will also be considered.”

SRI S. NAGARAJA MANIGAR:—“May I know, Sir, if what these village officers receive is an honorarium or pay?”

THE HON. SRI KALA VENKATA RAO:—“It is practically honorarium.”

SRI D. V. RAMASWAMI:—“May I know whether Government have under consideration proposals to revise the daily allowance and travelling allowance of these village officers?”

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THE HON. SRI KALA VENKATA RAO:—"The question of revision of travelling allowance and daily allowance does not arise."

SRI S. NAGAPPA:—"Arising out of the answer to clause (c) when reorganising the system of village officers, will he consider the desirability of appointing Harijans in a larger measure?"

THE HON. SRI KALA VENKATA RAO:—"When any scheme of reorganisation is taken into consideration and fresh appointments are made, naturally the claims of the Harijans will certainly be considered."

SRI K. BRAHMANANDAM REDDI:—"May I know whether the question of revision of salaries of the village establishment is under the active consideration of Government or under the ordinary routine consideration of Government?"

THE HON. SRI KALA VENKATA RAO:—"There is no difference in Government between active and routine."

SRI B. S. MURTHI:—"Is it not a fact, Sir, that the vettiyan is paid a paltry amount of Rs. 5 or 6 and without dearness allowance and all his time is placed at the disposal of Government?"

THE HON. SRI KALA VENKATA RAO:—"Even his immediate superior, the village officer, is paid only Rs. 6 or Rs. 7."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Do the Government expect that these village officers should do their work with this meagre pay and lead their lives on this small amount without resorting to mamools, Sir?"

THE HON. SRI KALA VENKATA RAO:—"The institution of the village headmen and the karnams has been there for centuries, and they have held the job and filled a place in the economic fabric of the society in a particular manner. Now that the times have changed, the question of reorganisation of the village establishments is under the consideration of the Government."

Construction of Type Foundry in residential locality.

* 373 Q.—**SRI T. K. T. N. R. TATACHARI:** Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that representations were received by the Government from the residents of the locality protesting against the construction of a type Foundry at No. 51, Guruvappa Chetty Street, Chintadripet, in the residential locality; and

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

THE HON. SRI A. B. SHETTY:—" (a) Yes, the protest was not against the construction of a type foundry (this has been in existence for the last 25 years) but only against the reconstruction of a part of it.

" (b) The Government investigated the matter but found that no action was then called for."

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SRI T. K. T. N. R. TATACHARI:—"Have the Government given a reply stating that the area has not been declared an industrial area, and that they are not in a position to take action?"

THE HON. SRI A. B. SHETTY:—"The area has not been declared an industrial area. On receiving the representation, Government called for a report from the Commissioner of the Corporation. The Commissioner inspected the foundry in company with the Corporation Health Officer, and he stated that he could not say that the foundry which had been in existence for the last 25 years had become such a nuisance as to justify the refusal of licence or its revocation."

Representation for opening a Dental College at Madras.

* 374 Q.—**SRI B. VENKATACHALAM PILLAI:** Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Secretary of the Provincial Dental Association presented a memorandum to the Government for an early opening of a Dental College at Madras;

(b) why the Government is putting it off;

(c) whether the Secretary of the Provincial Dental Association has given a list of qualified people to the Minister; and

(d) what steps the Government are taking in connection with this?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

" (b) The opening of a Dental School in Madras was sanctioned in 1944; but the school could not be opened due to non-availability of qualified teaching staff.

" (c) Yes.

" (d) The question of appointing a qualified and suitable candidate as Professor of Dental Surgery is under consideration."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact, Sir, that the medical conference which the Hon. Minister convened recommended that in the light of the recommendations of the Bhoré Committee, the establishment of a Dental College in Madras should be given top high priority?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir. The question of opening a Dental School is under consideration. But the only difficulty is that of finding a suitably qualified Professor of Dental Surgery for the proposed institution."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact that this same conference recommended that if the required staff were not available in this Province, they should be imported from outside on a contract basis, and if so, may I ask Government when they intend to implement the recommendation of this conference?"

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THE HON. SRI A. B. SHETTY :—“ The Surgeon-General is corresponding with some of the dental surgeons in this country with a view to find out whether any suitable person can be got on any contract basis. ”

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

GOVERNMENT MOTION.

II.—AMENDMENTS TO RULE III OF THE ASSEMBLY RULES.

THE HON. DR. P. SUBBARAYAN :—“ Sir, I move that the following amendments to rule 111 of the Madras Assembly Rules be taken into consideration :—

“ (a) For the last two lines of sub-rule (1), after the word “ Bill ” the following shall be substituted :—

and such a motion shall state the total number of members of both Houses to be appointed to the Committee.

“ (b) At the end of sub-rule (2), the following shall be added :—

“ to the appointment of a Joint Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (4). ”

“ (c) For the proviso to sub-rule (3), the following shall be substituted :—

“ The member in charge of the Bill, and the Member of Government in charge of the department to which the Bill relates, shall be nominated as members of the Joint Committee by the House or Houses of which they are members. ”

“ (d) For sub-rule (4), the following shall be substituted :—

“ (4) The total number of members of a Joint Committee shall not exceed 30 on every Joint Committee, the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2:1 ”.

The rule, Sir, is self-explanatory. There were demands from both Houses that Joint Select Committees should be appointed on important measures, and there has been a feeling that considering the number of Members in the Assembly as well as in the Council, Assembly Members should have larger representation than what is proposed for the Council. ”

MR. SPEAKER :—“ Under rule 143 of the Madras Assembly Rules, I have now to read the draft amendments and ask whether the Hon. Member has the leave of the Assembly. The amendments have been circulated to the hon. Members of this House and are also included in the agenda. They read as follows :—

“ In rule 111 (a) for the last two lines of sub-rule (1) after the word “ Bill ”, the following shall be substituted :—

“ and such a motion shall state the total number of members of both Houses to be appointed to the Committee ”.

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“ (b) At the end of sub-rule (2), the following shall be added :—

“ to the appointment of a Joint Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (4). ”

“ (c) For the proviso to sub-rule (3), the following shall be substituted :—

“ The member in charge of the Bill and the Member of Government in charge of the department to which the Bill relates shall be nominated as members of the Joint Committee by the House or Houses of which they are members. ”

“ (d) For sub-rule (4), the following shall be substituted :—

“ (4) the total number of members of a Joint Committee shall not exceed 30 and on every Joint Committee, the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2:1. ”

* SRI R. V. SWAMINATHAN :—“ Sir, on a point of information. I want to know on what basis the proportion of 2:1 is fixed, because if it is on the proportionate strength of the two Houses, I think we are four times the other House. I want to know from the Hon. the Leader of the House on what basis they have fixed the proportion 2:1. If it is equal for both the Houses, it is all right—50 per cent here and 50 per cent there. But according to proportionate strength, I think we can have 3:1. ”

THE HON. DR. P. SUBBARAYAN :—“ I am afraid, Sir, he does not understand it. It does not depend on numbers. Both Houses are responsible for legislation, and because it was felt that this House should have larger representation, in a conference between the Speaker, the President of the Council, and myself, this proportion was fixed. There was no question of representation on numbers. ”

MR. SPEAKER :—“ I wish to know whether the hon. Member has the leave of the Assembly. Since no Member objects, I take it that the hon. Member has the leave of the House. ”

“ Under rule 144 of the Madras Assembly Rules, the draft amendments are to be referred to a Select Committee. Six members of the Select Committee have to be elected by the Assembly by means of the single transferable vote in accordance with the regulations framed in this behalf, the Speaker, the Deputy Speaker and the Hon. the Leader of the House, being ex-officio members of the Committee. One of the members of the panel of Chairmen is to be nominated by me as a member of the Committee. I fix 3 p.m. to-day as the hour within which nominations may be handed over to the Secretary.

“ If the number of candidates nominated exceeds the number of vacancies to be filled in, namely, six, then there will be an election between 3 and 5 p.m. on Monday, the 3rd November 1947. ”

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GOVERNMENT BILL.

III.—THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947
(L.A. BILL NO. 15 OF 1947)—cont.

Clause 2 (2).

* SRI K. ANANDAN NAMBIYAR:—"I beg to move my amendment, Sir. My amendment runs as follows:—

'In clause 2 (2) the words "or open to any business connected with the establishment" shall be added at the end.'

The purpose of my amendment is this, Sir. In certain shops, the manager or the proprietor, after the specified time of work, closes his shop for all outward appearance, but makes certain clerks to stay on inside the shop to write, add and subtract their accounts till midnight. Such things must be prohibited. These men should not be allowed to remain inside the shop under any circumstances after the specified time. That is why I am moving this amendment, Sir. I hope the Hon. Minister for Labour will be pleased to accept the amendment, because it neither alters the scope of the Bill nor does it change the spirit of the Bill, but only makes the position of the staff working in these shops unambiguously clear."

* SRI PILLALAMARRI VENKATESWARLU:—"I rise to second the amendment, Sir. I like to know whether the Hon. Minister has got any objection to accept our amendment."

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

MR. SPEAKER:—"The Government are accepting the amendment."

The amendment was then put and carried.

Clause 2 (6).

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

'After the word "eating-house", the words "residential hotel" shall be inserted.'"

The amendment was put and carried.

Clause 2 (12) (vi).

SRI K. BHASHYAM:—"Sir, I move—

'In paragraph (vi) of clause 2 (12), after the word "sister" the words "or any other near relation" shall be inserted.'

"Sir, this clause says 'in the case of all establishments, a person wholly or principally employed in cleaning any part of the premises; but does not include the husband, wife, son, daughter, father, mother, brother or sister of an employer who lives with and is dependent on such employer'. I would like to point out in this connexion that this Bill is evidently drafted from the English Bill, where the family consists of the blood relations mentioned in the Bill. There are many businesses in this country which are run by persons of joint family not merely son

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or daughter or wife or husband. There are brothers' sons, etc., who manage the establishment as their own. If, as a matter of fact, the manager's brother's son, as a person in charge of the establishment, takes more than eight hours, he is liable for prosecution under this Bill. Therefore, it is, I say that this Bill must be really suited to the conditions in our country, where shops are being managed by members of the joint family. Therefore, I propose to add 'or any other near relation' after the word 'sister' in Clause 2 (12) (vi). It may be said that this may be abused. Of course any legislation is liable to be abused if the drafting of the clauses is not proper. So far as this Bill is concerned, 'any other near relation' may mean any relation who is dependent for his living on the employer and who looks after the business in a more or less managerial capacity. It does not need to be defined as to whom it should refer specifically. It may mean any person in the family of the employer, the partner or the partner's son, or the sleeping partner, or the sleeping partner's son; for they are all there in a managerial capacity. So I think this is a harmless amendment and it may be accepted by Government. Perhaps Government may oppose it on the ground that the clause may be abused. I submit it is no argument at all. For the same thing may be said of the Police people; for all Acts are liable to be abused by some. So that contention is no argument at all."

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SRI R. VENKATA REDDI:—"I second the amendment."

* DR. S. SUBRAHMANYA AYYAR:—"May I request Mr. Bhashyam to define who the near relation is?"

SRI K. BHASHYAM:—"It is not for us to define all this here. We do not know the conditions under which shops are being managed. So we should give some latitude in this matter. It will be ridiculous and oppressive to define 'near relation.'"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I have pleasure in supporting the amendment of Mr. Bhashyam. When we launch such legislation we should not copy from some other country. We should take things in our country and try to legislate. I think Mr. Bhashyam's amendment is a very very reasonable one and it keeps in view the conditions prevailing in this country, which are radically different from those prevailing in some industrial countries. This country is not to-day industrially advanced as some modern advanced countries. So to import wholesale all the legislation of the West into this country will only retard the progress of this country in the matter of industrialization. I hope Government will consider this question sympathetically and it will do well to accept the amendment."

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, I rise to oppose this amendment of Mr. Bhashyam. The reason being the reply given to our friend, Dr. Subramanya Ayyar when he asked for clarification of the words 'any other relation', the reply was ambiguous. They may mean anything. Not only

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that; to-day when a particular individual is employed on the basis of wage-system, then he becomes a servant of the employer, and this question of relation does not arise in any way. Suppose, if he is a relation, it means, the employer need not pay him, as he will become part and parcel of the company itself. My point is, if the employee is the partner's son, then he becomes the owner of the company, and he ceases to be employee. In this way, if the words 'or any other relation' are accepted, so many employees will cease to receive the benefits of this legislation. The near relation may mean, the son, the son's son, the son's son's son. So if we take the incidence of Hindu Law the relation between the employer and the employee may be set at naught. My point is whoever the employee may be, if he is employed on a wage system he should be entitled to the benefits of this legislation. There is another defect also. Whether the employee is a sister or any other person it does not arise so long as he or she is paid as an employee. Hence I feel there is no need for this amendment, and if it is accepted it will affect the shop assistants detrimentally. I oppose the amendment."

* SRI K. ANANDAN NAMBIYAR:—"Sir, I oppose the motion of Mr. Bhashyam. For in Malabar we have what is known as Marumakkattayam system prevailing, where a family consists of 200 or 300 members, all relations. So if we accept this amendment the whole concern may be excluded from the scope of this legislation, on the ground of relation. And no employee will get any wage, for the employer will say, 'you are not an employee'; and as a result the relations will not get anything even for dhobi charges and bare incidental expenses. So under the existing principles of Hindu Law we oppose the amendment *in toto*. Therefore we request Mr. Bhashyam not to press his amendment."

* SRI B. S. MALLIKARJUNA RAO:—"Sir, of course, on the face of it, the amendment seems very simple. But I fear it will work disaster; in this sense, under the pretext of 'near relation' very many persons may be excluded from the privileges which this Bill secures for the employees. We have already included the necessary family members, son, brother, sister, wife and husband, father and mother—and now 'any other near relation' means to include several others in the name of relation. To-morrow to circumvent the Act the employer may discharge some people on some pretext and take in some people under the disguise of relation to see that this Act does not apply to his firm."

"Again, Sir, the question of relation is a delicate thing. The relation may desire to have the benefits of an employee, but on account of his relationship to the employer he may feel delicate to demand those privileges, that an ordinary employee otherwise gets. Family members stand on a different footing altogether. The case of a relation is miserable and if the amendment of Mr. Bhashyam is to be accepted the rights of relations will be jeopardised. So I would request Mr. Bhashyam to withdraw his amendment."

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SRI T. S. PATTABHIRAMAN:—"I appeal to Mr. Bhashyam to withdraw his amendment inasmuch as it is likely to work havoc in hotels and other establishments in the presidency. His amendment may be well-intentioned, but if it comes into the hands of unscrupulous employers, as there are so many in this province to-day, I submit, much mischief will be done, and the very purpose of the legislation will be defeated. For example, if a man happens to be unfortunately a near relation, and my hon. Friend, has not defined what is meant by that term—at least if he had fixed some degree, say, something like 9th to 10th degree relationship, I would have been satisfied. But my hon. Friend has not defined it nor set a limit to the relationship, and so if a man is able to place the geneological table and find out some relationship between him and the employee he will be able to deny his employee all the benefits of this legislation, which I say, is sheer injustice. So I request the Government not to accept the amendment."

THE HON. DR. T. S. S. RAJAN:—"Sir, if Government accept this amendment it will lead to a lot of trouble. In practice anybody can be brought in as a relation, and it will be difficult to give such employees the benefits of this measure. Thus Government will be defeating the very purpose of this legislation. So I oppose the amendment."

SRI K. BHASHYAM:—"Sir, the original clause and the amendment I suggest are based on the same principle. My purpose is to prevent a tyrannous husband or tyrannous wife asking the employees to work late hours. There is some family affection between a husband and his relative which will prevent such a thing happening. So when members agree to the inclusion of sister, brother, father, son, etc., naturally they should also agree to the inclusion of near relations. If I want to do it, I do it as a matter of principle."

"As regards Marumakkattayam family, Mr. Anandan Nambiyar knows well how the 200 or 300 junior members eat in the house and spend their time idling. Now if they are asked to do some work besides eating, they will not grudge to do it. And further, thanks to the Communists' activities nowadays, these young men will be able to take care of their rights. So there is no fear on that score."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I want, Sir, my hon. Friend to make it clear whether he refers to a case where one relative and another relative agree between themselves to exercise their relationship and not their relationship as employer and employee. There may be relatives who may be employees and who will come under the provisions of this law. I want to know whether he refers to that relative who wants to exercise his relationship as the employer."

SRI K. BHASHYAM:—"I was coming to that point, Sir. The section says that it 'does not include' and I take it that if really qualifies all the previous clauses; it says that 'person employed' does not include these persons dependent on and living with the employer. If it is read in this way it really covers all

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the clauses and qualifies all the previous clauses and my amendment is right. If we confine it only to clause (vi) which says 'employed in cleaning any part . . . ' possibly there may be some justification for saying that it does not include, husband, wife, father, etc. But as the Bill stands this covers all the previous clauses and my amendment is therefore good."

DR. S. SUBRAHMANYA AYYAR:—"Mr. Speaker, I want to know from Mr. Bhashyam . . ."

MR. SPEAKER:—"Is it a point of information?"

DR. S. SUBRAHMANYA AYYAR:—"I am speaking on the motion of Mr. Bhashyam and I am requesting him to withdraw his amendment for the following reasons."

MR. SPEAKER:—"The hon. Member cannot speak now. I cannot allow it. If he wants he can ask for any information from the hon. Member, Mr. Bhashyam."

THE HON. DR. T. S. S. RAJAN:—"It is not possible for the Government to accept the amendment as it will be very difficult to work it. Then we may have to go into the definition of who is a relation, what is the degree of relationship and all those things and they will make it almost impossible for any Court to come to any decision."

MR. SPEAKER:—"Does the hon. Member like to withdraw his amendment?"

SRI K. BHASHYAM:—"I . . ." (not audible).

MR. SPEAKER:—"The amendment has been withdrawn with the permission of the House."

SRI K. BHASHYAM:—"I am not withdrawing my amendment, Sir. I said: 'I am not withdrawing'."

MR. SPEAKER:—"The hon. Member said that he was withdrawing the amendment. He should say clearly whether he is withdrawing the amendment or not."

SRI K. BHASHYAM:—"I am sorry, Sir, if I did not make myself clearly understood, I apologise to you for that, Sir. I have moved the amendment, Sir, after very deep consideration and I am not convinced with the explanation given on the floor of the House. Therefore I should like the amendment to be put to the vote of the House, Sir."

The amendment was put and lost.

Clause 2 (12)—New paragraph (vi).

THE HON. DR. T. S. S. RAJAN:—"Sir, I move that paragraph (vi) shall be renumbered as paragraph (vii) and the following shall be inserted as paragraph (vi):—

'(vi) in the case of an establishment not falling under paragraphs (i) to (v) above, a person wholly or principally employed in connexion with the business of the establishment, and includes a peon.'"

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SRI K. ANANDAN NAMBIYAR:—"I support the amendment, Sir. It includes the peons, etc., and they are quite deserving and we are glad that the Government have brought this amendment. I support it and I hope there will be none here to oppose it."

THE HON. DR. T. S. S. RAJAN:—"This is the correct procedure, Sir. We wanted one or two things that have been omitted to be included and that is why this amendment is put."

The amendment was put and carried.

Clause 2 (18)

SRI K. BHASHYAM:—"I move, Sir—
'that the word "or" at the end of clause 2 (18) (d) shall be omitted and the following shall be added at the end:—
"or

(f) the value of any board or food contracted as part of the remuneration for employment.'"

"This is an amendment, Sir, which I thought would be necessary in the practical working of the Act itself. In the definition of 'wages' it is said that it includes all remuneration capable of being expressed in terms of money if the terms of contract were fulfilled payable conditionally, etc. Very often in the terms of a contract in a business or employment it may be that a person should get his food from the employer, which may be lunch or midday meal. Then that will be included in 'wages.' The whole point is in the latter part of the Act it is said that a person would be entitled to wages though he goes on leave. That is if he goes on leave or even on holidays he will be entitled to wages. What does it mean? If we do not exclude food from the definition of wages, if even on a holiday an employee goes to his village the employer will have to follow him and serve him with food in his village. That is what it means or it may be that when he comes back from leave or holiday he will claim, that because his wage includes his food also, he should be paid the value of the food he would have been entitled to if he had remained in that place. Such cases will arise, especially now-a-days when there is such difficulty in getting rice and standing in the queue is the order of the day. This is one of the matters which we have to take into consideration in regard to the employees in the shops and other places. For some employers feel that these people must be given some sort of inducement to remain in their employment and they are providing them with food and you will find it very difficult if you do not exclude this from the definition of wages that is contracted to be given to the employee. Otherwise it looks as if in the case of the working of the Act you are introducing an element of doubt and dispute between the employer and the employed. The employee will insist upon the food being given to him on his return from leave or at least being paid the value of the food that should have been given to them. That is why

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my amendment says that it should not be included. Some hon. Members were saying that it would be difficult to evaluate the food, in some hotels it may be three annas and in some it may be six annas. Whatever it is, it may not be very difficult to evaluate the value of the food. The real difficulty will be when the employee comes back from the village and claims the food or the value of the food. Therefore, Sir, I think the amendment will be accepted by the Government."

SRI R. VENKATA REDDI:—"I second the amendment, Sir."

* SRI K. ANANDAN NAMBIYAR:—"I am here to oppose the amendment, Sir. It is a very cunning amendment and it will do great injustice to the workers. The hon. Member who moved the amendment has done it very nicely and he has done it in such a way as to show that he wants to remove certain difficulties in the working of the Act. Suppose an employee goes on leave for five days or six days and he leaves the place of employment for those 6 (six) days he can get his pay but he cannot have the food portion of his pay. He can however claim it afterwards and thereby the employer will be forced to give the food value. That is his argument. Sir, in hotels there are hundreds of workers employed. Their first thing is food and the second thing is wages. Food forms part of the wages that he is getting. Here he wants to make a clear difference between the wages paid in kind, that is food, and the wages paid in money. So he wants to maintain in this Act a clear division between these two in this cunning way by inserting . . ."

SRI K. BHASHYAM:—"I do not think, Sir, that the word 'cunning' could be used in decent company."

* SRI K. ANANDAN NAMBIYAR:—"I mean by 'cunning', Sir, in a skillful way. There is nothing harmful in it. He is a very skillful lawyer. Inasmuch as there is no mention of food value and the wages in this Act this particular amendment will do harm to the workers. In the long run the employers will say because you came late you cannot have food; or because you took a holiday you cannot have it and all that. They will say, you have taken food and enjoyed a holiday and therefore you must refund the value of the food. At every stage it will be hell to the servants. I therefore request the Hon. Minister not to accept the amendment. Here there is no question of making any difference. I therefore want to oppose the amendment for the reasons I have mentioned. This is a very serious point, Sir, and that is why I oppose my hon. Friend's amendment. I have already told him . . ."

MR. SPEAKER:—"You might have told him in private, that should not be mentioned here."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, this amendment has to be opposed not only by the Communists but even by the Members representing labour on

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the other side, particularly because it affects the labourer. I am sure the amendment will benefit the employers, particularly the hotel keepers. The hotel servants are given food, tiffin and everything and they are given Rs. 20 or 25 per month. According to this amendment if we calculate the cost of meals at the rate of annas eight per meal it will come to rupee one a day. If the money is deducted from the wages, naturally it means the server who takes leave for ten days will lose Rs. 10. And therefore the people will not be able to go on leave or take holidays. Therefore the main intention of the amendment seems to be to deprive the hotel employees of their holidays. On any pretext they can deduct the cost of meals from the salaries. On the basis of the contract the hotel servers are entitled to the food, etc., they are getting. If we agree to this amendment of the hon. Member we will be doing an injustice to the workers. For these valuable reasons I oppose the amendment, Sir."

THE HON. DR. T. S. S. RAJAN:—"The whole question is one ^{1 p.m.} of deciding the wages and the wages are paid in terms of cash. If the question of food comes in, we will have to estimate the value of food and there will be lot of difficulty in working the Act and it may perhaps lead to litigation also. The question is about wages only and I do not see any advantage either from the point of view of the worker or the Government in complicating the issue by bringing in food."

MR. SPEAKER:—"Is the Hon. Minister accepting the amendment?"

THE HON. DR. T. S. S. RAJAN:—"We cannot accept the amendment, Sir."

SRI K. BHASHYAM:—"Sir, I am afraid the object of my amendment has not been understood. The question of food is part of the contract of employment and should stand apart from wages. If a worker is absent from duty, a deduction will be made not only from his wages but also from his food if the food is calculated as part of the wages. My hon. Friend Mr. Anandan Nambiyar has shot beyond the mark in saying that if the amendment is accepted the worker will not get food on the day he is absent from duty. He is thoroughly wrong in assuming that a hotel employee when he is absent from duty is entitled to be fed by the employer. That is wrong. As the definition of wages includes also the money value of food given, any deduction from wages for absence or other things would mean a deduction of food also. Therefore I say that this question of food must be treated separately from wages. This food will form part of the contract between the employer and the employee. There will not be any deduction. I am only trying to help the employees by this amendment. If my hon. Friend does not understand it, it is my misfortune and perhaps the misfortune of the hotel employees."

MR. SPEAKER:—"Is the hon. Member withdrawing his amendment?"

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SRI K. BHASHYAM:—"No, Sir."

The amendment was put and lost.

Clause 2 as amended was put and carried.

Clause 3 was put and carried.

Clause 4.

* SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I am not moving my amendment to item (a). I move that—

'items (b) to (f) occurring in sub-clause (1) be omitted.'
I shall read these items, Sir.

(b) persons whose work involves travelling; and persons employed as canvassers and caretakers;

(c) establishments under the Central and Provincial Governments, local authorities, the Reserve Bank of India, the Federal Railway authority, a railway administration operating a federal railway, and cantonment authorities;

(d) establishments in mines and oil fields;

(e) establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time;

(f) establishments which, not being factories within the meaning of the Factories Act, 1934, are, in respect of matters dealt with in this Act, governed by a separate law for the time being in force in the Province.

These are very sweeping exemptions. A hotel-keeper or shop-keeper might have extended his hotel or bazaar for a festival. An employee may be working in that bazaar temporarily created for that particular festival. He will not get the benefits of this Act if he is not paid properly or fed or he meets with an accident. The Hon. Minister said that the South Indian Railway is a concern of the Central Government. But the railway refreshment rooms are situated within the province. The workers there may not be given the benefit of the weekly holidays and other facilities and the railway manager may say that he is not governed by the Provincial Government Rules. If the Provincial Government cannot deal with the matter on this technical ground, they can at least recommend to the Central Government. (The Hon. Dr. T. S. S. Rajan: 'Not in this Act'.) Not in this Act, but separately.

"Sir, I do not see why establishments under the Provincial Government, the municipalities and district boards are exempted. I can understand the establishments under the Central Government and the Reserve Bank of India being excluded, because they are not under the control of this Government. There may be some canteen services run by the local Government. Why should they be exempted? If the Government want a hotel-keeper, a third party, to treat its servants according to certain rules, why cannot they apply the same rules to the Government servants? So also to other servants in the municipalities. If there are shops owned and conducted by the Provincial Government—the insertion of a provision like this in the Bill shows there are such shops—then this exception should not apply to them. I request the Hon. Minister to accept my amendment."

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* SRI PILLALAMARRI VENKATESWARLU:—"Sir, while seconding the amendment, I should like to make a few observations. If this clause is passed as it is, most of the shops will escape from the provisions of the Bill. I know certain shops employ 25, 30 or 50 persons and they are not protected under any law or regulation. I want that the provisions of the Bill should be made as wide as possible, so that any shop or concern might be brought under its scope. Even the Government, I think, had that view when they framed this Bill. But these exceptions remove many things from the scope of the Bill. I do not find any valid reasons for excluding them."

"With regard to mines and oil fields, the Hon. Minister may say that they are under the Central Government. Even though they may be under the Central Government, we may pass such legislation here so that no establishment in this Presidency can escape the provision of the law. The workers should not be worked like bulls and asses. Suppose some mines are kept in unhygienic conditions, the Madras Government will have some responsibility over it, and they can prevent the mine-owner from keeping the mine in an unhealthy condition. The Government must have more valid reasons for bringing these establishments under the exemptions. In our parts it is very common for temporary bazaars to be run for ten or fifteen days during the fairs. But because they are temporary bazaars, the provisions of this Bill will not be applied to them. If the Government feel that all the provisions of the Bill cannot be applied to these temporary bazaars, they may be exempted from some of the provisions but not from the whole Bill. Otherwise it will be a grievous injustice to the employees. I hope the Hon. Minister will carefully consider the points raised."

"Sir, clause (f) is very sweeping. If we accept the clause as it stands, I am sure, the purpose of the Bill will be defeated. I request the Hon. Minister to accept our amendment or redraft clause 4 taking our objections into considerations."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Sir, I oppose the amendment moved by my hon. Friend Mr. Anandan Nambiyar. We are bringing this piece of legislation for the purpose of introducing certain regularity in establishments which are not governed by other rules. With regard to the Central Government and the Provincial Government and the Local Authorities, you have several Acts and regulations governing the hours of work of employees and so many other things. If we are going to omit this sub-clause as suggested by Mr. Anandan Nambiyar, I am afraid that this Act when it becomes law will come into clash with the other enactments already in force. Even in the Select Committee stage, I was anxious to introduce some more exemptions such as people in the confidential service of employers, but unfortunately I was not able to succeed there. After a great deal of discussion, we were able to give exemptions to these classes of employees. But here our Communist Friends say that we should not have given such

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exemptions and that this Act should be made to apply to everybody irrespective of the fact whether such persons come within the scope of other enactments or not. Therefore, Sir, I feel I am not in a position to support the amendment moved by my hon. Friend Mr. Anandan Nambiyar.

1-15 p.m. "Again, he talks about temporary establishments like hotel establishments and such other things. We are aware that hotels are run only temporarily for a week or two in shandies, etc. Item (e) provides that nothing contained in this Act shall apply to establishments in bazaars in places where fairs or festivals are held temporarily for a period not exceeding fifteen days at a time. Naturally the establishments which are continued beyond fifteen days come within the operation of this Act. All necessary precautions have been taken to see that the benefit of the Act is given to everybody concerned. Therefore, I oppose the amendment moved by my hon. Friend Mr. Anandan Nambiyar."

THE HON. DR. T. S. S. RAJAN:—"The purpose of this Act is not to interfere with well-organized institutions run by the Central and Provincial Governments, local authorities, etc., which have their own rules providing for well-regulated work, grant of holidays, etc. The argument that the establishments in such institutions should be brought within the purview of this Act does not stand to reason."

"As regards establishments employed during fairs and festivals, they can never be controlled by any Act. They are employed only for a temporary purpose. The festivals last only for two or three days and then the managements disappear and the workers disappear. The whole idea of this Act is to regulate the conditions of work of certain regular wage-earning establishments. Therefore the arguments cannot be accepted and I oppose the amendment."

* SRI K. ANANDAN NAMBIYAR:—"I wish to explain, as the Hon. Minister has misunderstood me. There may be a hotel X. When there is a festival the X hotel may open a temporary hotel in the bazaar and employ a number of workers from the original hotel. There is a chance of such workers being excluded from the purview of the Act for the reason that they come under temporary establishment."

THE HON. DR. T. S. S. RAJAN:—"An enormous responsibility will be placed on the Government to prove the facts. The manager may say that it is not his hotel but his brother-in-law's."

* SRI K. ANANDAN NAMBIYAR:—"As far as possible, let us give the benefit of the Act to the workers without prejudice to the interests of the employers. The clause as it stood in the original Bill is quite all right. But all these things have been brought in the Select Committee somehow or other. Let us try to remove them."

The amendment was put and lost,

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Clause 4 (2).

THE HON. DR. T. S. S. RAJAN:—"I move—

'For paragraph (c), the following shall be substituted:—

"(c) clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in boarding schools in connexion with the boarding and lodging of pupils and resident matters;"

Institutions of the kind referred to in the amendment were not included in the Bill and it was a big omission. We want to bring in those institutions also. I do not think any hon. Member will object to this."

* SRI PILLALAMARRI VENKATESWARLU:—"I rise to oppose the amendment. I do not find any justification to exempt clubs and residential hotels, hostels attached to schools or colleges, and establishments maintained in boarding schools. We know there are clubs which can well afford to give all the facilities to the workers. The Hon. Minister did not explain why such exemption should be given; if he had explained, I would have reconsidered my stand. He did not explain but wanted support for the amendment. The main purpose of this Act is to give relief to the establishments working in hotels, etc. School boys who are paying so much for their education do not mind paying one or two annas more for the poor worker. These clubs and hotels do not require any protection and my request is that they need not be excluded from the operation of any of the provisions of this Act. With these words, I oppose the amendment."

* SRI K. ANANDAN NAMBIYAR:—"In opposing the amendment, I want to add some points which were left over by Comrade Venkateswarlu. The sub-section in the Bill reads that nothing contained in section 7 or section 13 shall apply to clubs and residential hotels, and now the Hon. Minister wants to add a long list to the exemptions. Section 7 says: No shop shall on any day be opened earlier or closed later than such hour as may be fixed by the Provincial Government."

THE HON. DR. T. S. S. RAJAN:—"The whole provision applies only to opening and closing. The hon. Member need not argue about it."

* SRI K. ANANDAN NAMBIYAR:—"If a shop is opened earlier, the worker must come earlier. That means he has got to do work for more hours."

THE HON. DR. T. S. S. RAJAN:—"That will again be governed by the provision relating to the hours of work, whenever the shop may open."

* SRI K. ANANDAN NAMBIYAR:—"If a shop is opened earlier, it will be closed earlier. That is the Minister's argument. I will read the proviso: 'Provided that any customer who was being served or was waiting to be served in any shop at the hour fixed for its closing may be served during the quarter of an hour immediately following such hour.' Suppose 25 persons are already

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eating, and 50 persons are waiting outside the tickets having been issued. The 25 persons will have to finish eating, and then the 50 persons waiting outside will have to be served. That means two more batches and one hour more. Why not these hostel servants also be brought within the scope of the Act?"

* M. S. ABDUL MAJID SAHIB PAHADUR:—"I support the amendment brought forward by the Government. I am really sorry that our Communist Members are wasting their energy on a small thing like this. Because sections 7 and 13 relate only to the hours of work, the exemption would also be only in respect of the hours. We are aware that in Madras and other places, there are a number of clubs to which people resort from 6 o'clock to 10 o'clock. The employees in those clubs will have to be exempted, so that the people who resort to them may have the benefit of the institutions. Therefore I support the amendment."

THE HON. DR. T. S. S. RAJAN:—"The whole provision is quite clear; I do not know where the trouble arises at all. It is simply beating about the bush and there is no valid argument against it. By the exemption, we propose to keep open certain institutions which have got to be kept open. The hours of work are already fixed and we are not interfering with it. I do not see how we can drop this amendment, because it is absolutely necessary."

The amendment was put and carried.

Clause 4 as amended was put and carried.

Clause 5 was put and carried.

Clause 6.

* SRI PILLALAMARRI VENKATESWARLU:—"I rise to oppose clause 6 and I wish that it should be dropped from the Bill. The clause reads:—

'The Provincial Government may, by notification, exempt either permanently or for any specified period, any establishment or class of establishments, or person or class of persons, from all or any of the provisions of this Act, subject to such conditions as the Provincial Government deem fit.'

I hoped the Hon. Minister would explain why such a sweeping clause had been inserted in the Bill. The Provincial Government may do anything even without consulting this House. Perhaps the Commissioner of Labour or an Assistant Commissioner of Labour can pass an order saying that such and such a hotel is exempted from any or all the provisions of the Act. I would like to know what it is that the Government anticipate will be upset if this power is not taken. In any extraordinary legislation, I can understand such power being placed in the hands of the Government, as otherwise the whole Government may come down. That is not the case here. If certain shops are not exempted, the world will not come to an end. When the establishments are working under the provisions of the Act, and all of a sudden the Government think it necessary to exempt some of them, I think there must be

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something wrong with the Government and not with the shop owners or employees. I would like to know why such a sweeping clause has been inserted in the Bill. With these words, I oppose the clause as it is."

* SRI K. ANANDAN NAMBIYAR:—"I also share the views of Comrade Venkateswarlu. If a particular hotel is not exempted, the hotel will not serve the needs of the people. That is the argument of the Government and it is for that purpose that they have brought forward this amendment. Suppose the refreshment room catering to the Members of the Legislature has to be closed on a particular day when the House is meeting. I do not deny that the Government must have some power to exempt it; or else the legislators will have to go without refreshment. The railway refreshment rooms are working all the 24 hours a day and 365 days in a year except when we go on strike. (Laughter.) In such cases, the Government can ask the management to work on shifts; then exemption may not be necessary. The Government may say: We may not exempt, but we only want to take powers to exempt. But why should they want the powers at all? The Government may exempt permanently or temporarily any establishment or person from all or any of the provisions of the Act. That means it is a power to completely undo the Act. We do not want that the Government should be armed with such sweeping powers. That is why we oppose."

THE HON. DR. T. S. S. RAJAN:—"I only want to say that the Government have got to bear the responsibility for administering the Act and they must have the powers of regulation. It is only an enabling clause empowering the Government to regulate things properly and in such a way that the full benefit can be had."

The amendment was put and lost.

Clause 6 was put and carried.

(After lunch—2-30 p.m.)

* SRI V. RAGHAVAYYA:—"On a point of information, Sir, I should like to know when this sitting concludes."

MR. SPEAKER:—"The House will work on Monday, Tuesday and Wednesday and then it will adjourn *sine die*."

Clause 7 was put and carried.

Clause 8.

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, I move that in clause 8—

'After the words "the sale of newspapers" occurring in the proviso, the words "and to petty hawkers in the streets" shall be inserted.'

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Sir, I will read the whole clause along with my amendment, so that it may be more clear to the House:—

'Save as provided by or under any other enactment for the time being in force, no person shall carry on, in or adjacent to a street or public place, the sale of any goods after the hour fixed under section 7 for the closing of shops dealing in the same class of goods in the locality in which such street or public place is situated.'

Provided that nothing in this section shall apply to the sale of newspapers and to petty hawkers in the streets.

Sir, this clause as it stands will not apply to petty hawkers. There are petty hawkers in the streets selling articles to people. After all, their sales will not come to more than a few rupees and the businessmen are not going to lose anything thereby. Moreover, it is the livelihood of the hawkers. That is why my amendment seeks to safeguard the interests of these petty hawkers and in a way to exempt them from the provisions of this Bill. After all, it is only a verbal amendment and that is why I press it, Sir, I hope the Hon. Minister for Labour will accept it."

* SRI K. ANANDAN NAMBIYAR:—"Sir, while seconding this amendment, I wish to point out to the Hon. Minister for Labour that the journalists and employees in newspaper offices are not included in this Bill. Nowhere has a mention of them been made in this Bill. I would therefore request him to make the position clear, at least at this stage, because we were under the impression that newspaper employees were also included in this Bill.

"Now, Sir, the proviso to clause 8, as it stands, applies only to the sale of newspapers. My Friend Mr. Venkateswarlu's amendment seeks to include petty hawkers also in the proviso, so that these petty hawkers may be exempted from the operation of the Act. After all it is only a simple amendment and I hope that the Hon. Minister for Labour will accept it. At the same time I would request him to explain the position of journalists and newspaper-men who come under the category of Establishments in relation to this Bill."

THE HON. DR. T. S. S. RAJAN:—"Of course, Sir, journalists are entirely outside the purview of this Bill. It is not intended to include them in this Bill and I cannot also bring hawkers in the streets into this Shop Assistants Bill."

MR. SPEAKER:—"Do the Government oppose this amendment?"

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

SRI PILLALAMARRI VENKATESWARLU:—"Sir, we are not demanding that the Bill should be made applicable to hawkers. My amendment is simply that these hawkers should also be exempted from the provisions of this Bill just as newspaper hawkers."

THE HON. DR. T. S. S. RAJAN:—"I do not see, Sir, why we should bring in extraneous matters which are not concerned with this Bill at all."

The amendment was put and lost.

Clause 8 was put and carried.

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Clause 9.

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, I move that in clause 9—

'for the words "forty-eight hours", the words "forty hours" shall be substituted.'

Sir, this is one of the most important amendments that I would like to move and I would request all hon. Members to go into it carefully. Sir, the object of this amendment is to reduce the working hours for shop assistants from 48 hours to 40 hours a week. This is a very legitimate demand. If this Bill had been brought into force about ten years ago, when our present Minister for Labour was the Minister for Public Health, he would certainly have not objected to the demand for 40 hours a week . . .

THE HON. DR. T. S. S. RAJAN:—"I wish to inform the hon. Member that I am not aware of any Labour legislation having been brought in at the time when I held the office of the Minister for Public Health, Sir."

SRI PILLALAMARRI VENKATESWARLU:—"I am very grateful for the information given by the Hon. Minister, but at the same time he has not met the point I have raised, Sir."

THE HON. DR. T. S. S. RAJAN:—"It is only one particular point of his, Sir."

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, the only point here is that this demand for 48-hour week was raised about 12 years ago and now everywhere it is this 48 hours work that is enforced. The Government in bringing in this legislation is expected to help shop assistants by reducing the number of working hours. Sir, as a matter of fact, I can give instances where shop assistants are working for 40 hours a week and even less. Now, Sir, the All-India Trade Union Congress is to-day demanding that the working hours should be reduced to 40 hours a week. It is also the unanimous demand of the working class people. Even shop assistants have also passed similar resolutions, demanding 40-hour week. Any legislation brought in by the Government must be advantageous to the people and thereby bring credit to the Government. Let me here state, Sir, that even the late Central Government, when Dr. Ambedkar was a member of the Executive Council in charge of Labour, passed a resolution sanctioning 48-hour week. If the same thing is enforced here also, it would not redound to the credit of the Hon. Dr. Rajan or his Government. My point therefore is that the popular Government should accede to the demands of the people and after all, have not also the shop assistants supported the Congress during the elections? Is it only for maintaining the *status quo* of the 48-hour week that they have done so? Should they not have any particular advantage under this Bill? Sir I am thinking of inviting the Hon. Dr. Rajan to one of these shop assistants' conferences so that he may be able to know their demands, and see how he is going to meet their demands and their arguments?"

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"Sir, we have seen in the papers that the Asiatic Regional Conference on Labour is taking place at Delhi and representatives of National Government are taking part in it. They are going to pass resolutions for progressive legislation on labour and other problems. Our Prime Minister Pandit Jawaharlal Nehru has also promised that he is going to bring in progressive legislation in all matters. But what do we find here in this Province? We are simply maintaining the *status quo*. Sir, this 40-hour week is already in vogue in some of the shops and firms in the Province, but what we want is that it should be made generally applicable to all shop assistants by an enactment of this Legislature. Sir, with these words, I move my amendment."

SRI K. ANANDAN NAMBIYAR:—"Sir, while seconding this amendment, I have to submit that this enactment is going to do much harm to the employees who are already enjoying better working conditions in certain establishments where the clerks are working for only 30 hours a week. They are working, say from 11 to 5 with an interval of half an hour, and they are working for six days in a week. Therefore they are already working for less than 40 hours a week. By this Bill, such employees are debarred from enjoying that concession. Not only that; employers are encouraged to extend the working hours to 48 hours a week. Now let us take for example an employer of a large staff like the Parry & Co., where the staff has been working for six hours a day. As per section 9 of this Bill, they can extract 48 hours' work a week and tell them, 'If you cannot accept these terms, you can quit'. They could thus use this Act and force them to go out. This Bill seeks to undo what already certain employees are enjoying and that is why we say, let there be a maximum ceiling point of 40 hours a week, so that the existing conditions may not be affected. I would even request the Hon. Minister to include some provision in this Bill to the effect that shop assistants who are already working for a less period should not be made to work for longer hours, because of this clause. I would further request the Hon. Minister to reduce the overtime to 48 hours, so that we can make adjustments between 40 and 48 hours, and in case employers want their employees to work for more hours, they can extract it by paying overtime. I hope, Sir, that the Hon. Minister will be kind enough to consider the point and accept the amendment."

2-45
p.m.

THE HON. DR. T. S. S. RAJAN:—"If the hon. Member does not carefully go into all the provisions and speak, I am unable to perceive all the suppositions that are enunciated by the mover of this amendment. The whole question arises because normally the average working hours in a trade or business in which people are engaged is eight hours. But in the case of shop assistants there is no such limit because they are not doing any mechanical or manual labour and are not governed by the Factories Act. So, we have provided the barest minimum of four hours. If he has to work for more than four hours, he must be given an interval

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for rest for at least one hour. But, there are also employers whose rights have to be protected. If you ask them to reduce the number of hours for a certain kind of work, it must also be commensurate with the amount of business which they are doing. So, they ought not to be penalized for nothing and if we do that it will only kill the industry. This is what all labour organizations have suggested. So, I could not accept anything less than forty-eight hours."

SRI K. BHASHYAM:—"I want to know whether I can speak at this stage."

MR. SPEAKER:—"I am going to put the amendment to vote."

* SRI PILLALAMARRI VENKATESWARLU:—"I have got the right of reply, Sir. I thought, Sir, that the Hon. the Minister for Labour will clear up my doubt so that I may withdraw my amendment. But unfortunately that was not done. On the other hand, he has made confusion worse confounded. (Laughter.) Moreover, he has said that he has received no petitions regarding the thirty-six hours and forty hours. As a matter of fact, thousands were sent. Even some petitions I have got in my bag. Let me point out that even here we are working from 11 to 1-30 and from 2-30 to 5, that is only for five hours. So, also the Secretariat staff are working from 11 to 2 and 2-30 to 5 that is about 5½ hours. There are institutions even in this Province where they work only for 36 hours a week. Not only that. We are going to the extent of saying that some shop employees work only for forty hours a week. There are certain shops and banks where the working hours are only 36. Under the circumstances, it is not strange or anything extraordinary to accept the amendment recommended by us that the working hours should be reduced to 40. Especially on account of the climatic conditions prevailing in this country, it is very justifiable. So, I appeal to the Hon. the Minister for Labour to accept my amendment and to remove the injustice that he is going to do to the shop assistants."

THE HON. DR. T. S. S. RAJAN:—"Clause 50 of this Bill says—

"Nothing contained in this Act shall affect any rights or privileges which any person employed in any establishment is entitled to, on the date on which this Act comes into operation in respect of such establishment, under any other law, contract, custom or usage applicable to such establishment, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act."

So, my hon. Friend can rest assured that this imaginary fear and the ghost he has raised are not at all real and the rights of shop assistants are well protected."

* SRI K. ANANDAN NAMBIYAR:—"Rights and privileges are different."

The amendment was put and lost.

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* SRI K. ANANDAN NAMBIYAR:—"Sir, I move—
'proviso to sub-clause (1) shall be omitted.'

That proviso runs as follows:—

'Provided that any such person may be allowed to work in such shop for any period in excess of the limit fixed under this sub-section subject to payment of overtime wages, if the period of work, including overtime work, does not exceed ten hours in any day and in the aggregate fifty-four hours in any week.'

By this proviso, Government allow a worker to work up to 54 hours if he is paid overtime. This 54 hours is an excessive limit, as I have already pointed out. It should not be more than 48 hours even allowing overtime. Another point I want to submit is that the payment of overtime charges is not specified. Section 47 of the Factories Act says that a worker shall be entitled in respect of overtime a pay at the rate of twice the ordinary pay. This is the latest amendment of the Factories Act. So, according to the Factories Act, he should get twice the pay as overtime pay. My request to the Hon. Minister for Labour is to reduce the 54 hours to 48 hours and the overtime wages should be specified as twice the normal wage. As these were not provided here, I move my amendment that this proviso should be omitted."

MR. SPEAKER:—"Who has seconded the amendment? Hon. Members who want to second should be alert."

SRI PILLALAMARRI VENKATESWARLU:—"I second the amendment moved by my hon. Friend. I thought the Speaker would call me to second. It requires no speech."

THE HON. DR. T. S. S. RAJAN:—"The Speaker usually does not call a seconder. The seconder has got to be alert. I do not think the Speaker calls for a seconder."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, my amendment to reduce the working hours to 48 has not been accepted. If this proviso is not omitted and the amendment is not accepted, then everybody will think that the Minister for Labour does not care for labour but cares only for the industry. So, in the interests of workers, I request the Hon. the Minister for Labour to drop this proviso. With these words, I support the motion."

THE HON. DR. T. S. S. RAJAN:—"I find that the seconder does not find any other support except mentioning the names of Pandit Jawaharlal Nehru and the Congress. My suggestion to the hon. Member is that he should speak on the merits of the clauses. Clause 31 of the Bill provides for overtime where any person employed in a shop is required to do overtime work. Therein it is stated that where any person employed in any establishment is required to work overtime, he shall be entitled, in respect of such overtime work, to wages at twice the ordinary rate of wages. So, it is clearly put down there and we have made provision for it and it is no use harping on that point."

The amendment was put and lost.

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SRI K. BHASHYAM:—"I rise on a point of information, Sir. So far as overtime is concerned, it is stipulated or at least laid down that overtime charges should be paid. As stated in the Bill, wages include food. If a person does two hours overtime work and demands twice the meals, is he to be allowed? As a matter of fact, according to the overtime rates, he is entitled to twice the wages and so proportionately where there is one meal given as wage, he may demand two meals. So, I think this definition of wage will be unworkable. I may point out that this question of overtime includes food also. As a matter of fact, by such a provision in this Bill, you make the employer provide one more meal in the case of overtime work where he was providing one meal."

THE HON. DR. T. S. S. RAJAN:—"This is certainly a curious position. This is a thing unheard of in practice. Food is given because the man is hungry. If an additional meal is to be given for two hours overtime, it is a thing which I can never imagine."

Clause 9 was put and carried.

Clause 10.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—
'For the words "twelve hours", the words "ten hours" shall be substituted.'

It is very clear."

MR. SPEAKER:—"Being very clear, the hon. Member need not speak on the amendment."

SRI K. ANANDAN NAMBIYAR:—"Literally it is clear. But, what I am saying is that the spreadover should not be twelve hours but it should be ten hours because actually the worker is not allowed to take rest as is intended. Take for example the case of a hotel server serving in Broadway. Suppose he has to come from Mylapore. According to the clause, suppose he has to remain from 6 a.m. to 6 p.m., then he can take rest only after 6 p.m. He will not be doing continuous work all the twelve hours but yet he cannot find time to take rest in the hotel itself. So, I have suggested that the spreadover should be limited to ten hours. According to the Factories Act, the spreadover is restricted to 10½ hours. Section 38 of the Factories Act reads—

'The periods of work of an adult worker in a factory shall be so arranged that along with his intervals for rest under section 37 they shall not spreadover more than 10½ hours in any day, save with the permission of the Provincial Government and subject to such conditions as it may impose either generally or in the case of any particular factory.'

So, it is laid as 10½ hours. I am prepared to accept 10½ hours. This legislation which has been amended thirteen years back provides for 10½ hours spreadover. In a Free India, after the 15th August—even in the I.L.O. Conference held very recently, it was urged that there should be ten hours' spreadover—I am

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not wrong in asking for ten hours' spreadover. It is very reasonable and it is the irreducible minimum that I am asking. So, I request the Government to at least accept the provision made in the Factories Act and to keep the spreadover at 10½ hours. I request the Hon. the Minister for Labour to kindly accept my amendment."

SRI PILLALAMARRI VENKATESWARLU:—"I second the amendment."

THE HON. DR. T. S. S. RAJAN:—"All this argument comes because the hon. Member, the mover of the amendment, places the factories and the shops in the same category. The intention of the Bill is that the worker should get one hour's rest after he has worked for four hours, and nothing more. According to my hon. Friend, the mover of the amendment, the position will be that the worker will have to work for ten hours continuously and then take one hour rest which is not the intention of the Bill. Instead of asking a man to take rest after working for four hours, you want the man to work continuously for ten hours—if the spreadover is reduced from 12 hours to 10 hours, that will be the case—and then ask him to take rest. That cannot be permitted according to law. Even if a man has to go to Mylapore or Trichinopoly, after finishing his work, he returns to his work in the morning. So, that is no consideration and I cannot accept the amendment."

* SRI K. ANANDAN NAMBIYAR:—"The Hon. the Minister for Labour has misunderstood me. I do not say that at a stretch one should work for eight or ten hours. In the case of industrial labour, especially in the Golden Rock Railway Factory, the maximum that one man works at one stretch is 4½ hours and then he gets rest and again he works for another shift. But the case of hotels is not so. For instance, in the canteen here, we take our coffee at the lunch hour but the servers cannot take rest during the other hours because some other members will be going there at other hours than the stipulated lunch hour. So, I say that they are working for the whole period. If he is to be given half an hour rest, the spreadover should be less. After all, what I wish to impress upon the Hon. the Minister for Labour is that there is no difference between industrial labour and this kind of labour. I would request the Hon. the Minister to kindly visit one of these days those hotels; then, he will see that the position of the hotel server is far worse than that of any industrial labourer. There is a heavy rush; people are going up and down and in this atmosphere, he has to work. So, I request the Hon. Minister to reduce the spreadover period to at least 10½ hours, as provided in the Factories Act. It is only my request. Because it comes from the lips of a Communist, let it not be rejected."

The amendment was put and lost.

Clause 10 was put and carried.

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Clause 11.

* SRI PILLALAMARRI VENKATESWARLU:—"I move, 3 p.m. Sir—

that the proviso to sub-clause (2) shall be omitted.

The proviso reads thus—

Provided that nothing in this sub-section shall apply to any person whose total period of employment in the week, including any days spent on authorized leave, is less than six days, or entitle a person who has been allowed a whole holiday on the day on which the shop has remained closed in pursuance of sub-section (1), to an additional holiday.

"In order to make my amendment clear, the section itself has to be read along with this proviso. It runs as follows:—

(1) Every shop shall remain entirely closed on one day of the week which day shall be specified by the shop-keeper in a notice permanently exhibited in a conspicuous place in the shop; and the day so specified shall not be altered by the shop-keeper more often than once in three months.

(2) Every person employed in a shop shall be allowed in each week a holiday of one whole day.

"Sir, the point I want to make out is, if an employee takes a holiday, not one of the holidays provided in the Bill, then for that one day, he is not entitled to enjoy the benefit of the weekly holiday. That is the main defect of this clause. Again, if an employee absents himself for a day or takes leave on loss of pay, even then he is not entitled to enjoy holiday with pay on that day. These are the two cases where the provisions of this Bill affect the shop assistants. So, Sir, if this proviso is omitted then any employee will have the benefit of the weekly holiday with pay because the Act provides that every employee must have a weekly holiday with pay. Otherwise, the effect of this proviso will be to take away the benefit conferred by the Bill itself and the very purpose of the Bill will be defeated. It is not unnatural for shop assistants to be absent for a day or two occasionally and if his holiday is to be curtailed on that account it will work a great hardship. I would therefore request the Hon. Minister to view the case of these people from the shop assistants' angle and not from the angle of the hotel-keepers or others. The main point for consideration is that the Bill should be worked in the best interests of the shop-assistants. In this connection, Sir, I would request the hon. Members on the Congress benches who are representatives of labour interests to speak on this amendment and support it. They are also interested in the shop-assistants who are working in their own districts and if they also speak in support of this amendment it will be a great benefit to the shop-assistants. It is not after all a question of party politics or getting advantage one over the other and if all the members take up that view, I am sure at least this amendment will be accepted. Even if it is not accepted in the form in which it has been moved, I hope it can be re-drafted in such a way as not to affect the shop-assistants."

SRI K. ANANDAN NAMBIYAR:—"This is an important amendment, Sir. Now that all my amendments have been thrown

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out, I hope at least this most important amendment will be accepted. I may point out to hon. Members sitting on the Congress benches and those representing labour that this benefit is already there. In all industries and in the Railway factory, Sunday is a holiday. There are also other holidays with pay and recently they had the Independence Day holiday with pay and if a worker takes another holiday along with such a holiday then he may be able to attend to some private work or go off to see his family combining these two days. The purpose of the amendment is to enable the employee to enjoy both these days if he wants to. Under the provisions of the Bill if he takes any other leave than an authorized leave, he is not entitled to enjoy the benefits of the weekly holiday. If this difficulty is removed, I am sure it will go a long way towards satisfying the needs of the employees. I hope the Hon. Minister will not think that because the Communist member is moving it, it should not be accepted. I am sure even the members of the Congress benches representing labour will support this privilege for the worker, I once again appeal to the Minister to accept this amendment."

THE HON. DR. T. S. S. RAJAN:—"I am sorry for the plight of these hon. Members. Because they lack arguments, they make all sorts of frantic appeals to everybody to support them. I may remind the House that the hon. Members who are sponsoring these amendments are not themselves shop assistants but they say they are more interested in the clerical establishments either at Golden Rock and other places for whose benefit they are working and so on. These are all tricks adopted by them to circumvent the holidays given here. Holidays are meant for giving rest to employees after a week's labour and for which the company or the management pays. It is not meant for enabling the employee to go out for a picnic or for a marriage. It is mainly intended to give him rest and the management pays him for that day. I cannot understand the logic of the hon. Member that this holiday should be adjusted in any way that pleases the employee."

"As for the appeal made by the hon. Member to the Members on the Congress benches, I know hon. Members know their duty very well and they have been already on the Select Committee and the Bill presented to the House is the one which has come out of that Committee."

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, I would not have risen to reply to the Hon. Minister but for the fact he made two accusations against us. One is, he said, we are not shop assistants. Though I do not like to counter what he stated, no doubt we are not shop assistants, yet I would like to point out the Hon. Minister is not also a shop assistant to have brought forward this Bill. Even though we are not peasants or kisans or capitalists, we are here to see that the legitimate interests of all sections of the population are safeguarded and though we are not shop assistants, we come in contact with them

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and we know what they want. I have attended many of their meetings and conferences in which they have been demanding this privilege.

"Again, Sir, the Hon. Minister accused us of lack of arguments. Arguments have to be met by arguments. Simply because he has got tongue-tied Members behind him. . ."

THE HON. DR. T. S. S. RAJAN:—"I rise to a point of order, Sir. He refers to hon. Members of this House as tongue-tied Members, as if these two hon. Members standing proof of the fact that their tongues are not tied but let loose."

MR. SPEAKER:—"The hon. Member should withdraw his remark unconditionally."

* SRI PILLALAMARRI VENKATESWARLU:—"I did not say that all the Members are tongue-tied but I referred only to Members sitting behind the Hon. Minister."

MR. SPEAKER:—"The hon. Member should withdraw the remark."

* SRI PILLALAMARRI VENKATESWARLU:—"I withdraw it, Sir. What I meant was that I expected hon. Members on the other side to speak on the amendment instead of merely rejecting it. They should argue the point and convince us that our amendments are wrong instead of merely saying we have no reason or argument in support of our amendments. We have noticed that even from the beginning the stand taken by the Hon. Minister for Labour and by us differs in the following way. He says these are not industrial labourers and that their case should be considered from an entirely different angle. We say even the shop assistants should be treated on the same lines as that of industrial labourers so far as the weekly holidays are concerned. Otherwise, are they to be treated in a different manner to their disadvantage? If the industrial labourers enjoy such facilities, does it mean that the shop assistants should lose such benefits? If they are not to be treated on a par with the industrial labourers, why should the Hon. Minister sanction ten days holidays under this Bill for shop assistants with pay as had been provided in the Factories Act. Here he has merely copied the provision from the other Act."

THE HON. DR. T. S. S. RAJAN:—"On a point of information, Sir. I find the hon. Member is repeating the same thing over and over again a number of times. I think I may help him if I point out to him that if a worker goes away on french leave and never turns up and claims the pay for the holiday he will not be given the benefit but if he takes authorised leave then certainly that holiday will go to his account. I thought this point might help the hon. Member."

* SRI PILLALAMARRI VENKATESWARLU:—"Now that the Hon. the Minister has made this reply I think he should accept my amendment as a consequence of his having accepted the

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fact that an employee should be treated differently if he had gone on authorised leave. It is not french leave, Sir, that I am referring to. He is going on authorised leave and in that case he should not be punished. It is a different thing if he goes on french leave as mentioned by the Hon. Minister but if he goes on leave with permission why should he be punished? I therefore appeal to the Hon. Minister to accept my amendment."

THE HON. DR. T. S. S. RAJAN:—"If he goes for one day only he will not suffer."

MR. SPEAKER:—"I wish to know the attitude of the Government."

THE HON. DR. T. S. S. RAJAN:—"I oppose the amendment, Sir."

The amendment was put and lost.

Clauses 11 to 13 were put and carried.

Clause 14.

MR. SPEAKER:—"I think this is only a consequential amendment that is to be moved by Sri Venkateswarlu and I do not think there is any need to move this amendment now."

Clauses 14 and 15 were put and carried.

Clauses 16 and 17.

SRI PILLALAMARRI VENKATESWARLU:—"Sir, I move—

'that the proviso to sub-clause (1) shall be omitted.'

I merely move this amendment, Sir, as the previous arguments I have advanced hold good for this also and there is no need to repeat them. I therefore merely move my amendment."

SRI K. ANANDAN NAMBIYAR:—"I second the amendment, Sir. I can only make an appeal to the Hon. Minister to accept this."

THE HON. DR. T. S. S. RAJAN:—"I oppose the amendment moved, Sir."

The amendment was put and lost.

Clauses 16 and 17 were put and carried.

Clause 18.

SRI PILLALAMARRI VENKATESWARLU:—"I move—

'For the figures, letters and words "6 a.m. and after 7 p.m." the figures, letters and words "7 a.m. and after 6 p.m." shall be substituted.'

In moving this amendment I have got only one purpose. 6 a.m. is too early for young boys to go to work. They should be shown some consideration from that of the aged workers. Under these

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circumstances the boys may be allowed to go to their work at 7 a.m. and come back at 6 p.m."

SRI K. ANANDAN NAMBIYAR:—"Sir, in seconding I may quote the railway because I am coming from railway. There even the factories for adults are supposed to begin only at 7 a.m. Here the poor boy has to go all the way to his place of work at 6 a.m. I can understand this timing if it is now what it was during the war time when the standard time was changed. But now Sir, it is not fair and I appeal to the Government to accept this amendment which is only a mere change in figures." (The Member was laughing and speaking.)

SRI K. BHASHYAM:—"We do not understand anything if the Member goes on laughing and speaking."

DR. S. SUBRAHMANYA AYYAR:—"This is a very reasonable amendment seeking to protect young people from coming late from work and going early. I want this amendment to be accepted by the House."

THE HON. DR. T. S. S. RAJAN:—"Unless our intention is to make the boys lazy, I will not accept this amendment."

The amendment was put and lost.

Clause 18 was put and carried.

Clause 19.

SRI PILLALAMARRI VENKATESWARLU:—"Sir, I move—

'that for the words "seven hours", the words "five hours" shall be substituted.'

Sir, I would have welcomed this clause but for the fact that a slight amendment is needed here. The young persons are required to work for 7 hours. My amendment seeks to reduce it to five hours. I can anticipate the argument of our Labour Minister that it is not in the interests of the young boys themselves. He wants them to go to work at 6 a.m. and work up to 7 p.m. This is not the way to make them active, Sir. After all in our country we are demanding compulsory education and these boys have to go to school and attend to their lessons, and this is possible only if my amendment is accepted. It is most unfortunate that they should be working till 7 p.m. There was some justification for this before 15th August 1947 when the bureaucracy was in power and the Advisers were running the administration. Now the Congress Government has much powers and they should not specify such hours. Even some establishments themselves are conceding this demand. If my amendment is not accepted how can educated boys attend their classes and their duties and then go to work? This amendment should be accepted all the more because the previous one for allowing them to go at 6 p.m. in the evening has

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not been accepted by the Government. I therefore request the Hon. Minister to accept this simple amendment which only seeks to do justice to the young people."

SRI K. ANANDAN NAMBIYAR:—"While supporting this amendment I may state, Sir, that we are not trying to waste the time of the House by bringing in all these amendments. We have considered well and have brought the amendment with the hope that we will thereby be ventilating the grievances of the people affected and not for scoring any points to our credit. Certain hon. Members said that I was laughing. I did so sarcastically because every amendment we move is not being accepted by the Government but we are forced to do our duty. It is more or less like a ceremony that we have to perform for the Government of India Act wants that every amendment should be seconded by somebody. It is not as if we do not understand the seriousness of the situation. We are sorry the opposite side are not seeing our hearts and the hearts of these employees for whom we are speaking here. That unfortunate situation is responsible for my laughter. The Hon. Minister is an elderly gentleman and we can appeal to him as being younger to him. We could do that in so many ways. We have exhausted them all and are now tabling this amendment as a last resort so that the Hon. Minister may have some sympathy for these young boys. If not ourselves let the young boys at least move the sympathy of the Hon. Minister and the Congress Members of this House. Let them work for five hours and for the remaining period let them learn their lessons. I request and appeal that this amendment may be accepted."

THE HON. DR. T. S. S. RAJAN:—"I can say that no argument has been adduced in favour of this amendment at all. At every stage we are asked to have consideration and sympathy and all that even for these very proper and correct rules we have made. It is not that I have any illwill against anybody in this House and nobody takes Mr. Nambiar as being frivolous. I know they are very sincere and therefore move these amendments, but they are worded so vaguely and without any purpose that the Government are unable to accept the same, Sir."

The amendment was put and lost.

Clause 19 was put and carried.

Clause 20 was put and carried.

Clause 21 was put and carried.

Clause 22.

THE HON. DR. T. S. S. RAJAN:—"I move—

'that the words "or ventilated" be inserted after the words "sufficiently lighted".'

It is only a verbal amendment and had to be put in as lighting is different from ventilation. (Mr. P. Venkateswarlu rose in his place.) If the hon. Member does not want ventilation, he might object."

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* SRI PILLALAMARRI VENKATESWARLU:—"While supporting this amendment, I wish to make this submission—Government members take advantage of technical objections and oppose my amendments; they can afford to do it. Though I can object to this amendment on technical grounds, I do not make it as it is intended for the benefit of shop assistant. I, therefore, support the amendment."

THE HON. DR. T. S. S. RAJAN:—"The hon. Member often refers to the shop assistants as 'poor shop assistants'; I suppose the hon. Member is not a very rich man."

SRI PILLALAMARRI VENKATESWARLU:—"That is why we are fighting for them."

The amendment was put and carried.

Clause 22, as amended and clause 23 were put and carried.

Clause 24.

SRI PILLALAMARRI VENKATESWARLU:—"While welcoming this clause, I wish to point out that the words 'appellate authority' has been left undefined and it would have been better if it had been stated to whom the appeal should be preferred. I request the Hon. Minister for Labour at least at this stage to let the House know to whom the appeals should go, whether it is to the Commissioner for Labour, to the Hon. the Minister for Industries or to the Hon. Minister for Labour. Before voting on this clause, I demand from him to define what he means by 'appellate authority'."

THE HON. DR. T. S. S. RAJAN:—"Rules shall be made as to what the authority is and how it is to be preferred."

Clause 24 was put and carried.

New Clause 24-A.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—

'After clause 24, the following new clause shall be inserted:—

"24-A. Every employee shall be entitled after twelve months' continuous service to sick leave with pay for a period not exceeding 30 days on the production of a medical certificate from a Civil Assistant Surgeon of the locality".'

Suppose a person works in an establishment or a shop for a number of years and because of the nature of his duties he contracts some sort of illness or some incapacity; if the Government will not ask the manager to pay him during the period of sickness, it will be a very serious disadvantage to the employee. For instance let me take the case of a cook; his work is of such a nature that he has to work in the kitchen; he works in smoke and is exposed to extreme heat, which is incidental to his work; if he works like

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that for a number of years, in the long run he is likely to contract some disease. That is why I am suggesting that on the strength of a medical certificate of a Civil Surgeon or a registered medical practitioner, he may be given a minimum of thirty days leave with pay for a year. This is what they are getting in the railway. The Hon. Minister is under a misapprehension when he thinks that all railwaymen are industrial workers; people working in loco sheds and railway factories come under it and others do not. But as a matter of fact even those employed in the Indian refreshment rooms are also given the benefit of those concessions. Of course the Hon. Minister might say it is an organized labour and it has had the advantage of so many years standing to make its grievances felt and recognized."

THE HON. DR. T. S. S. RAJAN:—"They are under the control of the South Indian Railway and not under the control of the Government of Madras."

SRI K. ANANDAN NAMBIYAR:—"We have had the experience of labour conditions for the last so many years be it in the railway or factory or workshop and whatever benefit people get there must be extended to all labour for whom we are now legislating. What the railwaymen get, the people working in the refreshment rooms also get. So far as the other hotel workers are concerned, they are not so organized. Now that the Congress Ministry has come to power and they are sympathetic to poor people I ask that that generosity might be extended to all. I am prepared to concede that our Ministers are better than the Advisers; there is no doubt about it but I wish they had been the best and they must be the best. There can be no harm in giving the thirty days sick leave. The present thirty days, I am even prepared to put it down to 15 days or even 10 days for that matter; let there be at least ten days sick leave with pay. Only if he is sick, he is going to enjoy it, otherwise not; I hope the Hon. Minister will see his way to accept my amendment."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, I rise to support the amendment. After all the thirty days sick leave suggested is not such an abnormal demand. It is prevailing in most of the Government services and even as things stand to-day even in hotels and shops managed by private people, it is given even though there is no provision of the law which enjoins it. Now that the Hon. Minister for Labour has accepted ten days leave with pay as is seen from the succeeding clause. Also in the Non-Power Factories Bill, the Select Committee has agreed by a majority that it shall be fifteen days casual leave, fifteen days sick leave and fifteen days leave with pay. All these three categories of leave have been accepted. I expected that Bill to be taken up for consideration. I would have opposed the motion of the Leader of the House when he moved for permission to take up other Bills in priority; but I thought there is no use opposing and I kept quiet. I now find the reason why the Leader of the House has brought forward that motion. We now

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see the notice of an amendment to the recommendations of the Select Committee on the Non-Power Factories Bill. I thought that the minimum set forth in the Select Committee Report would be accepted by Government and implemented by them in this Bill. After all what is found here is not a new creation; it found a place in the Factory Act of the Central Government of 1934 and it does not go to the credit of this Government. You must have to take into account what is the amount of leave enjoyed by an industrial worker. You will find it if you go through the various enquiry reports and the awards; you find that a greater number of days are being sanctioned as leave with pay. Under those circumstances, I do not find any justification for the Hon. Minister to go back on the spirit of the awards of impartial tribunals but that he will legislate on that basis. But contrary to that, we find that they propose to act according to the Factory Act of 1934 which was passed before our national leader took charge of the administration. My main stress is that at least the Report of the Select Committee appointed to consider the other Bill might be acted upon. It is not after all such an extraordinary demand. I am pained to see that instead of bringing it in here, Government are moving an amendment to it. Fifteen days casual leave, fifteen days leave with pay and fifteen days sick leave is the irreducible minimum and short of it the shop assistants would not tolerate."

THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, we have given ten days leave with pay and another ten days on account of sick leave, so that for a year there is a leave of 20 days. The argument that the Select Committee on another Bill has decided on fifteen days leave with pay, and fifteen days sick leave does not come in here at all. Hon. Member must be aware that Government have given notice of amendments to bring it into line with the provisions here. Another point made out is that the Act of the Central Government was enacted ten years ago. It does not seem as if the number of days of leave with pay must grow with the number of years that has passed since the last legislation was undertaken. The fact that ten years ago a certain number was provided does not warrant that after ten years that number should be increased to 30 or 45 days. I am unable to understand that logic. I am sorry that your consideration for the shop assistant is such that it necessarily must bring into the bargain a medical certificate; I wish they were spared the infliction of a medical certificate. I know what the production of a medical certificate means and I do not think I can ever accept the amendment and allow these poor fellows to be fleeced by medical certificates."

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, I cannot understand the difficulty in getting medical certificates when the person is really sick; I think there is no question of difficulty. We want this in addition to the ten days that is allowed to them. We see that in clause 25 there is provision for sick leave but this is apart from that. I feel that they must be given, as I stated

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earlier, at least ten days by going to a medical officer or a practitioner. I do not know how the doctors are so bad. Why cannot they go to them and so far as I know, I am sure they will vouch for the fact that they are all good and I have every admiration for the doctors and I have no hesitation that they will support the poor servants."

The amendment was put and lost.

Clause 25.

3-45 p.m. * SRI ALLURI SATYANARAYANA RAJU:—" Mr. Speaker, Sir, I move my amendment to clause 25. I never spoke in English on account of poor command of English language. But somehow, as I want the Hon. Minister to understand what I mean, I speak in English. The original clause is—

'Every person employed in any establishment shall be entitled, after twelve months' continuous service, to holidays with pay for a period of ten days, in the subsequent period of twelve months, provided that such holidays with pay may be accumulated up to a maximum period of twenty days.'

" My amendment is—

'For the existing clause, the following shall be substituted:—

"Every person in any shop or establishment shall be entitled to, after twelve months of continuous service, to fifteen days privilege leave, of which not less than ten days shall be consecutive holidays, fifteen days casual leave, and fifteen days sick leave, all with pay:

Provided that in the case of privilege leave with pay, it may be accumulated up to a maximum period of thirty days.'"

I need not explain the reasonableness of my amendment. It speaks for itself. I know the Hon. Minister for Labour is very reasonable. He always accepts reasonable amendments. Nobody need mistake me for introducing this amendment. I am not for criticizing the Government. As you know, I belong to the Treasury Benches. In spite of that, I feel very strongly that this amendment must be accepted by the Hon. Minister. A man serving in any shop or establishment may fall sick. For him ten days leave is most inadequate, because he may be bed-ridden for ten days, fifteen days, or twenty days or even a month. Even for his recovery, he may require at least a week to enable him to work in the same manner as he must do. As regards casual leave, Sir, a death may occur in a family; a marriage may take place, and there are so many things that may occur casually. For these things ten days is most inadequate. I plead that fifteen days may be given to that unfortunate poor person who is employed in shops. Government employees are given even twenty-one days. What is good for Government employees must be good for those who suffer and work in the shops. Sir, fifteen days in a year is not all too much, and therefore this reasonable amendment of mine must be accepted by Government. I strongly plead with the Hon. Minister for Labour not to reject this reasonable amend-

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ment. He has accepted the amendment of Mr. Venkateswarlu in this Bill. When he could accept an amendment from the Communist party (laughter), he could certainly accept an amendment from me—one belonging to the Party occupying the Treasury Benches. I appeal very earnestly and plead with the Hon. Minister that may reasonable amendment must be accepted."

SRI K. T. KOSALRAM:—" Mr. Speaker, Sir, எனது நண்பர் அல்லூரி சத்தியநாராயண அவர்கள் இப்பொழுது கொண்டுவந்திருக்கும் இந்த amendment மிக முக்கியமானது. இதை எந்தக் காரணத்தைக் கொண்டும் கனம் தொழில் மந்திரி அவர்கள் ஏற்றுக்கொள்ளமாட்டேன் என்று சொல்லமாட்டார் என்று நம்புகிறேன். ஏனென்றால் இப்பொழுது கொடுத்திருக்கும் இதே amendment Non-Power Factory Bill-ல் அவர்கள் Select Committee-ல் ஒப்புக்கொண்டிருக்கிறார்கள். இந்த இரண்டு பில்களில் ஒன்றுக்கு மட்டும் 30 நாள் லீவ் கொடுப்பதும் மற்றொன்றுக்கு மட்டும் 20 நாள் என்பதும் இந் இரண்டு பில்களிலும் பாரபட்சமாக செய்தால் நாம் பொது ஜனங்கள் மத்தியில் பதில் சொல்லியாகவேண்டும். இதைப்போலவே Non-Power Factory-யிலும் தொழிலாளிகள் வேலை செய்கிறார்கள். Shop assistants வெளியில் அதிகமான ஜனங்கள் வேலை செய்கிறார்கள். அவர்களுக்கு ஒரு சலுகை, ஒரு தனி சலுகை காட்டவேண்டும். இங்கே இருப்பது தவறு. ஆகையால் இந்த முக்கியமான amendment-ஐ கனம் மந்திரி அவர்கள் ஒப்புக்கொள்ளாவிட்டாலும் சட்டசபை அங்கத்தினர்கள் இதை ஒப்புக்கொண்டு பரிபூரணமாக ஆதரவு கொடுத்து amendment-ஐ நிறைவேற்றவேண்டும். Amendment-ல் சொல்லியிருக்கிற 15 நாள் 'Provided that in the case of privilege leave with pay, it may be accumulated up to a maximum period of thirty days' என்றிருக்கிறது. ஒரு வருஷத்தில் ஒரு மனிதன் 15 நாள் லீவை அடுத்த வருஷத்தில் சேர்த்து 30 நாள் வாங்குவதற்கு உரிமை வேண்டுமென்றிருக்கிறது. இது நியாயமான முறை. ஒரு மனிதன் ஒரு வருஷத்து லீவ் வைத்திருந்தால் அதை அடுத்த வருஷம் வாங்குவதற்கு கட்டாயம் பாத்தியம் இருக்கவேண்டும். அது இந்த பில்லில் பாதிக்கப்படுகிறது. அவ்விதம் பாதிக்கப்படாமல் இருப்பதற்கு கனம் அல்லூரியின் இந்த amendment முக்கியமானது. ஆகையால் கனம் மந்திரி அவர்கள் எதிர்ப்புகள் சொல்லாமல் நிச்சயமாக ஒப்புக்கொள்ள வேண்டுமென்று கேட்டுக்கொள்ளுகிறேன். சகல அங்கத்தினர்களும் பரிபூரணமாக ஆதரவு கொடுத்து amendment-ஐ நிச்சயமாக ஒப்புக்கொள்ளவேண்டுமென்று கேட்டுக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்."

SRI M. KANNIAPPAN:—" தலைவர் அவர்களே, இந்தத் திருத்தம் கொடுத்திருக்கும் கனம் அல்லூரி சத்தியநாராயணவுடைய தீர்மானத்தை நான் முழு மனதுடன் ஆதரிக்கிறேன். அதைப் போலவே கனம் மந்திரி அவர்களும் இதில் ஒருவிதமான தடங்கல் செய்யாமல் ஒத்துக்கொள்ள வேண்டுமென்று அவர்களையும் கேட்டுக்கொள்ளுகிறேன். அப்படி அவர் ஒத்துக்கொள்ளாவிட்டால் இங்கே கூடி இருக்கிற அங்கத்தினர்கள் ஏனைய அங்கத்தினர்கள் அனைவரும் இதை ஆதரித்து வோட்டு கொடுக்கும்படியாக பணிவுடன் கேட்டுக்கொள்ளுகிறேன்."

* SRI B. S. MALLIKARJUNA RAO:—" Mr. Speaker, Sir, I am obliged to support the amendment of the hon. Member, Mr. Alluri Satyanarayana Raju* for the reason, as he says, that this is a social welfare measure. Very recently, we have heard from the Hon. Minister on the floor of this Assembly that at Delhi there is going to be an International Conference giving social security for labour. In this clause, we want sick leave for a worker; privilege leave for his recuperation; and casual leave in times of distress, when there is a calamity in his house or when

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there is some festival in his house or there is some religious ceremony to be performed. Under those circumstances, this provision is intended to give pay to labour on those days when they are given leave. After all, what is it that is requested from the Government has to be considered here. I want at this stage not to be staggered by the way in which he has asked, namely, uniform 15 days on the three categories of leave that is expected from the Government. I want that this should be viewed comparatively with what the other strata of the society—other classes of society—have been enjoying in respect of their leave rules. We are having leave rules in respect of literate classes, educated classes and the well-to-do classes making provision for months of sick leave on full pay, and when on sick leave, on half pay even up to an year. Here in the case of the poor labourer we expect that they also should be treated alike. In these democratic days, all the privileges in society should also be extended to labour. They are not animals in society; they are also human beings. They require recuperation; they require rest; they require some solace in distress; they require some maintenance during the time they are bed-ridden. That is why, this amendment is seeking to give pay for 15 days. When you are granting him leave, do not ask him to starve. When he is taking leave, let him be glad that he is paid for the period he goes on leave. For example, a man gets typhoid. What will be his plight? The course for typhoid is 21 days, and if you are not going to concede more than 10 days leave with pay; on what source should the worker depend for the rest of the period of his sickness and convalescence? On what source his family is to depend? This is a thing which we have to consider. Fifteen days leave that you give for a sickness of typhoid is nothing. Perhaps the disease will go up to 21 or even 30 days. My hon. Friend, Mr. Anandan Nambiar, asked for 30 days. This has been the demand throughout the length and breadth of this country. It is only by a compromise that my hon. Friend, Mr. Alluri Satyanarayana Raju, has brought it down to 15 days. My hon. Friend, Mr. Kosalam, has moved for 30 days in the Select Committee. Now he has compromised himself to 15 days. I would point out to Government that this is not something excessive. What is wanted is leave in the case of distress and calamity. Casual leave is left to the discretion of the authority. Sick leave is also something that is left to the discretion of the employer. At his convenience he may give it. It is only privilege leave that he has a right to claim. A man should have some period for rest and recuperation to relieve himself of the monotony of the toil, and it is absolutely necessary as in the case of intellectual labour. We do not know why the people who are paid daily should not be given privilege leave or the sick leave. The Hon. Minister has sent some representatives to the Delhi Conference to represent him, though we are not fortunate to go to Delhi and express our views. The sentiments that have been expressed by the Conference must be expressed in action. There is no use of holding conferences and making speeches. When it comes to the tangible question of conceding the rights of labour, we must

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prove our *bona fides* and we must prove our honesty. We cannot be greedy in respect of any one strata of society. The working classes are far behind the times. I want that they should be compared with others and then we must find out whether what they ask for is too much. The labourers are also human beings; they are not animals. They have nothing left behind them. If you grant them leave without pay, you are only asking him to take rest for their bowels also. I should say that the man requires some rest and some amount of nutrition to enable him to take up the task he has to shoulder on his return to work. I would submit that after all what we ask is not at all excessive. It is far below the minimum that is to-day demanded throughout the length and breadth of this country. That is the cry of labour and every one who has suffered for the cause of labour. Our Hon. Labour Minister must have had innumerable petitions and memoranda on this subject, and it is possible that he is already coming into contact with these things. There is a uniform demand for this, and this demand is not opposed to reason.

“It is a reasonable demand and it is but right and proper 4 p.m. that the lower strata of society should be given the same rights and privileges, which they have been expecting from a Congress Government, when it comes into power. After all sick leave and casual leave are a discretionary matter. In respect of this discretionary matter there will be honest cases, there will be excesses and also abuses; but we have to take into consideration, when we bring in a measure like this only honest cases. We should see that the innocent man is not victimised. We should see that the honest man gets the real relief; we should see that the honest man gets his rest and recuperation. It is but just and proper that a man who has served his master all his life should be given his due relief. So I appeal in the fair name of the party to which we all belong and for the self-respect and dignity of the party to which we all belong, to see that the Congress Party, which poses itself to be the champion of the labourers, accedes to the grant of casual leave and sick leave and not merely indulge in theories.”

* SRI R. V. SWAMINATHAN:—“Mr. Speaker, Sir, I rise to support Mr. Alluri Satyanarayana's amendment (‘Hear, hear’) for the simple reason that in his amendment he asks only 15 days’ leave instead of 10 days’ leave. It is not as if he wants to move this amendment with any motive as our Communists used to move on every Bill and on every clause . . .”

SRI PILLAIAMARRI VENKATESWARLU:—“On a point of order, Sir. The hon. Member said, ‘it is not as if he wants to move this amendment with any motive.’ That is an insinuation, Sir. The hon. Member should withdraw his remark.”

MR. SPEAKER:—“The hon. Member should withdraw the remark.”

* SRI R. V. SWAMINATHAN:—“I never meant . . . (Cries of ‘Withdraw, withdraw’). I withdraw the remark. In the Select Committee, I understand, Dr. Rajan was very liberal

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to allow all reasonable amendments. But here he is not so. I wish he is so liberal here too. He should not be very strict, simply because the Bill has passed the Select Committee stage. For after all, what we ask is, 'instead of ten days, give fifteen days leave.' I have got my own doubt as to how far this will work in practice. We know in the small shops very few assistants continue in the same shop for any fairly long time. The clause presupposes twelve months' continuous service to avail of the leave. Actually we see no employee continuing more than a few months, say, five months or six months. The small boys who are employed, go away or are sent away even for small mistakes. Suppose they bring cold coffee instead of hot coffee, when they are asked to fetch coffee from the hotel; or when they bring light coffee when they are asked to bring strong coffee, even on such pretexts they are sent away; so it is a rare case where an employee sticks to a particular shop for any length of time to avail the privilege leave. Again what is asked here is only 15 days for 10 days. This is not a big thing and I request Dr. Rajan to be more liberal as he was in the Select Committee; I earnestly request him to accept the amendment."

SRI S. NAGARAJA MANIGAR:—"On a point of order, Sir, May I know whether death and disease show difference between the rich and the poor, the high and the low?"

MR. SPEAKER:—"It is not a point of order; it is only a point of information."

* SRI T. S. PATTABHIRAMAN:—"Sir, I rise to support the amendment of Mr. Alluri Satyanarayana Raju. In doing so, he has satisfied his conscience, and he has done his duty in carrying out the election pledge he gave at the time of the general elections. Now, if to-day, when the elections are over long ago, if the Bill is to be passed with ten days leave to the labourers in hotels and establishments, are you not doing an injustice? Take the conditions of service of Government servants. For every year of service they are given one month's privilege leave and fifteen days' casual leave. But unfortunately their brethren, the labourers in hotels and petty shops, are denied even fifteen days' casual leave. That is the minimum demand of the labourers. If that is not conceded by Government it is rather a strange irony of things that we, who champion the cause of labour, we who pose to be progressive in our policy, should behave like that. Great economists have conceded that if there is to be efficiency in work, if there is to be efficiency in production, there must be sufficient rest, sufficient education and sufficient contentment among labourers. Now, by not conceding this fifteen days' leave, I ask the Hon. Minister whether he is satisfying the minimum demands of labour, and whether he will not be estranging the support of labour and the proletariat. If you have the cause and welfare of the labouring classes at heart you should grant this request of fifteen days' casual leave, fifteen days' privilege leave and fifteen days' medical leave. Surely it must be a sour pill for Government to swallow; and I want them not to ally with capitalists in

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this affair. To-day India is in a new era; India has awakened to-day; India has attained independence to-day; mass consciousness has arisen in this country. The Hon. Minister said 'what is the difference between fifteen and ten days?' I want to ask him, 'what does it matter if in 365 days, fifteen days' leave is given'. He said, the Bill was framed in 1927. In ten years we have made miles and miles of progress. To-day we are a democratic country; we are an independent country; to-day we can say, we the Congress can say to the masses, we are the champions of the proletariat, and we will not betray the rights and privileges of the underdogs. I want this Government to rise to the occasion and concede this request of fifteen days' leave. To-day we see kings and crowns crumbling to dust before our very eyes. And if we do not do this small thing for the cause of labour we will be simply ridiculed. The Communist Members here have tabled amendments after amendments in favour of the proletariat and are criticising us for our repressive and regressive measures. I want that Congress should here and now prove to the world, to the proletariat and to the electors that Congress has not lost interest in labour, in the working classes and in the welfare of those innocent dumb millions. I do not want to compromise with the principle or to surrender the right of the working classes. I hope the Hon. Minister will accede to this minimum demand. May God bless him! That is all I can say."

* SRI S. NAGAPPA:—"Sir, I rise to support the amendment of Mr. Alluri Satyanarayana Raju. In doing so, I want to ask the Government, how they refuse to accede to this request of 15 days which already obtains among their Government servants. Sir, Government are not unaware of the difficulties of these labourers. You know, Sir, they start work at eight or nine in the morning, and continue to work without any break, till eight or nine at night. Even on holidays and festival days, they are expected to work in the homes of their employers. In several other respects they are expected to do work for their employers. Now, Sir, when you are giving so many allowances to your Government servants, is it not your duty to feed the labourers, clothe them and give them a full meal."

MR. SPEAKER:—"May I draw the hon. Member's attention to the fact that he should not use the word 'you'."

* SRI S. NAGAPPA:—"I mean 'Government' Sir. I am sorry for using the word 'you'. So I request the Government to rise to the occasion and not side with the exploiters and aristocrats. You cannot understand the difficulties. (Laughter.) I am sorry, Sir, for using the word 'you'. Now simply because the Government is a rich man's Government, it is not as if you should not grant this request. The rich man cannot understand the pangs of the poor man. So, Sir, once again I appeal to the Government to think calmly in terms of the poor man, the labourer, who works from morning to evening, without even holidays. May I ask 'what is wrong in not acceding to fifteen days, when they are

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prepared to agree to ten days—which after all is only five days more. So I support the amendment of Mr. Alluri Satyanarayana Raju.”

4-15
p.m.

* SRI V. RAGHAVAYYA:—“Sir, I rise to support the amendment just now moved. It has been expected that at least after the 15th of August the Governments in this country would have a bias for the exploited man and not for the exploiter. As we see things passing everyday that hope has been dashed to the ground. We have reason to fear that the old order has not changed and that the Congress might come into disrepute, that Congress for which so many of us have shed our blood. I request the Government to accept the amendment without any hesitation. Sir, it has been a well-established rule that leave given is work taken and it is known that several sub-committees that have been appointed have held that leave enjoyed by the workers has enabled them to put forth more work. When 8 hours day was substituted for the 12 hours day marvellous effects were witnessed in the Bombay mills and the employers themselves admitted that they were wrong in having been hard in the past and they cheerfully agreed to enforce the 8 hours day. I would ask why the Government is so adamant in opposing amendment after amendment which has come forward from people who have been working for the cause of labour. It is unfortunate that this House has not had the advantage of those who have been working in the labour movement for long, except one or two Members who have been pressing the cause of labour in and out of time. On that ground it ought not to become a cheap jibe because one or two people are continuously pressing forward the claims of the labourers. No Government, not only this Government should fail to look to the warning finger that is seen on the horizon. The country as a whole is passing through a very vulnerable crisis and there is no use the Government saying that we have sent the police here and there. The police have got their own limitations. Government also have got their own limitations. I want, Sir, that there should be a contented labour so that there might be a contented country. Discontent can be put down by use of force but that cannot hold on for long. After all what is that that is asked for here. They want 15 days’ privilege leave. When you turn your eyes to Russia and other progressive countries you find that every such country is doing everything to improve the conditions of the labourer. When we read books on Russia we find that the Government have taken action in providing places of recreation for the workers, giving them a free passage to the place of recreation and granting them leave for recouping their health and so on. All these are done so that they might serve their nation by putting forward more effort. When we look at the various comforts provided for under the enactments in other countries in the West, it is not very encouraging to see that the managements have not been able to satisfy the requirements. Great leaders in this country like Mahatma Gandhi have been saying to us time and often that the rich are the trustees for the poor. When the rich are the trustees of their property, the more so must the Government be the trustees of their population. From the numerical

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point labourers are larger in numbers and they are responsible for creating most of the wealth of the country. I want to know on what grounds the Government feel shy of accepting some of the most reasonable requests coming particularly from their own Party men. The party behind the Government even if compared to a Hindu wife in its faithfulness to the Government, even for such faithfulness there is a limit. There is no use forcing down such ideas upon the Members. When you see round and find out how the House is taking the amendment moved by such a loyal worker and good Member like Mr. Alluri Satyanarayana Raju, I say that the Government must unhesitatingly accept the amendment and not to force an issue in this matter.”

* SRI D. V. RAMASWAMI:—“I am sure that the Hon. Dr. Rajan in his large heartedness will appreciate the unanimous feelings of the elected representatives of labour on both sides of the House in respect of this amendment. I am sure that this being a democratic Government they will give their fullest consideration for the feelings of the masses which are being expressed and conveyed here through the elected representatives. It does not require any long speech. I feel that there are already signs of the Hon. Minister accepting the amendment and I trust with what has been expressed from both sides of the House the Hon. Minister will see his way to accept this very reasonable amendment. I feel an intuition as if the Hon. Dr. Rajan is about to make a happy announcement that he will accept the amendment. I have no doubt that the combined and unanimous views expressed by this House especially from the Treasury Benches will have impressed him.”

SRI R. RAGHAVA MENON:—“I am really surprised, Sir, that this amendment should have required so much support. There is more than enough support to make it acceptable to the hon. Minister in charge. Sir, this should be accepted in bare justice to the workers in shops. Leave is required for various purposes. Casual leave or ordinary leave is taken by the persons concerned when they fall sick suddenly or when they get any emergent work. Sick leave, the man has got to be given. Privilege leave we may say is a sort of luxury which is given to officials and servants of the higher grades. Now the question before us is whether the shop assistants who are working from about 7 o’ clock in some places or 8 o’ clock in the morning till 12 or sometimes till 1 in the night, should be given 15 days’ casual leave or it should be only 10 days. What is the reason for cutting it down? There must be some reason. Why should they be treated differently from other servants? Their work is at least equal to the work of any other servants and in very many cases it is more difficult. They work in dingy rooms, they do not have sufficient ventilation, they are not allowed to have any physical exercise, they have to be sitting in one place and watch the customers and they have to make all the money calculating properly and sometimes calculating wrongly in favour of the employers. They make all the money for their masters and they go to bed at 12 or 1 o’clock in the night. I have some experience of these shops

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because I am in a municipality where there are a number of shops. They are physically incapacitated when they work for 12 or 10 years because they have no rest. Now that the Congress Government has come into power we should see that we do something for the people who have been neglected. We should not make any invidious distinction against these people. I do not know any reason why these people should be given only 10 days. I am sure that the Hon. Minister in charge of the legislation will accept 15 days as otherwise they will say: 'Look at this Congress Legislature, they are granting these shop assistants who are working from morn till night only 10 days.' They will also ask for the reason as to why people in other departments of Government, etc., are getting 15 days' casual leave, one month sick leave and one month privilege leave. I do not see why there should be this distinction. Therefore it is only correct that the various Members have come forward to support the amendment which is only doing, as I said before, bare justice to the shop assistants. There is no case at all for wasting much of our eloquence on this issue. It is only a simple issue that they must be given 15 days' casual leave as other people are given. I am sure that there will be no trouble and that the Hon. Minister concerned will agree to this amendment."

* Sri P. KAKKAN:—"கனம் சபாநாயகர் அவர்களே, அல்லுரி சத்திய நாராயண அவர்கள் கொண்டுவந்திருக்கும் திருத்தத்தை மனப்பூர்வமாக நான் ஆதரிக்கிறேன். எந்த பாட்டாளி மக்கள், காங்கிரஸ்காரர்கள் அதிகாரத்திற்கு வந்தால் நன்மையடையலாம் என்று நினைத்துக்கொண்டிருக்கிறார்களோ அவர்களுக்கு நாம் 15 நாட்கள் கேஸுவல் ரஜாக்கொடுக்காவிட்டால், அவர்களின் நம்பிக்கைக்கு விரோதமாக செய்வதாக இருக்கும். இன்னும் ஐந்து நாட்கள் அதிகத்தை பொருட்படுத்தாமல் கொடுக்கவேண்டும். ஐந்து நாட்கள் கொடுத்து 15 நாட்களாக்கவேண்டும். ஹோட்டல்களில் வேலை செய்யும் பாட்டாளி மக்கள் அக்கினியில் வாடுகிறார்கள். அவர்களுக்கு 10 நாளை ஐந்து நாளை கூட்டி 15 நாளை கொடுத்தால் நஷ்டம் ஒன்றும் வராது. திருத்தத்தை ஒப்புக்கொள்ள வேண்டியிருக்கிறது. தலைவர் அவர்களே, இந்த பாட்டாளி மக்களுக்கும் தொழிலாளிகளுக்கும் நிச்சயம் 15 நாட்கள் கேஸுவல் ரஜா கொடுக்கவேண்டும். குறிப்பாக மற்ற நேரங்களில் அதிகம் சம்பளத்தோடு தாராளமாக ரஜாவும் கொடுத்திருக்கிறார்கள். ஆகிரியர்களுக்குக் கூட 15 நாள் Casual Leave-ம் Privilege Leave-ம் இருக்கிறது. ஹோட்டல்களிலும் பெரிய கடைகளிலும் நான் முழுதும் பாட்டாளி மக்கள் வேலை செய்கிறார்கள். 10 நாள் கொடுத்தும் இன்னும் 5 நாள் அதிகமாக கொடுக்கவில்லை யென்றால் நியாயம் இல்லை. எல்லோரும் ஆத்திரமாக பேசினார்கள். கனம் மந்திரி அவர்களும் ஒப்புக்கொள்வார்கள் என்று நினைக்கிறேன். அவரும் கனம் அல்லுரி சத்திய நாராயண அவர்களின் தீர்மானத்தையும் ஒப்புக்கொள்ளவேண்டுமென்று சொல்லிக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்கிறேன்."

Sri M. KANNIAPPAN:—"Mr. Speaker, நான் closure move பண்ணுகிறேன். நான் இதை ஹோட்டுக்கு விரும்படியாக கேட்டுக்கொள்ளுகிறேன்."

MR. SPEAKER:—"Closure move பண்ணுவது சரியில்லை. இதை அநேகம் மெம்பர்கள், கனம் மஜித், பட்டாபிராமைய்யா, டாக்டர் இராமச்சந்திர ராவ் முதலியவர்கள் பேசு பேசு கொடுத்திருக்கிறார்கள். Closure move accept ஆனால், பல பேர்களையும் மந்திரி அவர்கள் வார்த்தையையும் நாம் கேட்க முடியாது. ஆகையால், இன்னும் 2, 1, மெம்பர்களை பேசும் படி கேட்டுக்கொண்ட பிறகு முடித்துக்கொள்ளலாம்."

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* Sri K. LINGA RAJU:—"Mr. Speaker, Sir, it is really surprising that an amendment of this nature should have created so much heat. It is a very simple amendment and in fact it is a very moderate amendment also. I presume, Sir, that the Hon. Minister is allowing this discussion for one reason, namely, that he wants to impress upon the employers the intensity of feeling among the Members of this Legislature. Probably the Select Committee was taken unawares. Every Government servant, whether he is an intellectual labourer or an ordinary labourer is given one month's privilege leave, one month's sick leave and 15 days' casual leave besides other facilities. Therefore it is really unjust to allow only 10 days for a shop assistant, whose labour is no less tedious and important than that of the Government servant. I do not really think that there is any need for sentimental speeches about the difficulties of labour. As a matter of sheer justice the Hon. Minister should accept this amendment. If this amendment is accepted the labour employed in shops and other establishment will be happy and satisfied and bless the Hon. Minister. With these few words, Sir, I support the amendment."

MR. SPEAKER:—"If the House wants to sit till 8 o'clock, I have no objection. I wish to know from hon. Members who all want to speak now." 4-30 p.m.

(Several hon. Members rose in their seats.)

MR. SPEAKER:—"I see a number of Members want to speak."

* Sri R. V. SWAMINATHAN:—"What about the closure motion, Sir?"

AN HON. MEMBER:—"It has not been seconded."

MR. SPEAKER:—"I have not accepted the closure motion. Mr. Abdul Majid will now speak."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Sir, as a member of the Select Committee my position at present becomes rather peculiar. The issue which has been raised in the amendment moved by my hon. Friend Mr. Alluri Satyanarayana Raju, was also raised in the Select Committee. The Select Committee discussed the question at length and at last came to the conclusion as you find it in the Bill as amended. Sir, it is rather unfortunate that members who have supported the amendment have imported sentiments and feelings on behalf of labourers. If I am opposing the amendment, Sir, let it not be thought that I am such an inhuman being as not to sympathise with the sufferings of the labourers as such. But I would only request hon. Members to consider how this Act is going to affect labourers as such. It is not going to affect the labourers. You have got several enactments to protect the rights of the labourers as such. This small piece of legislation has been introduced with a view to bring regularity among establishments which are unorganized. The bulk of the

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people that are going to be affected by the enactment is the small shop-keepers having one or two assistants. Let us not imagine big hotels and huge establishments. Think of the hundreds and thousands of petty shop-keepers and pansupariwallahs. Do you think they are going to follow the provisions of this Bill? Never. It is impossible. Anyhow people wanted this legislation and they are having it.

"Now, Sir, the amendment wants to give more holidays. As it is we have given one day in the week which comes to 52 days in the year. If more holidays are granted, it will ultimately paralyse the very trade of this Province. While the leaders of the country are anxious to increase production, we as responsible representatives of the people in this Assembly should not do anything to prevent the achievement of that object. If this amendment is accepted, it will demoralize the very shop assistants for whose benefit it is sought to be made. They will take too much advantage of the situation. Besides there is already clause 5 in the Bill which contains the following provision:—

'Notwithstanding anything contained in section 4, the Provincial Government may, by notification, apply all or any of the provisions of this Act to any class of persons or establishments'

Let us not therefore think that this is a final and permanent legislation. We have got power as legislators of this Province to take up this question once again and amend this legislation. We are passing a new Act. Let us do it with generosity. I say, Sir, we are passing judgment *ex parte*, because we have not in any stage of the Bill, in the select committee stage or any other stage, given an opportunity to the other party, namely, the employers to state their views. When I say 'employers' my Friend Mr. Anandan Nambiyar may raise his voice. I am not so unsympathetic, Sir. I have got the greatest love and feeling for the poor labourers. Unfortunately their enthusiasm is running wild and it will ultimately undermine the progressive activities of the Province. Sir, have you invited the small shop-keepers to give their view? Let us not imagine the owners of bigger shops and bigger hotels. I am talking of the pansupariwallahs. Do you mean to say that he is going to observe this rule in his day-to-day work? You say you represent the cause of the poor. Who are the pansupariwallahs? They were yesterday mere workers. To-day they have created a small capital by their thrift and they are running small shops. They are your own people and when you are trying to protect the interests of the shop assistants as you call them, let us also try to protect the interests of the shop-keepers, because we have got a responsibility to protect even the criminals. Let us not run away with our enthusiasm. Therefore, Sir, I am really sorry I have to oppose the amendment moved by my hon. Friend Mr. Alluri Satyanarayana Raju."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—
"Mr. Speaker, Sir, I am not going to offer my usual apologia for taking part in the debate on this measure. I do not think an employer has to apologize for speaking on this measure. As my

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hon. Friend Mr. Majid has pointed out, the bigger companies and establishments employing hundreds or thousands of persons, or even more than 20 persons, are not going to be very much affected by this legislation. Most of the provisions here are already put into practice by well-established concerns. Even if some of the provisions are not adopted by well established concerns, I do not think that there will be any difficulty in their putting them into force now. They will even grant a little more which is demanded by some of the speakers here who are the sympathisers of the working classes. But, I want to point out, Sir, that particularly after the war, thousands of persons who were previously attenders and clerks have become proprietors of small concerns. They are themselves working hard. They have no doubt employed assistants to do the work. Even without your provisions here, they are very generous to the employees. The employees take what is called French leave. Often they take leave without saying they are taking leave."

SRI A. RAGHAVAYYA:—"May I know what is French leave?"

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—
"I may inform the hon. Member from Nellore, that I really do not know the origin of the word, but I have only heard it used for many years to denote leave taken by anybody with ease. . ."

SRI K. BHASHYAM:—"Without permission."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—
"Yes, Sir, without permission. I thank my hon. Friend Mr. Bhashyam for helping me. I am not speaking of the 50 and odd big employers in this Presidency, but I am speaking on behalf of the 20,000 small shop-keepers who employ a few men only and for whom they are already very generous. If you are going to give them in this legislation, enormous number of items of privileges, what will happen is this: there will be indiscipline and loss of production. Of course, it may be said that shop-keepers only sell and there is no question of production. Nowadays, Sir, even the most extreme politicians when they speak of labour say that there should be production of more food and cloth and that there should be no agrarian troubles. If I am asked to speak for the labour cause, I will speak in such a way that there will be clapping of hands everywhere. But I can assure hon. Members that you are not doing any good to the workers in these small establishments. The small employers will harden their hearts and will not give privileges other than those provided in this Bill. To-day the small employers give decent sums of money when their employees are in need and they look after them when they are ill. By these large demands you are not doing any good to these people. The Hon. Minister for Labour has been very generous and very judicious in handling this question. He has taken a middle view of the whole question. I think, Sir, that it is in the interests of the

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generality of the public to accept the Bill as it has been amended by the Select Committee. We will not be doing much good by giving a few days more leave and creating indiscipline and inefficiency. Several pieces of legislation are being considered by the Assembly which affect not a few but many people. Some people imagine that a legislation will affect only the bigger employer and the capitalist classes while in fact thousands of persons are affected. This was seen when we considered the question of the inamdars, when we found that the people affected were not a handful of inamdars, but hundreds of inamdars with 5 acres and 20 acres only. I will never call them inamdars, but only cultivating tenants, who require special treatment. If hon. Members realize that the legislation now before the House affects a large number of people, I am sure they will reconsider their attitude. Sir, I do appreciate the sincerity with which they ask for more holidays, but I am sure that they will not be doing any good to these people and they will only be creating disharmony between the small shop-keeper and his employees. They are a contented lot. Unlike in the mills where 1,000 to 2,000 people work under a mill-owner, these people come into very close contact every hour and every minute of the day with their employers. There is very good relationship between them. There is no cause to be panicky about their lot at all. When they are ill and require leave, they get it. I am not doing any injustice to the labourers at all. In fact these people are not labourers at all in the sense of uneducated workers in mills and so on. They are just like clerks; they know the ways of the world and know how to get on. Under the circumstances, I think, Sir, that we are not doing any good to them by asking for more days' leave for them."

4-45
p.m.

DR. D. S. RAMACHANDRA RAO:—"Sir, it is with considerable diffidence that I rise to speak on this question. I am looking at it only from the scientific point of view. The Government are aware that it is neither all work nor all play that is necessary to maintain the health of individuals. Two or three supporters of the original clause in the Bill have been playing with swords with two edges. They forget that that sword cuts both ways; the arguments they have used against their opponents could be used against their own arguments. First of all, very little has been made of the difference between 10 days' and 15 days' leave. May I turn the table and ask; if much rhetoric has been used in defending 15 days' leave, why should the same amount of rhetoric be used in supporting 10 days' leave? In the present conditions in India, it is not easy to bring capital into industries. Any attempt to introduce a clause of this nature to control labour might prejudice the inflow of capital. But when we want to create an industrial India, it would be wise for us not to make any mistakes in the earlier stages. We have got much to learn from the experience of western countries. There, after long experience, they have come to realize that cheap labour is really dear labour and that the labourers

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who enjoy the amenities of life do really put in the maximum labour and help increased production. Therefore, whatever militates against the health of the labourer directly or indirectly will ultimately have a deleterious effect not only on the individual concerned but also upon production. Therefore I think it is wise for the Government to err on the right side and make no invidious distinction between one class of labour and another class of labour, because the difference is only a matter of five days. With our limited education and the communal tinge that has affected our country in various ways, I would avoid that distinction so as not to create a certain amount of ill-feeling and bad blood between one class of labour and another class of labour. To a hard working man, 5 days' extra leave in a year would have a salutary effect on the physical development of the individual. You know how monotonous labour is with very little intellectual culture and amidst the most degrading social surroundings. Every day spent out of doors in a holiday resort or even resting at home would naturally conduce to the health of the labourer. I am surprised that with all the medical experience that the Government have at their disposal, they have ignored this very fact that labour with definite periods of rest and recreation would help increased production. Should any difficulty arise in the application of this law, the Government have the safety valve here in that they can exempt a person or class of persons from the operation of this law. If you are not going to have this law at all, I have no objection. But when you are making a law, I want that those who read it should feel that India, after the attainment of independence, does not make any invidious distinction between one class of labour and another class of labour. When it is right to give 15 days in one case, it is equally right to give 15 days in the other case also. Therefore I request the Government to reconsider the matter. Look at the feeling expressed in the House. For the sake of humanity and equity, of law, see that 15 days' leave is allowed. After all, an increase of 5 days would not matter very much from the economic point of view. From the point of social amelioration, it would be a very important fact. As a matter of conscience and for the economic well being and physical development of labour, I support the amendment."

* SRI K. ANANDAN NAMBIYAR:—"The Hon. Minister, when he spoke, said that I was not a shop assistant. A number of representatives of the shop assistants have come up to the gates of the Fort. May I request that at least some of their representatives may be permitted to come and sit in the gallery and see what is going on here?"

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"He wants to speak to the gallery." (Laughter.)

* DR. S. SUBRAHMANYA AYYAR:—"Mr. Speaker, Sir, I support this amendment and in doing so, I wish to say a few things. I never expected any opposition at all from the Government especially when we have given promises during the time of

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election that labour will have a fair deal at our hands. When my Friend Mr. Anandan Nambiyar moved an amendment providing for 30 days' sick leave, I expected that the Hon. Minister would accept it. We have been complaining that the Communists have always been stealing a march over the Congress in the field of labour, and at least for that sake I thought that the Hon. Minister would accept it. Even if the Government could not agree to that, I expected the Hon. Minister to accept the very modest amendment of my hon. Friend Mr. Alluri Satyanarayana Raju. It is very modest and it is only fair that the Hon. Minister should accept it. After all, what is it that the amendment says? Increase 10 days' leave to 15 days. Contented labour will only increase production. The labourer will be very cheerful and healthy in body and mind and indeed the employer can extract more work from him than from a discontented labourer. Besides, nobody can say that a sick person will recover in 10 days. Ten days is a very minimum period and 15 days will be slightly better. In view of the fact that there is a large volume of opinion in this House in favour of Mr. Alluri Satyanarayana Raju's amendment, I request the Government to accept it without much searching of heart."

SRI K. BHASHYAM:—"Mr. Speaker, Sir, if I speak now, it is certainly against the current of feeling that has been expressed on both sides of the House in the matter. The case on behalf of the employer and also on behalf of the employee has been put before the House. I want to say that there is still a **third case which we have to consider in connection with this Bill** and that is the case of the consumer, who is going to foot the Bill for the increased amenities, holidays and other privileges that you are going to give to the labour population. I want the House to understand before they vote for this amendment that under the present Act, a small shop owner who has been hitherto employing one assistant to work from morning till night will have to employ three assistants and pay them well not only for the days they attend but also for the leave that is taken and the holidays that are given. Besides, there are the usual presents which have to be made like the presentation of a pair of cloth on occasions like Deepavali, Pongal, etc. Otherwise, however liberal the wages may be, it does not satisfy. These are matters which we have to consider. I request the hon. Members to realize that the consumer has got to pay for all the privileges that you are giving. I am not inveighing against any class of people. Merchants will exploit any situation in their favour. That is my opinion. I am sure certain people will demur to it, but I stick to my opinion. The merchants will certainly say that their establishment charges have gone up to twice what they were and that they have to put up the prices at twice as much as before. The rich class of people may not really care, for they can afford to pay the additional price. But who is going to suffer? The middle class person getting about Rs. 150

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a month for eking out his livelihood. Do you think of that man and see how any Bill affects him? I plead that his case also should be considered. The poor labourer for whom you are really labouring in this Assembly is being given more privileges by the Act. What I say is that there must be a just proportion. You must give the labourer his due; you must give the capitalist what he is entitled to. But the persons whom you are really hitting are the middle class consumers. Labourers may be a few lakhs, capitalists may be a few thousands but the middle class consumers are millions in number.

"I should like to mention one technical point before I conclude. In this section the words 'holidays with pay' have been used. The word 'pay' has not been defined. That word requires definition. I do not know what is the amount that is payable for the holidays. Does it include food and any other wages paid for the working days? The amount or pay also has not been defined. These may be taken note of to make the Bill perfect and defensible in a court of law."

MR. SPEAKER:—"The debate will be continued on Monday. Now I adjourn the House to meet again at 11 o'clock on Monday, the 3rd November 1947."

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APPENDIX.

[Vide answer to starred question No. 31 asked by Sri Pillalamarri Venkateswarlu at the meeting of the Legislative Assembly held on the 1st November 1947, page 285 supra.]

(a) The report obtained from the Collector of Kistna shows that a total extent of about 20,000 acres was inundated in Gudivada, Bezvada, Gannavaram and Kaikalur taluks due to Budameru floods. It is too early to estimate the extent of damage to crops as it depends upon the period of submersion and the strength of the pull of the water. It is reported that in many villages the standing crop that was inundated is showing signs of survival and the real outturn of the crop cannot be determined now. The actual damage can be assessed only after field-war detailed estimate is made which can be done in November 1947 when the crop is harvested.

The following statement shows the extent of damage to houses :—

Statement.

Name of the taluk.	Number of houses completely damaged.	Number of houses partially damaged.	Estimated cost of damage.
1 Gudivada	829	..	13,200
2 Bezvada	322	789	28,450
3 Kaikalur	2	..	50
4 Gannavaram	300	400	Not estimated.

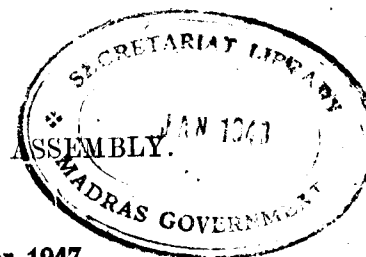
Remarks.—An allotment of Rs. 20,000 has been sanctioned towards relief.

The Collector has reported that there is no damage either to crops or to houses in the Bandar taluk.

(b) Fifteen tanks in Zamindari areas (9 in Bezvada taluk and 6 in Gannavaram taluk) are reported to have been damaged. It is proposed to take action under the Madras Irrigation Works (Repairs, Improvement and Construction) Act, 1943.

(c) Yes. The attention of the hon. Member is invited to the answer to starred question No. 538 of Sri M. Bapinsedu put during the meeting of the Madras Legislative Assembly held on 17th April 1947.

THE MADRAS LEGISLATIVE ASSEMBLY.



Monday, the 3rd November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Transfer of Mr. N. S. Arunachalam, I.C.S.

* 375 Q.—SRI K. RAGHAVAN (on behalf of Sri V. Ponnuswami Gounder): Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that Mr. N. S. Arunachalam, I.C.S., was specially trained for the Registrar's post;

(b) whether after training he was posted as Registrar and within a very short period he was transferred as Collector; and

(c) if the answer to the above clause is in the affirmative, what was the reason for the transfer?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—“(a) No.

“(b) Mr. Arunachalam was appointed Registrar of Co-operative Societies in January 1947 and transferred as Collector of Madras in July 1947.

“(c) Government considered it desirable to have as Registrar of Co-operative Societies an officer like Mr. Ryan, who apart from his experience in the Co-operative department was in charge of the ameliorative side of Prohibition and also of Co-operative house building schemes, in order to effect co-ordination of work in the department.”

Number of police stations at Chicacole.

* 376 Q.—SRI G. KUMARASWAMI: Will the Hon. the Home Minister be pleased to state—

(a) how many police stations there are at present in the town of Chicacole, in Vizagapatam district;

(b) whether there were two police stations there at any time;

(c) if so, why one station was removed; and

(d) the number of thefts committed in the town of Chicacole by house-breakings in the years 1944-45, 1945-46 and 1946-47?

THE HON. DR. P. SUBBARAYAN:—“(a) There is one police station in the town of Chicacole at present.

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“(b) Yes. There were two police stations there prior to 1926, namely, (1) Chicacole Town Police Station and (2) Chicacole Taluk Police Station.

“(c) One station was removed in 1926 in view of the reported decreasing importance of Chicacole town and in the interests of economy.

“(d) The number of thefts committed in the town of Chicacole by house-breaking in each of the years 1944-45, 1945-46 and 1946-47 was 10, 8 and 10 respectively.”

SRI G. KUMARASWAMI:—“In view of the increase in population and the importance of Chicacole at present and of the proportionate increase in crimes as well, will the Hon. Minister for Home be pleased to issue orders for the opening of a second police station at Chicacole?”

THE HON. DR. P. SUBBARAYAN:—“I will consider the hon. Member's suggestion after getting the figures from the department concerned, Sir.”

Producer-cum-Consumer Co-operative Society of Gudlavalleru.

* 377 Q.—SRI K. LINGA RAJU (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Food be pleased to state—

(a) whether there is a Producer-cum-Consumer Co-operative Society at Gudlavalleru, Kistna district; if so, the date of its registration, the names of villages included in the area of its operation and the capital with which it started;

(b) the number of directors nominated under by-law No. 44 as the first set of Board of Directors and the period of their nomination;

(c) whether there was any division on any question at any meeting of the Board of Directors;

(d) whether the society was originally started as a ‘B’ class society and whether, subsequently, it was declared as an ‘A’ class society on the ground of its efficient work;

(e) the amount of profit the society has earned since its establishment; and

(f) whether orders have been issued calling the District Reorganization Officer to submit proposals for nomination of fresh directors in the place of those existing now; if so, why and under what rule?

THE HON. DR. T. S. S. RAJAN:—“(a) There is a Producer-cum-Consumer Co-operative Society at Gudlavalleru in the Kistna district. It was registered on 18th January 1947. The following nine villages are included in its area of operations:—

- (1) Gudlavalleru.
- (2) Vinnakota.

- (3) Puritepadu.
- (4) Saridaggumalli.

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(5) Kurada.

(8) Vemugunta.

(6) Chitram.

(9) Dokiparru.

(7) Mamidikolla.

The share capital of the society at the time of its starting was Rs. 1,42,565-8-0 (including admission fees).

“(b) Seven directors for one year.

“(c) The answer is in the negative.

“(d) The answer is in the affirmative.

“(e) The society earned a net profit of Rs. 12,541-3-1 for 1946-47 which is the first year of its working.

“(f) The matter is under consideration and no final orders have been passed.”

SRI K. LINGA RAJU:—“In view of the fact that the societies are working at a profit, will the Government consider the desirability of keeping the societies in tact without being disturbed?”

THE HON. DR. T. S. S. RAJAN:—“The whole matter is under the consideration of the Government.”

SRI S. NAGAPPA:—“May I know, Sir, what are the special qualifications on which these societies are classified into A and B?”

THE HON. DR. T. S. S. RAJAN:—“Sir, I am not able to catch what the hon. Member means by special qualifications, but the directors nominated under by-law 44 were the first set of directors during the period of nomination.”

SRI V. RAGHAVAYYA:—“Sir, in view of the very satisfactory working of these Producers-cum-Consumers Co-operative Societies in Malabar and Guntur, will the Government consider the question of extending this system to other districts as well?”

THE HON. DR. T. S. S. RAJAN:—“This question relates to Kistna district, Sir, and not to the Malabar district.”

SRI S. NAGAPPA:—“May I know, why the Government have not ordered for elections, but are making fresh nominations to the directorate of these co-operative societies, Sir?”

THE HON. DR. T. S. S. RAJAN:—“The question is under the consideration of the Government, Sir.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know, Sir, whether the Committee appointed by the Government to go into the working of the Producers-cum-Consumers Co-operative societies has finished its labours and whether its report has reached the Government?”

THE HON. DR. T. S. S. RAJAN:—“Yes, Sir. The report has reached the Government and it is now under consideration.”

SRI C. M. KOTHARI:—“In view of the 10 per cent profit on the capital which the society has earned, will the Hon. Minister be pleased to direct that the profits be reduced both on purchase and sale?”

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THE HON. DR. T. S. S. RAJAN:—"Sir, that again is a matter that has got to be considered by the Government. These are co-operative concerns and the profits earned by them will be distributed according to the rules which those societies have framed for their running."

SRI KALLUR SUBBA RAO:—"May I know from the Hon. Minister whether getting more profits is a proof that the society is working very well?"

THE HON. DR. T. S. S. RAJAN:—"On that account alone, Sir, I cannot say that the society is working very well; but from the point of view of profits, the amount that has been earned by the society, is certainly very satisfactory, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask the Hon. Minister whether he will be good enough to give us some indication of the recommendations of this Committee?"

THE HON. DR. T. S. S. RAJAN:—"I have already said Sir, that the report is under the consideration of the Government. It is now too early to say anything as to what the Government would do, until they have examined all the recommendations of the report, in their possession."

SRI S. NAGAPPA:—"Arising out of the answer to my supplementary question that the Government are again considering the matter, may I know whether the Government had once considered the matter and that they have again taken it up for reconsideration now?"

THE HON. DR. T. S. S. RAJAN:—"I have already said, Sir, that the matter is under the consideration of the Government."

Smuggling of rationed articles to Ceylon.

* 378 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that a large quantity of paddy, rice, piece-goods and other rationed articles is being smuggled out to Ceylon from the south-east coast of this Province;

(b) if so, the approximate quantity of each of the rationed articles smuggled out in the current year;

(c) how many cases have been detected this year and how many of them ended in conviction and what was the value of the goods seized;

(d) whether the Government are taking any steps to put an end to this smuggling; and if so, what they are; and

(e) whether any complaints have been received that the staff appointed to catch the smugglers are conniving at smuggling and as a result have earned very large sums of money?

THE HON. DR. T. S. S. RAJAN:—" (a) Smuggling of food-grains, piecegoods and other rationed articles has been going on from Tanjore and Ramnad districts to Ceylon.

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"(b) It is very difficult to assess with any degree of accuracy the quantities of paddy and other articles which might have been smuggled to Ceylon during the current year.

"(c)

	Tanjore district.	Ramnad district.
Number of cases detected ..	5	2
Value of goods seized ..	Rs. 2,000 approximately.	Not available.
Number of cases ending in conviction.	The cases are either pending trial or investigation.	1

"(d) (i) *Tanjore district*.—A staff of one Sub-Inspector, 5 head constables, 59 constables and 24 temporary coastal watchers is working to detect smuggling. Besides the village officers, Revenue Inspectors, Firka Supply Officers and Taluk Supply Officers also are attending to this duty. Further the local police also assist the anti-smuggling party in addition to their duties.

Under the belt area notification the transport of foodgrains from one village to another except under permit has been restricted and this provision goes a long way to prevent smuggling. Apart from this in Tiruturaipundi and Pattukkottai taluks of Tanjore district the millers have been permitted to purchase stocks only up to six months' quota and they have also been directed to account for this stock. The subordinate officers have been instructed to make a drive for intensive procurement in the belt areas so as to reduce the scope for smuggling.

(ii) *Ramnad district*.—Transport of foodgrains and piece-goods into belt area have been allowed only on permits. Permits for piecegoods are being issued on population basis so that there may not be any chance of accumulation of surplus piecegoods in the belt area for being smuggled into Ceylon. Apart from this special staff was appointed for the prevention of smuggling. Ten anti-smuggling outposts each manned by one head constable and four police constables have been opened along the coast with three Sub-Inspectors stationed at Tondi, Ramnad and Sayalgudi. The special staff did their best in preventing the cases of smuggling, and their frequent surprise visits played a major part in the prevention of smuggling.

"(e) No."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the Government are aware that smugglers have got steam boats more powerful and speedy than the Government boats, so that the smugglers escape easily, and whether the Government have any idea of engaging powerful and speedy steam boats to catch the smugglers?"

THE HON. DR. T. S. S. RAJAN:—"Sir, the Government are already having a few ordinary boats which are able to watch, supervise and check smuggling which is going on in these

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ports. But the question of using power-boats is under the consideration of the Government and they have not yet come to any conclusion in the matter."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether it is a fact that lakhs of rupees worth of goods were seized at Point Calimere when smuggling was actually going on, whether the smugglers were caught and whether it is a fact that the coastal patrol staff also were among the smugglers?"

THE HON. DR. T. S. S. RAJAN:—"The Government have no information, Sir, but we shall call for information on that point."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the fact that this smuggling has been going on for a long time on a large scale, and in view of the fact that the large army of men that the Government have employed to prevent smuggling were able to detect only five cases in Tanjore and two cases in Ramnad, may I know what other measures the Government propose to adopt in order to put down smuggling at least to a very large extent?"

THE HON. DR. T. S. S. RAJAN:—"The Government have done all that they could possibly do in the circumstances, Sir. But considering the approximate value of the goods that have been seized and recovered from the smugglers and the cases brought to book, I can say, Sir, that the value of articles that might have been smuggled should be comparatively very very little."

11-15 a.m. SRI S. PARAMANANDA RAYAR:—"May I know if the Government are aware that smuggling in rice, ganja and opium are going on in the various ports, viz., Cuddalore, Porto Novo, Tirumalaivasal, Velanganni, Adirampatnam, etc., and whether the Government are going to take any steps in the matter?"

THE HON. DR. T. S. S. RAJAN:—"We have employed a staff to prevent cloth and food being smuggled; with regard to opium, I have no information; but I doubt very much whether opium smuggling from any of the areas in the East Coast of this Province is feasible or is intended under the scheme which I have now read out."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, if I have understood the Hon. Minister rightly, that the value of the goods smuggled which are detected is small and on that account the Government propose to abolish staff that has been appointed for the prevention of smuggling?"

THE HON. DR. T. S. S. RAJAN:—"Sir, smuggling has been kept down as low as possible on account of this staff and on account of the efforts the Government are making to prevent smuggling; but for the staff and the activity of the Government in this respect, smuggling would have been on a very very large scale, Sir."

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SRI A. VEDARATNAM PILLAI:—"May I know if the Government feel that with the aid of the existing law, this smuggling may not be put an end to and made impossible; if so, have the Government any idea of introducing new legislation to root out smuggling?"

THE HON. DR. T. S. S. RAJAN:—"So far the Government have not thought that smuggling is going on, on a very large scale; they feel that the efforts which they are making to prevent smuggling are bearing fruit and there is no need, as far as they can see, to alter the present arrangements. In case, however, any further efforts are found necessary, the Government will certainly go into the question."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Since the Government seem to know the approximate extent of smuggling that is going on and the extent to which they have been able to put it down, may I know why the Government are not in a position to answer the question with regard to the extent to which smuggling is going on?"

THE HON. DR. T. S. S. RAJAN:—"In answering clause (c), I have stated that five cases have been detected and the value is approximately Rs. 2,000 and the number of cases ending in conviction cannot be got for the simple reason that convictions have not been made in the cases which have been tried."

SRI R. V. SWAMINATHAN:—"In view of the answer given by the Hon. Minister that only about Rs. 2,000 worth of goods has been seized from the smugglers, may I ask whether the people involved in the smuggling trade have made several lakhs of rupees and whether the police officials and some customs officials also are involved in this business of smuggling; and if so, what action the Government propose to take against these officials and also against the smugglers who are using modern weapons and steam boats?"

THE HON. DR. T. S. S. RAJAN:—"I would ask the hon. Member to help the Government by giving the information, so that we may take action on it immediately."

H. S. HUSSAIN SAHIB BAHADUR:—"May I know if the co-operation of the local non-officials is being enlisted for putting down this smuggling, and if so, in what manner?"

THE HON. DR. T. S. S. RAJAN:—"I am afraid the hon. Member is not aware of the conditions prevailing over the coast from Adirampatnam up to Jaffna. It is a tract that is not inhabited by any number of people; there are no villages there; it is all sand and waste and salt swamps, extending for miles. And whatever goods are being transported is done by small head-loads by a number of people and a big gang also is operating from behind. The Government are now on the track of the gang and as soon as they are in a position to apprehend them, action will be taken. In regard to the co-operation of the people, I am afraid there are no people there whose co-operation we can ask for."

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M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it a fact, Sir, that the country crafts which carry the smuggled articles from this Presidency to Ceylon are also bringing smuggled articles from Ceylon into this Presidency?"

THE HON. DR. T. S. S. RAJAN:—"It is just possible, but the Government do not know anything about it."

SRI S. NAGAPPA:—"In view of the fact that corruption and dishonesty have gone from bad to worse, especially ever since the control system was introduced, will the Government consider the desirability of calling for quarterly or half-yearly statements of assets and liabilities from the officials who control the smuggling?"

THE HON. DR. T. S. S. RAJAN:—"The Government are submitting budget estimates of expenditure for the money spent on the police investigations, and in due course, the hon. Member will come to know the facts."

SRI B. S. MALLIKARJUNA RAO:—"In view of the fact that in spite of care being taken, smuggling has been going on, will Government consider the desirability of making frequent transfers wholesale, in order to have a salutary effect?"

THE HON. DR. T. S. S. RAJAN:—"I do not know whether the Government can accept the suggestion of the hon. Member. I am afraid the conditions required for service in the area to be covered are so different from ordinary areas that it is not so easy to find the men for replacing others as quickly as we may want to."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister whether it is a fact that very recently one Mr. Venkatachala Thevar who was the Reception Committee Chairman of the Tiruturappundi political conference was arrested for alleged smuggling of goods worth one lakh of rupees to Ceylon?"

THE HON. DR. T. S. S. RAJAN:—"The Government are not in possession of that fact; but if the hon. Member wants it, I will call for the information."

SRI S. PARAMANANDA RAYAR:—"The customs officials and the port officials are the main officials who help the smuggling in the East Coast; and by verifying the entering and clearing registers of the port, we can know whether the boats entering from Ceylon are ballasts and the boats clearing to Ceylon are ballasts."

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

SRI D. DURAIRAJA PANDIYAN:—"Will the Government consider the desirability of punishing not only those who are actually involved in the act of smuggling but also those who supply grains and other articles to the smugglers?"

THE HON. DR. T. S. S. RAJAN:—"All those that are involved in the commission of the offence shall certainly be punished."

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SRI A. VEDARATNAM PILLAI:—"May I know whether the Government are aware that 140 bales of cloth worth about Rs. 5 lakhs are kept in the custody of the Tiruturappundi sub-jail and that the whole of it was smuggled at the Sundaram station?"

THE HON. DR. T. S. S. RAJAN:—"I do not know about it; I shall ask for the information if the hon. Member wants it."

SRI B. S. MURTHI:—"May I know whether the Government are aware that there are organizations which are interested in the smuggling, and because these organizations are influential and rich, this smuggling is going on?"

THE HON. DR. T. S. S. RAJAN:—"It is quite possible that there are organizations working behind this smuggling that is going on."

SRI P. KANDASWAMI PILLAI:—"In view of the rice famine in this province and the increasing smuggling of rice and other essential articles to Ceylon and other countries, will the Hon. Minister make necessary arrangements for appointing a special officer to make efforts to prevent it effectively, Sir?"

THE HON. DR. T. S. S. RAJAN:—"The Government are taking all necessary precautions to prevent smuggling; I may also inform the hon. Member that smuggling is getting reduced to a very very small proportion."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know what help the Government have received from the Central Excise department with regard to the prevention of smuggling?"

THE HON. DR. T. S. S. RAJAN:—"The Police staff and the C.I.D. police staff are operating in the matter, and when any case comes to notice, it will be taken note of and prosecution will be launched."

SRI K. ANANDAN NAMBIYAR:—"May I know whether the Government will view this smuggling as a very serious matter and in order to see that smuggling is ended, whether a special committee of this Legislature will be appointed to enquire into the matter?"

THE HON. DR. T. S. S. RAJAN:—"Certainly it cannot be done for the simple reason that traffic is between two independent countries, Ceylon on one side and South India on the other."

Grievances of the milkmen of the City of Madras.

* 379 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the milkmen of the City of Madras and the Milkmen's Associations have made representations to the Government regarding their grievances;

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(b) if so, when they made such representations, and what they are; and

(c) what steps the Government propose to take to see that their grievances are redressed?

THE HON. DR. T. S. S. RAJAN:—“(a) Yes.

“(b) Representations were received during February and March 1947. Regarding the demands made in the representations, attention is invited to the answer to clause (c) of starred question No. 140 by Begum Sultan Mir Amiruddin, which was laid on the Table of the House on 9th October 1947.

“(c) Attention is invited to the answer to clause (d) of starred question No. 140 by Begum Sultan Mir Amiruddin which was laid on the Table of the House on 9th October 1947.”

SRI T. S. PATTABHIRAMAN:—“Mr. Speaker, Sir, is the inadequate supply of water through the Corporation pipes a grievance of the milkmen in the City of Madras?”

THE HON. DR. T. S. S. RAJAN:—“The question should be addressed to the Corporation of Madras.”

SRI G. KUMARASWAMI:—“May I know whether the Government are still receiving representations either from the milkmen or from the Milkmen's Association in the City of Madras that the fodder supplied to them is not adequate?”

THE HON. DR. T. S. S. RAJAN:—“I have already answered that we have received representations.”

SRI B. S. MURTHI:—“Are the Government aware that as a rule almost all the calves of the milch-cows in the city are killed; and will Government take steps to prevent this calf-slaughter?”

THE HON. DR. T. S. S. RAJAN:—“I do not know whether cow-slaughter could be prevented in the way suggested by the hon. Member. The question of selling useless cattle is the business of the milkmen and the Government have got nothing to do with that.”

SRI B. S. MURTHI:—“When the milkmen purchase cows along with the calves, the calves are alright; but after a week or two, the calves are dead and gone; this is generally the case. I want to know whether the Government are aware of such a thing and whether they will do something to prevent this killing of the calves?”

THE HON. DR. T. S. S. RAJAN:—“That is a bigger question in regard to which a question may be addressed to another Hon. Minister concerned.”

11-30 a.m. M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Do the Government know, Sir, that since answering a similar question on the 9th October there are no indications showing that there has been any improvement in the position of milk supply in the City?”

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THE HON. DR. T. S. S. RAJAN:—“With regard to the supply of milk in the City, the Government take the responsibility of subsidising cattle fodder and making it available to the registered milkmen's unions. We secure the fodder from outside, transport it at the expense of the Government and give them to registered milkmen's association. With regard to the quantity available, it is certainly not in the hands of the Government.”

SRI C. M. KOTHARI:—“Will the Hon. the Minister be pleased to say whether the Government is making any subsidy for rationed articles and giving them to the milkmen?”

THE HON. DR. T. S. S. RAJAN:—“There is no special subsidy given except for cattle-fodder.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Government intend to establish any cattle-farms in this Province?”

THE HON. DR. T. S. S. RAJAN:—“Not at present. There is a scheme for starting cattle-farms in one or two places in this Presidency. It has not yet reached a stage when we can definitely say how far we can progress.”

Decontrol of a building in Mount Road.

* 380 Q.—SRI R. V. SWAMINATHAN (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that the Government decontrolled the premises Nos. 177-179, Mount Road, Madras, under section 13 of the Madras Buildings (Lease and Rent Control) Act of 1946;

(b) whether the owner of the building, namely, the Express Estates, Ltd., put in an application requesting the Government to decontrol the building and whether the said application was subsequent to their failure in a court of law to get possession of the premises; and

(c) whether it is a fact that the present occupants of the building, viz., Bosotto Bros., Ltd., are a public limited liability concern carrying on a business declared as “Essential” by the Government, and that they are still in bond with the Military authorities?

THE HON. MR. DANIEL THOMAS:—“(a) Yes.

“(b) Yes; but the relevant considerations for proceedings in Court are different from those relating to a claim for exemption.

“(c) The business carried on by Messrs. Bosotto Brothers, Limited, was not specifically declared as essential under the Essential Services (Maintenance) Ordinance, 1941, during the time of the war, but was no doubt covered by the general order issued by the Government in 1942 declaring the employment connected with the hotels, coffee clubs, restaurants and

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other eating houses, in all A.R.P. towns including Madras Fort area as essential under the Ordinance. That order was cancelled in November 1945. As the war is now over and as the Ordinance has lapsed from the 1st October 1946, the question of essentiality of a particular business does not arise."

SRI R. V. SWAMINATHAN:—"Arising out of the answer given to clause (d), may I ask the Hon. the Minister for Transport, Mr. Daniel Thomas, whether he is aware of the fact that this kind of interference with private firms in order to help individuals, will undermine the prestige of the Government and also the party to which he belongs?"

THE HON. MR. DANIEL THOMAS:—"I submit, Sir, that the suggestion is absolutely unwarranted. The Government interfere only in matters which they consider just. In this matter, the Government thought that public interests were concerned and so they interfered."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact that despite the war being over, this business has been rendering essential service to the public of this City and hence it was not advisable to decontrol the premises at a time when there was such great scarcity of house accommodation and of food?"

THE HON. MR. DANIEL THOMAS:—"The Government was confronted with the necessity of considering whether an eating house was more important than the Press."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the Government whether it is not a fact that judicial authorities in this Province including also the Controller of Housing decided against the decontrolling of this building and whether Government have not acted against the decision of the courts?"

THE HON. MR. DANIEL THOMAS:—"There is no question at all of the Government acting against the decision of the Court. The Government took all the facts into consideration when they decided on decontrolling the building."

SRI KALLUR SUBBA RAO:—"On a point of information, Sir. If an hon. Member absents himself wantonly after putting a question and if it appears on the agenda, may I know whether any other hon. Member can put the question on his behalf even though he has not got the written authority of the Member who first sent the question?"

MR. SPEAKER:—"An hon. Member can depute another hon. Member to put the question on his or her behalf. I have already given a ruling to that effect."

SRI K. R. KARANTH:—"May I ask the Government whether there have been any other instances where such exemption has been given after the matter has gone to the court and if this is a solitary

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instance, then, is it not favouritism pure and simple, on the part of the Government shown to a paper which has been supporting the Ministry in season and out of season?"

THE HON. MR. DANIEL THOMAS:—"The question of essentiality of a certain service was a matter to be considered by the Government. The Express Estates put in an application to decontrol the building they wanted to locate certain presses in the building. The machinery had been ordered by the Express Estates some time back and they were about to arrive. So they wanted that their building occupied by Bosotto Brothers, Limited, should be made available to them. The Government also considered the importance of having a good press in the country at a very critical time and they thought that the Express Estates, Limited, should be given facilities for installing their new press and carrying on their work."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether it is not a fact that the proprietors of the Express Estates have purchased extensive buildings belonging to the Madras Club on the Mount Road and those buildings would have been more suitable for the Press than a place exactly in the centre of the City, on the Mount Road?"

THE HON. MR. DANIEL THOMAS:—"I understand that they have purchased some buildings belonging to the Madras Club but they are not entitled to immediate possession."

SRI K. R. KARANTH:—"The first part of my supplementary question was not answered, Sir. My question was whether there have been any other instances where exemptions were given. Will the Hon. the Minister kindly answer that question?"

THE HON. MR. DANIEL THOMAS:—"The buildings occupied by the Triplicane Co-operative Stores are exempted but I do not know whether this was after court proceedings. There may be other instances, I am not quite sure. If the hon. Member wants more information, he may put a separate question."

SRI V. RAGHAVAYYA:—"Are the Government aware that if they interfere with the decisions of the courts like this, the prestige of the Government will be at a low level?"

THE HON. MR. DANIEL THOMAS:—"I am not prepared to accept that suggestion because, so far as the Government are concerned, there are provisions under the Acts which have been passed by this Legislature giving power to them to exempt buildings whenever they consider necessary."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising out of one of the answers given by the Hon. the Minister, may I know, Sir, whether the building which is occupied by Bosotto Bros., is fit for installation of a press for which purpose, the Express Estates are supposed to have acquired the building?"

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THE HON. MR. DANIEL THOMAS:—"The Government have not made a detailed examination of the question but they were informed that the buildings are fit for the installation of a printing press."

SRI L. S. KARAYALAR:—"Will the Government find out an alternative accommodation for the Bosottos, Sir?"

THE HON. MR. DANIEL THOMAS:—"I think that is the look-out of the Bosotto Bros., Sir."

SRI P. NATESAN:—"May I ask the Government whether the buildings are fit for a printing press?"

THE HON. MR. DANIEL THOMAS:—"I have already answered the question."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact that the machinery that has been imported cannot actually get into the Bosotto buildings and that thus the place is not suitable for a printing press?"

THE HON. MR. DANIEL THOMAS:—"That is a matter for Engineers. I do not know whether the hon. the Lady Member is an expert in engineering."

Regional Transport Officers.

* 381 Q.—SRI K. LINGA RAJU (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of Regional Transport Officers for the Province;

(b) whether any have been appointed during the months of July and August 1947;

(c) whether the posts have been advertised for before being filled up; and

(d) if any have been appointed, their names and qualifications?

THE HON. MR. DANIEL THOMAS:—" (a) There are six Regional Transport Officers in the Province.

" (b) For administrative reasons it was decided to revert two Motor Vehicle Inspectors temporarily acting as Regional Transport Officers and to replace two Deputy Superintendents of Police, who were posted as Regional Transport Officers. In pursuance of this decision, two Regional Transport Officers were appointed in August 1947 and two more in September. No appointments were made in July.

" (c) As the appointments were made by transfer of the Area Rationing Officers on the same pay the question of advertising the vacancies did not arise.

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" (d)

Names.	Educational qualifications.	Other qualifications.
(1)	(2)	(3)
1 Li ut. E.P.D. Thomas ..	B.A. ..	Has rendered service for over 3 years and 2 months in the Civil Pioneer Force as Lieutenant; Has served as Area Rationing Officer for over a year.
2 Lieut. C. Sundaramoorthy.	B.Sc. and B.V.Sc.	Has rendered service for over 2 years and 8 months in the Civil Pioneer Force as Lieutenant; Has served as Area Rationing Officer for over a year.
3 K. Hyder Ali Khan Sahib Bahadur.	M.A. ..	Has rendered service for over one year and 3 months in Madras Civil Labour Unit as Officer Commanding; has served as Area Rationing Officer for over a year.
4 Sri E. R. Balakrishnan.	B.A., B.L.	Has rendered service for about one year and 8 months as Assistant Public Works Inspector in the Indian Engineer Unit; Has served as Area Rationing Officer for over a year."

SRI K. LINGA RAJU:—"May I enquire if any of these officers are closely related to any of the Hon. Ministers?"

THE HON. MR. DANIEL THOMAS:—"It sometimes happens that Government servants are the relatives of Members of the Government or Members of the Legislature."

SRI S. NAGAPPA:—"May I know from the Government whether there is any Harijan Regional Transport Officer either appointed or recruited from the Police Department? If not, why not?"

THE HON. MR. DANIEL THOMAS:—"I understand that Lieut. C. Sundaramoorthy, B.Sc., and B.V.Sc., is a member of the Scheduled castes. A new officer who is appointed as Area Rationing Officer is also a member of the Scheduled Castes."

SRI A. KALESWARA RAO:—"May I ask the Government whether there is an Andhra among those officers?"

(No answer.)

District Road Traffic Boards.

* 382 Q.—MUHAMMAD RAZA KHAN SAHIB BAHADUR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the District Road Traffic Boards have been formed in all districts of the Madras Province;

(b) if so, the names of the non-official members in the various District Traffic Boards—districtwar; and

(c) what are the functions of the Boards?

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THE HON. MR. DANIEL THOMAS:—“(a) The answer is in the affirmative.

“(b) The names of the Non-official members are:

(1) Sri P. R. Kandaswami Gounder, Coimbatore.
M.L.A.

(2) Sri K. S. V. Krishnan, M.L.A. .. South Arcot.

(3) Dr. M. J. Samuel, M.L.A. .. Kurnool.

(4) Sri R. Nathamuni Reddy, M.L.A. Chittoor.

(5) Sri N. Sanjeeva Reddy, M.L.A. .. Anantapur.

(6) Sri B. Ananthachar, M.L.A. .. Bellary.

(7) Sri C. N. Muthuranga Mudaliar, Chingleput.
M.L.A.

(8) Sri M. Bapineedu, M.L.A. .. West Godavari.

(9) Sri M. Venkataraju, M.L.A. .. Guntur.

(10) Sri K. Ishwara, M.L.A. .. South Kanara.

(11) Sri K. Rajaram Naidu, M.L.A. .. Madura.

(12) Sri Dr. P. G. Nair, M.L.A. .. Malabar.

(13) Sri K. A. Nachiappa Gounder, Calicut.
M.L.A.

(14) Sri T. S. Arunachalam, M.L.A. .. Trichinopoly.

(15) Sri P. L. Narasimha Raju, M.L.A. Vizagapatam.

(16) Sri D. Dorairaja Pandian, M.L.A. Tinnevely.

(17) Sri K. Bokkai Gowder, M.L.A. .. The Nilgiris.

(18) Sri M. Pallamraju, M.L.A. .. East Godavari.

(19) Sri L. Subbarama Reddi, M.L.C. Nellore.

(20) Sri V. T. Kannappa Mudaliyar, North Arcot.
M.L.A.

(21) Sri A. Krishnaswami Vandiar, Tanjore.
M.L.A.

(22) Sri S. Jayarama Reddi, M.L.C. .. Ramnad.

(23) Sri K. B. Narayana Reddy, M.L.A. Cuddapah.

(24) Sri N. Veeraraghavayya, M.L.A. Kistna.

“(c) The functions of the Road Traffic Authorities fall under the following broad categories:—

(1) Exercise of disciplinary control over drivers and conductors of public service vehicles.

(2) Control of transport vehicles by the issue of permits to buses, lorries and taxis, stipulating conditions such as the number of passengers to be carried and the trips to be performed and the timings to be kept in the case of buses, the weight to be carried in the case of lorries and the fare to be charged in the case of taxis.

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(3) Control of traffic by the imposition of limits on speed and weight, by the restriction and regulation of traffic in any area or over any route and by the erection of traffic signs.

(4) Exercise of appellate powers over the orders of the licensing and registering authorities and also the Regional Transport Officers.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Is it a fact, Sir, that these M.L.As. who have been put in the various District Traffic Boards have been taken not because they possess any special knowledge of the matter but for the simple reason that they have supported the present Ministry which is in office?”

THE HON. MR. DANIEL THOMAS:—“The two cases are contradictory. They may be supporters of the Ministry and at the same time competent to serve on the boards.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“May I ask, Sir, whether there are no Muslims M.L.As. who could usefully serve on these Boards?”

THE HON. MR. DANIEL THOMAS:—“The Government have under consideration the nomination of a Muslim Member for the City Transport Advisory Board.”

MAHIN SCHAMNAD SAHIB BAHADUR:—“May I know, Sir, whether the Government would consider it advisable that at least one M.L.A. from every taluk in the districts may be put as a member of these Traffic Boards?”

THE HON. MR. DANIEL THOMAS:—“That is not permitted under the present constitution of the Road Traffic Board.”

H. S. HUSSAIN SAHIB BAHADUR:—“May I know, Sir, if, apart from being M.L.As., any other qualification of these members was taken into consideration while appointing them?”

THE HON. MR. DANIEL THOMAS:—“Yes, Sir. Competency to serve on the Boards in question.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know whether the members appointed belong only to the Congress party and if so why only Congress members were selected?”

THE HON. MR. DANIEL THOMAS:—“There was no special idea of nominating only Congress members, but the particular members selected were deemed by Government proper and fit to serve on the Boards.”

SRI R. V. SWAMINATHAN:—“It appears from the answer given by the Hon. Minister that only M.L.As. have been nominated for all the districts except two, namely, Ramnad and Chingleput. May I know the reason for nominating M.L.Cs. to these two districts of Chingleput and poor Ramnad?”

THE HON. MR. DANIEL THOMAS:—“Sir, are not the Members of Council Members of the Legislature?”

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SRI B. S. MURTHI:—"May I know, Sir, why only one Harijan has been taken?"

THE HON. MR. DANIEL THOMAS:—"Well, Sir, one Harijan member has been appointed and I think he will do well in the Board in question."

SRI C. M. KOTHARI:—"Arising out of the answer that many of the members of these Boards are only M.L.As., may I know what special qualification they have to be appointed as such?"

THE HON. MR. DANIEL THOMAS:—"I have already answered that question, Sir."

SRI S. NAGAPPA:—"In view of the answer given to my hon. Friend, Mr. Murthi, that only one Harijan was appointed, may I ask whether the other Harijans are not fit to serve on these Boards?"

THE HON. MR. DANIEL THOMAS:—"I do not cast implication but it is open to the hon. Member to do so if he likes."

SRI S. NAGAPPA:—"Was the selection based in proportion to the population or the strength of Members of this House?"

THE HON. MR. DANIEL THOMAS:—"There is no question of population or strength in these matters."

SRI PILLALAMARRI VENKATESWARLU:—"May I know what is the special competency of the Congress members to serve on these Boards than others?"

THE HON. MR. DANIEL THOMAS:—"It may be either special or ordinary; that does not matter here."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is it not a fact that the only criterion for selecting the M.L.As. was that they would support the Ministry and the Ministers?"

THE HON. MR. DANIEL THOMAS:—"No, Sir."

Distribution of yarn to handloom weavers and fixation of wages.

* 383 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether he has received a copy of the memorandum submitted by the Tamilnad Handloom Weavers' Federation, dated 6th June 1947, to the Hon. Premier wherein various suggestions for distribution of yarn to handloom weavers and the fixation of wages were mentioned;

(b) if so, what action has been taken by the Government in the matter;

(c) the number of handlooms in the Province count-war;

(d) the quantity of yarn being supplied to each loom count-war; and

(e) the number of bogus looms unearthed?

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THE HON. SRI H. SITARAMA REDDI:—" (a) Yes.

" (b) The Government examined the suggestions made by the Federation. Some of the problems were already under the consideration of Government and orders have issued. Other suggestions were impracticable or based on incorrect statistics and no action was considered necessary on them.

" (c) The total number of handlooms in the Province according to counts is:—

Up to 8½s	..	..	..	10,068
Above 8½s but below 19s	..	..	..	30,258
20s to 26s	..	..	..	182,838
28s to 32s	..	..	..	35,713
40s	..	..	..	133,469
60s	..	..	..	70,406
80s	..	..	..	25,935
100s	..	..	..	2,469
2/20s	..	..	..	4,589
2/40s	..	..	..	196
2/80s	..	..	..	2
				495,943

" (d) Vide answer to clause (c) of starred question No. 248 answered on the 16th October 1947.

" (e) No information is available at present. The actual number will be known only when the revised census of looms is completed in all districts."

SRI K. ANANDAN NAMBIYAR:—"Arising out of the answer given by the Hon. Minister, may I ask what was the suggestion in the memorandum that could be acceptable to the Government and whether he could at least give a gist of it?"

THE HON. SRI H. SITARAMA REDDI:—"No gist can be given."

SRI N. M. R. SUBBARAMAN:—"May I know what steps have been taken to find out the bogus looms?"

THE HON. SRI H. SITARAMA REDDI:—"The steps taken have already been answered on the floor of this House several times and I have no more information to add to what has been already given recently in this House."

SRI C. M. KOTHARI:—"Arising out of the answer, Sir, may I know whether wages have been fixed in respect of the handloom weavers on the same basis as the textile mills?"

THE HON. SRI H. SITARAMA REDDI:—"I cannot furnish the information immediately, but if the hon. Member wants detailed information about various rates, I would suggest to him to put a separate question."

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M. S. ABDUL MAJID SAHIB BAHADUR:—“ Now that the Government have approved the wages proposed by the Provincial Wages Board for the handloom weavers, may I know when the Government will enforce these wages?”

THE HON. SRI H. SITARAMA REDDI:—“ A notification has been already issued, if I remember aright, but if my hon. Friend wants further information; I can furnish it to him if he writes to me or puts a separate question.”

SRI K. ANANDAN NAMBIYAR:—“ What will be, Sir, the average minimum wage of a handloom weaver according to the decision of the Wages Board?”

(No answer.)

SRI N. M. R. SUBBARAMAN:—“ May I know whether the Hon. Minister is aware that the Inspection Sub-Committee of the City Textile Committee which undertook measures to find out the number of looms, have been asked to stop further work?”

THE HON. SRI H. SITARAMA REDDI:—“ I have no information.”

MUHAMMAD HUSSAIN SAHIB BAHADUR:—“ May I ask whether the Government propose to issue coupons to those Indian weavers who returned from Burma and Malaya after the war was over?”

THE HON. SRI H. SITARAMA REDDI:—“ Notice, Sir.”

State-aid to industries.

* 384 Q.—MUHAMMAD RAZA KHAN SAHIB BAHADUR (on behalf of Mohamed Abdul Salam Sahib Bahadur): Will the Hon. Minister for Industries be pleased to state—

(a) whether the Government are aware that in this Province many industries are not able to get help in spite of the existence of State Aid to Industries Act of 1923;

(b) whether the Government have considered the reasons for such state of affairs;

(c) whether the Government have considered the advisability of amending section 4 of the above Act so that help may be given to industries more effectively and easily; and

(d) whether the Government have considered the advisability of amending the State Aid to Industries Act in such a way that its activities will be confined only to cottage industries?

THE HON. SRI H. SITARAMA REDDI:—“ (a) Yes, Sir.

“ (b) Yes. The reason is the non-compliance on the part of industrialists with the conditions laid down in the Act as it stands at present.

“ (c) & (d) One of the terms of reference to the Industrial Planning Committee constituted by the Government was to report on the working of the State Aid to Industries Act and

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recommend whether it should be amended, repealed or replaced by new legislation. It has recommended in its interim report that section 4 of the Act should be repealed immediately and that the Act should have no application to Industries except Cottage Industries. This will be considered after receipt of the final report of the Committee.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“ Is it a fact, Sir, that the Board of Industries constituted under this Act is not at all meeting to consider applications received from industrialists?”

THE HON. SRI H. SITARAMA REDDI:—“ I take the information, Sir.”

Formation of 'The Finance Corporation'.

* 385 Q.—MUHAMMAD RAZA KHAN SAHIB BAHADUR (on behalf of Mohamed Abdul Salam Sahib Bahadur): Will the Hon. the Minister for Industries be pleased to state—

(a) the reasons why the Government have not so far organized the “ Finance Corporation ” in spite of the fact that Rs. 50 lakhs has been set aside for the purpose in the budget;

(b) whether the Government have considered the advisability of incorporating ‘ The Finance Corporation ’ under a special Act of this Legislature instead of registering it under the Indian Companies Act; and

(c) whether the Government propose to give any special concessions to the Finance Corporation after it is inaugurated; and if so, what?

THE HON. SRI H. SITARAMA REDDI:—“ (a) The Government are awaiting the final report of the Industrial Planning Committee.

“ (b) Yes, Sir.

“ (c) No, Sir.”

Allotment of cloth for dyeing.

* 386 Q.—SRI B. VENKATANARAYANA REDDI: Will the Hon. the Minister for Industries be pleased to state—

(a) whether dyeing of cloth and allotting some bales of cloth entirely for dyeing purposes is stopped in the Nellore district;

(b) the number of bales of cloth allotted for dyeing purposes in the Nellore district and to the other districts in our Province since the last two years;

(c) how these bales of cloth which were allotted entirely for dyeing are now being distributed in the Nellore district after dyeing was stopped; and

(d) whether dyeing and allotting some bales of cloth entirely for dyeing is allowed in other districts in the Province?

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THE HON. SRI H. SITARAMA REDDI:—“(a) The Collector of Nellore stopped the allotment of grey cloth for dyeing to processors in the district on the advice of the District Textiles Sub-Committee. The processors appealed to the Government against this order and after careful consideration, the Collector has been directed to cancel his order prohibiting the dyeing of cloth.

“(b) The statistics of allotments of cloth made for processing purposes to the different districts of the Province prior to September, 1946 are not available. A statement* showing the monthly allotments from September 1946 is placed on the table of the House.

“(c) When the Collector's order prohibiting the dyeing of mill cloth was in force, the 56 bales allotted to Nellore district over and above the quota under the Rationing Scheme were also distributed as a part of the ration.

“(d) Yes, Sir.”

SRI B. VENKATANARAYANA REDDI:—“అయ్యో, ప్రభుత్వము అడ్డకము వస్తే రాలకు ఇచ్చుచున్నటువంటి గుడ్డల బేల్లను ముడి గుడ్డగానే పంపకము నకు ఇప్పించవలసివదిగా ప్రజల అభిప్రాయమిది ప్రజా సంస్థలవనుంచి ప్రభుత్వమువారికి విన్నపము లేమైనా వచ్చినవా? వాటిపై ప్రభుత్వమువారు ఏమైనా చర్య తీసుకొన్నారా?”

THE HON. SRI H. SITARAMA REDDI:—“విన్నపములు వచ్చినవి. చర్య తీసుకొనుచున్నట్లు ఇదివరకే జవాబులో చెప్పడమైనది.”

SRI V. RAGHAVAYYA:—“In view of the fact that this system of dyeing of rationed cloth is leading to enhance prices and dumping forcibly unwanted cloth over unwilling purchasers, will Government see its way to abolish this system altogether?”

THE HON. SRI H. SITARAMA REDDI:—“The Government cannot agree to the abolition of the system because the dyeing industry has been in existence in some places and the dyeing industry has to serve through the period of control and so it is necessary to keep up the dyeing industry in the various districts.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask whether the Government will consider the advisability of dividing the allotment for dyeing purposes so that no preferential treatment will be given to some districts over others?”

THE HON. SRI H. SITARAMA REDDI:—“Distribution depends upon the existence of industries in the various districts during the period of control and naturally the location of industries vary from district to district and to keep the industries going during the period of control, allotments have been made taking into consideration the nature and extent of the industries in the various districts.”

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SRI K. VARADACHARI:—“May I ask whether special firkas will be selected in each of the districts where weaving, dyeing and printing processes will be introduced for training people?”

THE HON. SRI H. SITARAMA REDDI:—“I would suggest to the hon. Member to put a separate question to the Minister concerned.”

SRI V. RAGHAVAYYA:—“Are the Government aware, Sir, that the prices of unprocessed cloth and unprinted cloth rises to three to four times when it is processed and dyed and sold as ration cloth?”

THE HON. SRI H. SITARAMA REDDI:—“Certain complaints have been received that the charges for dyeing are very high and the matter is being examined and the dyers have been addressed to see that the rates are reasonable and if my hon. Friend brings to my notice any such very high rates in any particular place, I shall take it up.”

SRI S. NAGAPPA:—“From the statement placed on the table of the House it is found that one bale was allotted to Chittoor and one bale to Bellary. I should like to know, Sir, why no allotments were made to Kurnool which is also a place where the dyeing industry is flourishing?”

THE HON. SRI H. SITARAMA REDDI:—“I have already answered this question as to the basis upon which this distribution is being made and if people are dyeing in Kurnool they will get it.”

SRI B. S. MURTHI:—“May I know, Sir, what methods and what precautions the Government are taking to protect this dyeing industry?”

(No answer.)

[* 387 Q.—

MR. SPEAKER:—“As the hon. Member who put this question is not in his seat now, the answer will be printed in the proceedings.”]

Postponement of elections to local bodies.

* 387 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state what are the reasons for postponement of elections to the local bodies at present?

THE HON. SRI K. CHANDRAMOULI:—“Elections to 73 municipal councils have been completed. Elections to the remaining 8 councils will be held shortly.

“The question of the introduction of adult franchise for elections to local boards is under consideration. Pending a decision on this question, elections to district and panchayat boards have been postponed.”

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Institution for instruction in Home Science.

* 388 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Education be pleased to state whether the Government are taking necessary steps to implement the resolution adopted by the Post-War Reconstruction Committee that there should be in this Province an institution for giving instruction in Home Science leading to a diploma?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"A B.Sc. Degree course in Home Science has been opened in the Queen Mary's College, Madras, with effect from 1942-43. In addition a separate course called 'Household Arts' has also been opened in the same college with effect from 1946-47."

BEGUM SULTAN MIR AMIRUDDIN:—"In view of the proposed bifurcation of studies is the Hon. Minister aware that there is urgent need in this province for establishing a college on the lines of the Lady Irwin College at Delhi?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"Government do not think that there is any necessity for a separate college. Courses can be opened in the existing colleges themselves."

BEGUM SULTAN MIR AMIRUDDIN:—"Is the Hon. Minister aware that the provision I am asking for is not for those who wish to pursue college courses? My point is that the Government should make some provision for these girls who wish to pursue further studies in Home Science but do not propose to take up a degree course. I am not speaking about any degree course but a diploma course."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The Government do not contemplate a separate college. The existing colleges can provide for them also."

MR. SPEAKER:—"The hon. Lady Member's question is this: Now they have prescribed for degree courses and she wants to know whether they will have diploma courses also."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"The hon. Member may put a separate question, Sir."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, will the Government consider the desirability of increasing the number of students admitted from the beginning of next term?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"That will be considered."

New scales for elementary school teachers.

* 389 Q.—SRI V. PONNUSWAMI GOUNDER: Will the Hon. the Minister for Education be pleased to state—

(a) when the Government introduced the new scales for elementary school teachers;

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(b) whether the new and revised scales have been given effect to in all districts and, if so, from what date;

(c) when the new scales was given effect to in North Arcot; and, if it has not been given effect to, why not; and

(d) what action the Government propose to take in the matter?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"(a) Orders were first issued in May 1947 prescribing revised scales of pay as from 1st January 1947. The scales were further revised in June 1947."

"(b) Reports have been called for from all local bodies. From the replies received so far it is observed that most of the local bodies have introduced the revised scales of pay. The scales take effect from 1st January 1947."

"(c) & (d) Presumably the hon. Member refers to both the District Board, North Arcot and the municipalities in the district. The District Board, North Arcot and the Municipal Council, Tiruvannamalai, have reported that the revised scales have not been introduced for want of funds. The question of providing funds for these local bodies is under consideration. No report has been received from the Municipal Council, Gudiyatham. The Special Officer has been reminded. The remaining Municipal Councils in the district have reported that the new scales have been introduced as from 1st January 1947."

SRI V. PONNUSWAMI GOUNDER:—"ஆரம்ப ஆசிரியர்கள் சம்பள விஷயத்தில், வட ஆற்காட்டில் ஆரம்ப ஆசிரியர்களுக்கு சம்பளம் வரவில்லை என்றும் சில குறைகள் இருக்கிறது என்றும் சர்க்காருக்குத் தெரியும் என்றும் அப்படி இருந்தும் கூட இன்னும் ஒரு ஏற்பாடும் செய்யவில்லை, அந்தக் குறைகளை தீர்ப்பது நியாயமும் அவசியமுமானது. அவர்கள் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். ஆகையால் அவைகளை கூடிய சீக்கிரத்தில் நிவர்த்தி செய்யமுடியும் என்பதும் மந்திரி அவர்களுக்குத் தெரியுமாதலால் புதிய சம்பள திட்டத்தை சர்க்கார் எப்போது நிறைவேற்றும்?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"Yes, Sir. Steps are being taken to introduce these revised scales of pay in the North Arcot district also."

SRI B. S. MURTHI:—"On a point of information may I know, Sir, whether it is not a fact when a member puts a question either in Telugu or Tamil he is presumed to have no knowledge of English and therefore, can the Hon. the Minister answer in English?"

MR. SPEAKER:—"If the hon. Member makes a request that it be answered in the same language it can be done."

Exemption of Harijans from paying enrolment fees.

* 390 Q.—SRI P. M. VELAYUTHAPANI: Will the Hon. the Minister for Land Revenue be pleased to state whether it is a fact that members of the Scheduled Castes are given exemption from paying the enrolment fees when they get themselves enrolled as advocates in the High Court?

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THE HON. SRI KALA VENKATA RAO:—"Yes. The Government have decided to exempt Harijans from payment of stamp duty for entry as advocates or attorneys in deserving cases."

SRI R. V. SWAMINATHAN:—"In view of the fact that the Government have issued instructions to exempt the Harijans will the Government also give this exemption to the other backward communities?"

THE HON. SRI KALA VENKATA RAO:—"This will be considered, Sir."

Assignment of lands to depressed classes in Chingleput district.

* 391 Q.—SRI N. GOVINDASWAMI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the order regarding the assignment of lands to the members of the depressed classes in the Chingleput district, which was kept in abeyance during the war, has been revived; and

(b) if not, when orders will be passed authorizing the assignment?

THE HON. SRI KALA VENKATA RAO:—" (a) No. The ban on permanent assignment of lands is still in force in all the districts.

" (b) The matter is under the consideration of the Government and orders will be issued as early as possible."

Conversion of Government hospital at Ichapur into a first-class hospital.

* 392 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there is any proposal to convert the present Government hospital at Ichapur into a first-class hospital; and

(b) if so, when, and with what improvements?

THE HON. SRI A. B. SHETTY:—" (a) & (b) There is no such proposal. The question of provincialisation of the dispensary is under the consideration of Government."

Opening of a dispensary at Urlam.

* 393 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state whether there is any proposal to open a well-equipped up-to-date dispensary at Urlam of Narasannapeta?

THE HON. SRI A. B. SHETTY:—"There is no such proposal. The question of opening a village dispensary at the place will be considered in accordance with the post-war plan."

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Dispensaries started by I.N.A. at Naupada, Kanchilli and Karlam.

* 394 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the dispensaries started by the I.N.A. at Naupada, Kanchilli and Karlam were closed; and

(b) what steps the Government propose to take to re-open them?

THE HON. SRI A. B. SHETTY:—" (a) Yes; but only the institutions at Naupada and Kanchilli were run by the I.N.A. The dispensary at Karlam in Sompeta taluk was a famine relief charge opened by the Public Works Department.

" (b) The Government do not propose to re-open them as there is no need to do so."

SRI G. KUMARASWAMI:—"Have the Government received any representations from the people of Naupada, Kanchilli and Karlam and other places that there is absolute necessity for the re-opening of these dispensaries?"

THE HON. SRI A. B. SHETTY:—"Regarding Naupada the Special Officer of the District Board has said that there is already a proposal to start a hospital at Naupada and steps are being taken to open one as soon as accommodation is available and therefore there is no need to revive the closed down hospital at Naupada. As regards Kanchilli it is only three miles from Sompeta, where there is a big Government dispensary and a Mission Hospital. There is no need to revive the hospital at Karlam as the Indian Medical Association has sold the original hospital to a medical practitioner who is now running a private hospital at that place."

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

II.—ANNOUNCEMENT BY HON. SPEAKER.

(1) ELECTION OF THREE MEMBERS TO THE SENATE OF THE ANNAMALAI UNIVERSITY.

MR. SPEAKER:—"I have to announce to the House that the following candidates were nominated for the election of three Members by the Legislative Assembly to the Senate of the Annamalai University:—

Sri S. Nagaraja Manigar.
Sri S. A. Devanayaga Iyah.
Sri P. Kandaswamy Pillai.
Sri K. Bhashyam.
Sri P. Ratnavelu Thevar.

"Sri S. Nagaraja Manigar and Sri S. A. Devanayaga Iyah have since withdrawn their candidatures."

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"As the number of candidates remaining is equal to the number of vacancies to be filled, namely, three, I hereby declare

Sri P. Kandaswamy Pillai.

Sri K. Bhashyam.

Sri P. Ratnavelu Thevar.

to have been duly elected to the Senate of the Annamalai University."

(2) ELECTION OF TWO MEMBERS TO THE STANDING ADVISORY BOARD
FOR TECHNICAL EDUCATION.

MR. SPEAKER:—"I have to announce to the House that the following two members of this Assembly have been nominated to be members of the Standing Advisory Board for Technical Education, constituted by the Government in G.O. No. 1829, Education, dated 19th August 1947:—

(1) Sri N. S. Varadachari.

(2) Sri M. Pallam Raju.

"As the number of candidates nominated is equal to the number of vacancies to be filled, viz., two, I hereby declare the abovementioned gentlemen to have been duly elected to the above Standing Advisory Board for Technical Education."

(3) ELECTION OF MEMBERS TO THE SELECT COMMITTEE TO CONSIDER
THE AMENDMENTS TO THE MADRAS ASSEMBLY RULES.

MR. SPEAKER:—"I have to inform the House that the following six gentlemen were nominated for election to the Select Committee to consider the amendments to the Madras Assembly Rules:—

(1) M. Muhammad Ismail Sahib Bahadur.

(2) N. Muhammad Anwar Sahib Bahadur.

(3) Sri K. Brahmanandam Reddi.

(4) Sri S. Chidambaram Ayyar.

(5) Sri B. Parameswaran.

(6) Sri P. Natesan.

"As the number of candidates nominated is equal to the number of vacancies to be filled, namely, six, I hereby declare the abovementioned gentlemen to be duly elected under Regulation II (4) of the Regulations for the holding of elections by means of the single transferable vote.

"Under Rule 144 of the Madras Assembly Rules, the Deputy Speaker and the Leader of the House are ex-officio members of the Select Committee and I have to nominate a Chairman to serve on the Committee. I hereby nominate Mr. B. S. Murthi as a Member of the Committee. The Select Committee will meet at 1-30 p.m. in my Chamber."

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BILL.

III.—THE MADRAS SHOPS AND ESTABLISHMENTS BILL, 1947
(L.A. BILL No. 15 of 1947.)—cont.

MR. SPEAKER:—"We were debating the amendment of Sri Alluri Satyanarayana Raju. Any member who wants to speak on this may do so."

* SRI K. ANANDAN NAMBIYAR:—"It is my lot once again to appeal and to request the Hon. Minister for Labour to allow this amendment. I have already moved amendments after amendments in vain and I am now glad that my hon. Friend Satyanarayana Raju has come from the Congress benches to move this amendment which is most fundamental for every worker and as one who represents the railway labour in this Province, I might state that this privilege has been enjoyed by the labourers for a number of years in a number of industries and this is a matter for which we can have no compromise or where we can give up. This is the minimum right which every employee must have. There may be a calamity in his house, some illness in his family. How can he look to all these things if he is asked to be working all the time? It is from a commonsense point of view that I am asking that this matter should be accepted. Supposing he is sick and if he is not paid how can he look after his family, he being the bread-winner. If he has not this minimum number of sick leave, he will not be able to recoup his health and he will become incapable of doing any work in the long run. There must be some guarantee, some minimum sick leave. Every employee is entitled to get it and the Government should not stand in his way. I know for what reasons the Government are hesitating. I know that they feel shy of the employers who will feel that their interests are not looked after. They should not be afraid of anybody. If the Government and the Hon. Minister feel that they are doing a right thing this should be granted. Every employer must grant this minimum demand to his employee when they come under this Act. The Government have brought this Bill to do some justice to the workers and it is our duty to point out to them to concede this minimum demand.

"I once again request the Hon. Minister not to be under the 12-15 p.m. misapprehension that we are pressing him too much and that we are rubbing him on the wrong side; we are only claiming the minimum rights for these people. I wish to tell him what the result will be of his refusal to accept this reasonable demand. If in other provinces such proposals are mooted and legislation is brought forward, the employers will cite us and say: 'The Legislature of Madras discussed such a provision for three days and the Minister for Labour refused to give them 15 days and therefore, why should we do something more?' That will be the result. A Congress Ministry is functioning here and other provinces must not be allowed to quote things happening here for cutting short the amenities to workers. On the other hand, we should be the pioneers for all such legislation and we should see that we stand first, that we lead and provide an example for other provinces. We should not lag behind and stand in the way of labour getting its rights in other parts of the country. When we are bringing in legislation, we should see

[Sri K. Anandan Nambiyar] [3rd November 1947]

that justice is done to labour. I find in the Non-Power Factories Bill there was a clause for granting 15 days' leave but unfortunately when the Hon. Minister wanted to take up this Bill, I did not attach any particular importance to it; but I now see the reason and I am justified in saying that it was with a view to cutting the leave to 10 days that he made the motion and also an amendment to that effect has also been circulated to hon. Members. I am sorry to say that this a most heart-rending thing and the workers feel that this is most

THE HON. DR. T. S. S. RAJAN :—" On a point of order. I do not know if the hon. Member is in order to refer the proposed amendment to a Bill which is not before the House at all. I believe he has no right to speak when the House is considering this amendment."

MR. SPEAKER :—" Mr. Anandan Nambiyar will continue his speech."

SRI K. ANANDAN NAMBIYAR :—" Mr. Speaker, I am only referring to a Bill which appeared in the agenda and on an amendment, notice of which was circulated to the House. I am only referring to it just as I am entitled to make a reference to a Book which is not here or to an Act of Parliament."

" By means of that amendment, what chance we had of getting them 15 days' leave is denied. The House has debated this measure for the last three days and I do not wish to take up more time especially because there are others in the Congress benches who wish to express their view and I must give way to them. I appeal to the Hon. Minister and I request him that the minimum of 15 days privilege leave, 15 days' casual leave and 15 days' sick leave is a very just thing and must be conceded to them."

* SRI P. NATESAN :—" Mr. Speaker, I did not think I should intervene in this debate but for the speech of Mr. Anandan Nambiyar to the effect that the employers are rather worried about the question of the leave. He has evidently in mind the big employers but he seems to forget the fact that there are hundreds and thousands of other categories who are small people and they were themselves probably servants in some establishment and they now happen to be small proprietors themselves. It is really for the poor man of this kind that I have to object to this leave. What is the kind of leave that these people require; altogether they get 52 days as holidays for a year and they want casual, sick and privilege leave, which comes to 45 so that makes 97, practically three months in a year. I am at a loss to know what they would get from this leisure and what these idle men are going to do with such an amount of leisure. As a matter of fact, the shop assistants have got no physical or mental work to do; all that they have to do is to stand there and serve the customers. It is possible that in some cases they have to write some sort of accounts. All the same you cannot compare them with the other class of servants employed in factories who have to do hard work. You must know that in Bombay they have to work 208 hours per month and in Bengal which is supposed to be much more populated and where there are many more shops, there

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is much more hard labour involved. What is the overtime that is allowed to them. It is at the rate of $1\frac{1}{2}$ times the normal wage but we are giving them at the rate of $1\frac{1}{2}$ times the normal wage. We want to give more than the normal rate for overtime, we want to give more holidays and what will be the result? What will be the effect on production and sales? Nobody will be able to get what they want and when they want and it will be bad for business and which will contract. So that there is really not a case for giving them such a consideration so far as holidays are concerned. I do not mind paying them more for their work; but what is the meaning and idea in giving them holidays. Idle men having nothing else to do but to roam about have to turn to doing something else and that will be probably to organize labour troubles. Already the Hon. the Minister for Labour and the Commissioner of Labour have their hands full with these troubles and do you want to add some thing more? If you are going to have idle people in the streets without anything particular to do, their mind will be engaged in something undesirable; they say an idle brain is a devil's workshop. So that the question does not concern the big employers. We must consider the position of the poor man and think of the best means of assisting him. The big employers are providing domestic accommodation, hospital accommodation to their workers and that goes to make the life of the poor man as comfortable as possible. I am only putting forth the case of the small employers whose number runs into hundreds of thousands in this Province; they have a small capital of about Rs. 5,000 and how do you expect such men to pay their servants for the smaller number of hours of work for their employees; they have to pay them however less the quantum of work actually done by them is. All that will fall upon the consumer and there is the fact that his sales will shrink by so much of leave being given to his assistants. The small shopkeeper has got to pay extra wages to his staff, he has to pay taxes on the cost of his materials and with all that there is a prospect of diminished sales. For these reasons, I object to this amendment."

MUHAMMAD RAZA KHAN SAHIB BAHADUR :—" This debate we could have been avoided had the attitude of the Government been known."

MR. SPEAKER :—" After allowing some members to speak, I shall call upon the Hon. Minister to reply."

MUHAMMAD RAZA KHAN SAHIB BAHADUR :—" I do not think that so much of heat need not have been introduced on this issue. I believe that the members of the Communist party in this House would appreciate the fact that their over-much sympathy with labour in putting forward proposals without knowing their effects, has landed labour into troubles. It is not their exclusive monopoly to stand for labour: we, on this side, have all our sympathy for labour but the real point is that it is not labour alone with should have a say in the matter and there are other interests to be safeguarded by this House. It is for the first time that we are taking up the question of legislation on this subject and it is a very important and a very difficult measure. It is quite easy for us to

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pass any legislation but after all who is going to implement it? The officers are going to implement it and they will be faced with a number of difficulties in actual working. It is not a question of simply moving amendments. The question is to see what its effect upon other interests will be. It is no doubt a fact that these shop assistants have not had even a day's holiday for a long time. As far as the Government are concerned, they have provided for 20 days' leave in a year and the demand is made for 45 days' leave with pay. This may really not help labour but at the same time it may affect other interests because they will have to meet a heavier establishment charges. As was rightly pointed out by my hon. Friend Mr. Majid, it may not mean much in the case of big concerns like Spencers and they may be in a better position to pay; but there are others with small capital, running pausupari shops and the like; if you want them to pay their servants on the scale suggested in the amendment, they will not be in a position to pay and if you force them to give such long leave with pay, naturally, they will have to increase their charges to their customers and it will affect the consumers. Therefore, it may not be right on our part to give so much of leave. If you really feel that the 20 days' leave provided for in the Bill is not sufficient, nothing prevents us, be they of the Congress party or others, from bringing in amending measures saying that it could be increased to 25 days but there is one thing which I cannot ignore and that is that this amendment is given notice of by a member of the Congress party and my hon. Friend Mr. Anandan Nambiyar feels happy that while he has failed in so many amendments, he has now at least succeeded in getting a Congressman to move an amendment. I have a great regard for his feelings on this matter. But instead of prolonging the debate as to whether 45 days' leave is really good or not, it may be good for the Hon. Minister to come forward with the via media course of adopting 25 days so that we may have the Bill passed on that basis."

SRI K. VARADACHARI:—"I had no intention to participate in this debate until a few minutes ago. I found a report in the papers to-day that the Hon. the Minister for Food who attended a meeting of the Hotel Keepers' Association in Madras put forward the plea to them to observe the shift system in their work and thus give relief to the workers in their establishment so that they might be able to do their work with efficiency and enthusiasm and their health may not be affected. If that were so, there ought to be no difficulty in accepting the amendment moved by my hon. Friend Mr. Satyanarayana Raju. I find that there is an unnecessary agitation raised over this question while even the Government are willing to make a concession in favour of extending the period of leave as contemplated under the Bill. I submit it would be very appropriate for the Government themselves to come forward and make the concession in favour of this amendment, if not the full time at least a part of the time that has been asked for in it. I understand that there is some such move and that the mover of the amendment would be willing to accept a compromise. I anticipate it because the Minister for Food is very sympathetic towards this

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amendment from the view expressed by him at the Hotel Keepers' Association yesterday and it must be the logical consequence in this matter also. Any distinction made on behalf of the producer, on behalf of the labourer and the small proprietor are nice distinctions, needlessly and unnecessarily put forward. As a matter of fact the difference between the period of leave asked for and what stands is only five days in the year and for this there need not be so much of higgling. After all the point is there that more leave or at any rate, such leave as is suggested is being enjoyed by other workers and why should there be any distinction here alone. I do not think that any small shop-keeper may not be able to afford giving this extra leave of five days. It is speculative and after all there seems to be no difficulty in accepting this amendment. I submit that the amendment is very good and it must be supported even by the Government."

* SRI B. S. MURTHI:—"Mr. Speaker, Sir, I rise to support the amendment moved by my hon. Friend Sri Alluri Satyanarayana Raju. It is a very harmless amendment as far as the employers are concerned, and it is an amendment which seeks to give some protection against employers who are sometimes taking mean advantage of the helplessness of their assistants in their shops. The amendment seeks to give 15 days' casual leave and 15 days' privilege leave after serving for 12 full months. Sir, some of the Friends who are opposing the amendment are trying to show that the shops are very small, and people investing money in these shops are rather poor with only five or six thousand rupees as their capital, and therefore if these assistants are given 15 days' casual leave and 15 days' privilege leave, after one year of service, they will go out of existence. This is not borne out by facts. We see that usually a small trader begins with a bunk investing any amount between 500 and 1,000 rupees, and in the course of a year, or two years, or three years, the bunk becomes a big building, and the shopkeeper becomes a big business magnate. The shopkeepers becoming a big business magnate, and the prosperity of his trade, is all due to the toils of his shop assistants, whose cause is always ignored, and whose condition is always the same. This amendment, therefore, must be accepted by the Government who are wedded to the progress of the toiling millions of this Presidency. Shop assistants are no better than the tillers or ryots whom the Government are trying to help. I also wish to draw the attention of the Government that the younger section of the Assembly are very eager that Government must come to the rescue of the smaller fry and therefore the Government must meet them at least half-way, and agree to their request. The Government are willing to take suggestions whenever they go to help the masses. I will read the amendment once again so that all the apprehensions entertained by my Friends may be dispelled. The amendment says—

"Every person in any shop or establishment shall be entitled to, after 12 months of continuous service, to 15 days' privilege leave, of which not less than 10 days shall be consecutive holidays, 15 days' casual leave, and 15 days' sick leave, all with pay."

[Sri B. S. Murthi]

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I would request the House to mark the words 'after 12 months of continuous service . . .'. The shop assistant is indeed a voiceless person. The shop assistants are not able to organize themselves into a trade union. If it is a smaller shop, the greater is the difficulty for the shop assistants to get themselves organized in a trade union and fight for their rights. Because of the lack of privileges for them to fight for their rights and minimum demands, the Government should make provision so as to enable these shop assistants, after a regular and continuous service, to get all these privileges. With these words, Sir, I support the amendment."

P. K. MOIDEEN KUTTI SAHIB BAHADUR:—"Mr. Speaker, Sir, I am really surprised at the attitude of the Hon. Minister for Labour when not only a section of the House in the Opposition but also, may I say, a very vociferous section on his own side has been insisting on a very reasonable demand as this. A point was made here by some of my hon. Friends that these shop owners were all small people, and most of them could not afford to make provision for such holidays, and wages, etc. My answer is that these shop assistants are lesser people than the shop owners themselves. When we are contemplating legislation on a progressive scale, I think it is our duty to provide for amenities and better conditions for the poorer classes. Therefore, I request the Hon. Minister at least now to be more responsive. In fact as some hon. Member put it all this debate would have been avoided and could have been avoided if only the Hon. Minister had the kindness and the responsiveness to see the reasonable demands put forward by a large section of this House. Some hon. Members have said that we are contemplating this legislation for the first time. It is no argument that simply because we are contemplating a legislation of this kind we need not provide for better amenities. As Mr. Anandan Nambiyar said let us be followed by other Provinces, and instead of following other Provinces, let us be guiding them.

"Therefore I appeal to the Hon. Minister to be more responsive. In this connexion, I feel that the doctor and labour do not go together. I wish that a more responsive person is put in charge of this department."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, while I have every sympathy with the Communist Members who support labour in their demand for more holidays, I wish to say that it is unnecessary that such heat should have been imported with reference to this amendment. As far as I can see, the Government are quite reasonable and are giving ample holidays. But the labour members are not satisfied. They wish to be without work even more than three months in the year. In this connexion I may point out that while all work and no play makes Jack a dull boy, very little work and too many holidays lead one to mischief. Apart from that it must be remembered that we are now passing through a phase of deficiency in regard to supplies. What we need is more production. Hence at the present juncture I think it is

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[Begum Sultan Mir Amiruddin]

the duty of every one to work more so that production may be increased. I feel that this is not the time to give more holidays to labour. At a time such as this, if the members of the Communist Party are inspired by the ideal of helping the nation, and a genuine desire for national uplift, they should not shirk work. Now that we have attained independence, every one must work harder and think harder. Surely, this is not the time for demanding more holidays. (Interruption by Sri K. Anandan Nambiar.) After some years have elapsed, and the country has reached a certain stage of development in regard to production, it will be open to labour to come forward and demand more holidays."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, not as a member of the Select Committee, which Mr. Majid claimed to be the other day, but as legislator sitting in judgment over the findings of that committee, I rise to oppose the amendment (laughter) now before this House. Mr. Speaker, Sir, our Friends who have moved this amendment and supported know not what they do! (More laughter.) Let me bring to their kind notice now the simple arithmetic of their problem. It is very easy for them to ask for extension of holidays. But what does it work out to be in real terms? They are asking for weekly holidays, casual leave, privilege leave, sick leave and public holidays under the Negotiable Instruments Act, which means in simple arithmetic $52 + 15 + 15 + 15 + 32$, which is equal to 129 days out of 365 blessed days in the calendar year. (Laughter.) Sir, this works to about 25 per cent holidays in the course of the year. Reducing this in terms of hours of work, Mr. Speaker (At this stage Mr. Speaker was speaking to some hon. Member.) kindly lend me your ears. (Loud laughter.) Let us look at this problem in terms of hours, for which our Communist friends have been able to agitate so much. They have accepted eight hours a day as their minimum demand. Now, when we translate this into hours, it means that out of 8,760 hours in the year of 365 days, they are actually turning out work, under the amendment, for 1,780 hours, and this works, Mr. Speaker, to a ridiculously poor proportion."

SRI K. ANANDAN NAMBIYAR:—"On a point of information, Sir. Whether the figures . . ."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"I am not yielding, Sir. What does this ratio work to? It means only 20 per cent of work and 80 per cent of leisure. I would very much wish the hon. Communist friends had only asked that all the working days be turned into playing days. (Laughter.) That would have been the logical end of their demand. I do not understand how these two hon. Members belonging to the Communist Party should have caused confusion in the party in power. I think, if ever I must plead, it is just now when I should say 'Oh God, save me from these friends; these two have been enough to cause confusion even in a party who are formidable in numbers!' Mr. Speaker, when these Members, who are bringing this amendment have pleaded for the extension of holidays, I was wondering whether this

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amendment has brought an amendment in their political outlook. Several ministerialists have supported this amendment. Probably the reason is not far to see. There is confusion of issues even there. The prospects of adult electorate seems to have adulterated their perspectives. (Laughter.) It is staring them in the face as a nightmare and bugbear now. (Laughter.) It was with some trepidation the other day I listened to my beloved Friend on the other side when he raised the bogey of proletariat in danger. O, God, let us not believe all that. We have had enough of such mischief, fraught with fire and frenzy."

SRI T. S. PATTABHIRAMAN:—"On a point of order, Sir, is the hon. Member in order in addressing God instead of addressing the Speaker?" (Laughter.)

MR. SPEAKER:—"He only called God to his help now." (Laughter.)

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Let me concede, we are all without exception, in one sense of the term. Socialists or Communists. That does not necessarily mean, that we should all plump for revolution; we are here for evolution, not revolution. Even in madness there must be a method. (Laughter.) Even so, in progress there must be a method. We are not here to bring overnight an army of shopkeepers under rules and regulations. I concede we have not become yet a nation of shopkeepers. Yet we have assumed to regulate the conduct of shopkeepers who are spread over this Province. Probably it will not be too much if I claim, as they are at present distributed, they are the real backbone of trade, they are the *entrepreneurs*, they are the agencies of industry and commerce of our Province. They are men of self-reliance and self-effort. I do not know why, the Government, instead of coming to their rescue, should propose measures restricting the scope of industry. I wonder how it is that some hon. Members should have utilized this forum to speak to the gallery and address the unseen millions of our multitude. Let me state here, let us not be carried away by vote-catching words. Our unseen millions are no unseeing millions. They do know what they want, they have a sense of value; they have robust commonsense to distinguish between right and wrong, between good and evil and between the wise and otherwise. We know for certain that our Friends do not seem to realize what little difference there is between a shopkeeper and shop assistant. After all, who are these blessed shopkeepers? People, who, as was put brilliantly well, by Mr Majid the other day, till recently were only shop assistants, and who in small dribbles saved money and have to-day set up independent business to be captains of their souls! So to draw a distinction between a shopkeeper and a shop assistant is to draw a distinction without a difference, a distinction between tweedledum and tweedledee. (Laughter.) So I do not see any reason why our Friends should carry agitation to every nook and corner. After all these shopkeepers are living on the border line of thrift. We should not presume they are the vested interests of the Province. So it is up to us to see that we do not harm their interests. Mr. Speaker,

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I accept our masters are our millions. We should see that we are not carried away by slogans. Adult franchise is going to alter the character of our electorate very soon. But it is not going to be as much a ghost as many of our Friends seem to understand. But it is going to be a compact, concise electorate, where it is personality that will count, and not so much your catchwords, shibboleths and slogans. And it is for that reason I appeal to Members who have brought in this amendment to withdraw it and see that no harm is done to trade and commerce. It is robust commonsense that should decide matters like this. We are not mere agitators; we are administrators as well; we have a sense of responsibility; and so we must not pick holes in everything that the Government do. And if to-day, I do not accept this amendment, it is not because I am one with the Government on every issue, but simply for this reason, that I go by the dictates of my conscience. I know that the Government have taken up the right attitude in bringing the suggestions of the Select Committee on to the floor of the House.

"One more word, Sir, and I have done. My Friends have pleaded for the proletariat. Let them review what they have said. There is time enough for the next elections, when we can indulge in all these things. So now let us not embarrass the Government by bringing in so many provisions which will ultimately ruin our trade and commerce. After all shop-keepers should not be deemed to be people blessed with fortune, and so it is up to the Government to see that they are not hedged in by too many restrictions, rules and regulations."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, the amendment of Mr. Alluri Suryanarayana Raju says that 'every person in any shop or establishment shall be entitled to, after 12 months of continuous service, to 15 days privilege leave, of which not less than 10 days shall be consecutive holidays, 15 days casual leave, and 15 days sick leave, all with pay.' Sir this section resembles section 27 of the Madras Non-Power Factories Bill, 1947. That section says: 'Every worker who has completed a period of twelve months' continuous service in a non-power factory shall be allowed, during the subsequent period of twelve months, holidays with pay for a period of not less than fifteen days, of which at least ten shall be consecutive, inclusive of the day or days, if any, on which he is entitled to a holiday under section 21.' The mover of the amendment is certainly justified in asking for more leave than the ten days allowed by the Government. He is quite right in asking for 15 days' privilege leave, 15 days' casual leave and 15 days' sick leave. Hon. Members who have opposed this motion are under the mistaken impression that this class of servants should be treated differently from clerks and peons in the Government service. This latter class of people are very well provided for in the matter of leave. It must be remembered that this period of 15 days is the maximum leave that an assistant in a shop or establishment can take in a year. After all what is provided for in the amendment is only a permissive provision. An assistant in a shop

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or establishment is as much a human being as any other human being in Government service. So, why should he not have the same leave when he falls sick. Again in the matter of casual leave, why not the private employees have the same privileges which the Government servants enjoy? I believe those people who are poorly paid should also get the same concession. Now, if their wages are to be taken away for the days they are sick, what wage will they get at the end of the month. If for fifteen days' sick leave and for fifteen days' casual leave their salary is to be cut, then at the end of the month, their salary will be reduced by fifty per cent. So this aspect of the question has also to be considered. It is not as if to enable the assistants in shops and establishments to enjoy the holidays that this amendment is brought forward, but to enable them to get at the end of the month a certain fair amount of living wage. I hope this aspect of the question will be taken into account and this amendment will be accepted by the Government."

1 p.m.

THE HON. DR. T. S. S. RAJAN:—"Sir, I am very thankful to the hon. Gentlemen who took such very keen interest in the amendment before the House. I have now a feeling that a lot of unnecessary heat has been introduced in the debate which could have been very well spared. For, after all we are a legislature representing people outside and we are here as their representatives and the Government here is a Government of the people and it is our desire to carry out such wishes of these representatives who are speaking for their electorates in this House. Such being the case, whatever Government may be in power, they must take note of these feelings expressed before this House. No doubt the fact remains that the Select Committee has submitted a unanimous report. After that report has been accepted, I only think that public opinion has made itself felt on the Members of the House and they have thought it their duty to press the Government to accept the amendment. In this connexion I make no difference between one Member and another in this House because all of us are Members of this House representing the electorate. It does not matter whatever may be the nature of the label under which we have come here. Since therefore I find that there is a good deal of feeling in this matter I have made up my mind on behalf of the Government to accept the amendment in a slightly modified form and I hope that I will get the support of the House; I say so because this is an improvement upon the amendment that was already been moved. The amendment of mine reads as follows:—

Clause 25.

"For the existing sub-clauses (1) and (2) of clause 25, the following shall be substituted:—

"CHAPTER VI.—HOLIDAYS WITH WAGES.

25. (1) Every person employed in any establishment shall be entitled, after twelve months continuous service, to

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holidays with wages for a period of 12 days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days." Holidays and sick leave.

"The explanation is as follows:—

Explanation.—For the purposes of this sub-section any continuous period of service preceding the date on which this Act applies to any establishment shall also count, subject to a maximum period of twelve months."

"This is necessary because the working and calculating of the holidays has got to be done properly. We must make rules and regulations with regard to the working of the holidays. So that explanation has been inserted.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service; (a) to leave with wages for a period not exceeding 12 days, on the ground of any sickness incurred or accident sustained by him, and (b) to casual leave with wages for period not exceeding 12 days on any reasonable ground."

"Thus you will find that an addition of 36 days of holidays with wages has been provided for by this amendment, besides the usual holidays that have been guaranteed by the Act, namely 52 days. Thus a worker gets 36 days plus 52 days. This I think is a concession which everybody would accept to be very fair and just. In dealing with a matter which concerns the lot of workers we cannot but accept such suggestions as have been put forward and we have endeavoured to give the maximum according to the wishes of the Members of this House on both sides and I am thankful to the Members who have brought about this amendment to give legislative sanction for granting casual leave, sick leave, etc."

MR. SPEAKER:—"I think it will be better if Mr. Alluri Satyanarayana Raju withdraws his amendment and then the Hon. Minister moves his amendment and speaks on it. In view of the explanation given by the Hon. Minister is Mr. Alluri Satyanarayana Raju prepared to withdraw his amendment?"

SRI ALLURI SATYANARAYANA RAJU:—"Mr. Speaker, Sir, before asking your permission to withdraw my amendment. I want . . ."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"On a point of order, Sir . . . To simplify the legislative procedure for a future occasion, I may be permitted to raise this point of order; not because I am opposed to the amendment. You have just given an informal direction, Sir, to Mr. Alluri Satyanarayana Raju to withdraw his amendment so as to enable the Hon. Minister for Labour to move his amendment. I submit that there have been instances in the past when such amendments have been considered. Assuming Mr. Alluri Satyanarayana Raju does not

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come forward to withdraw his amendment, would not the Hon. Minister be right in moving his amendment? Then you will put the amendments to the vote of the House and one or the other of them will be accepted by the House. I agree, Sir, that you may informally advise Mr. Alluri Satyanarayana Raju to withdraw his amendment to enable the Hon. Minister for Labour to move his. But I would like to know whether it is a ruling."

MR. SPEAKER:—"As the Hon. Minister's amendment is not an amendment to the amendment I thought that for the sake of clearness it would be better if Mr. Alluri Satyanarayana Raju withdrew his amendment and then the Hon. Minister moved his amendment."

SRI R. V. SWAMINATHAN:—"Let both the amendments be before the House and let both of them be considered."

SRI ALLURI SATYANARAYANA RAJU:—"There is no question of doubting the bona fides of the Hon. Minister, Sir. When he promises that he will move the amendment, he will do so. There is no question about that."

"To clear the minds of certain hon. Friends who spoke in this House opposing my amendment I want to say a few words. Mr. Raza Khan said, Sir, that the Communists have succeeded in asking a Member of the Congress Party to cause some confusion. He is entirely wrong. He thinks of Communists so highly that only Communists and Communists alone can serve labour. I must say, Sir, that many Congressmen have been serving the cause of the labourers and the proletariat all along and even now I moved this amendment with the full confidence that the Hon. Minister for Labour would accept my amendment. Though to a certain extent I am disappointed and all the 15 days' casual leave, 15 days' sick leave and the 15 days' privilege leave have not been accepted by the Hon. Minister, I feel that the Hon. Minister has given sufficient consideration to my amendment and that he has accepted the principle of it. I am grateful. But any day the 12 days are not sufficient. The full 15 days must be accepted if not now at least at a later stage. We congressmen will certainly try to see that these 15 days are accepted by the Congress Party and also the Government. A day may come when more than 15 days may be allotted for the labourer."

"Then, Sir, Mr. Anwar thinks that the Communists have succeeded and that they have caused so much confusion in the Congress and so on and so forth. It may be his wishful thinking. I may tell him all or at least a majority of the Congressmen are behind the Ministry and they have presented this progressive legislation in the House. Their voice has been recognized by the Hon. Minister and the Ministry and I can say this without any hesitation whatsoever. I congratulate the Hon. Minister for Labour on his bringing forward his amendment. To some extent all of us agree with his amendment. With these few words, Sir, I request you to allow me to withdraw my amendment."

The amendment was by leave withdrawn.

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THE HON. DR. T. S. S. RAJAN:—"Sir, I have already spoken on the amendment and copies of my amendment have been circulated to the Members of the House. I want to expedite the passing of this Bill, Sir, as quickly as possible because I have another Bill, namely, the Non-Power Factories Bill to be got through. I am moving the following amendment and I request that it may be taken into consideration. Sir, I move—

Clause 25.

For the existing sub-clauses (1) and (2), the following shall be substituted:—

"CHAPTER VI.—HOLIDAYS WITH WAGES.

25. (1) Every person employed in any establishment shall ^{Holidays} be entitled, after twelve months continuous service, to and sick holidays with wages for a period of 12 days, in the subsequent period of twelve months, provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

Explanation.—For the purposes of this sub-section any continuous period of service preceding the date on which this Act applies to any establishment shall also count, subject to a maximum period of twelve months.

(2) Every person employed in any establishment shall also be entitled during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service;

(a) to leave with wages for a period not exceeding 12 days, on the ground of any sickness incurred or accident sustained by him, and

(b) to casual leave with wages for a period not exceeding 12 days on any reasonable ground."

MR. SPEAKER:—"The hon. Member, Mr. Venkateswarlu, should not take more than three minutes."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, of course I support the amendment in view of which my hon. Friend, Mr. Alluri Satyanarayana Raju, withdrew his amendment. While speaking on this amendment, I should like to bring to the notice of the Hon. Minister for Labour who has been kind enough to bring forward this amendment that the words in the last part of clause (2) (b) 'on any reasonable ground' may be omitted. My suggestion is very simple, Sir, and I should like to move this as an amendment to the amendment moved by the Hon. Minister. The Hon. Minister has given very short notice of his amendment and therefore I am forced to move this amendment in this manner. I hope the Speaker will admit my amendment also."

MR. SPEAKER:—"I have already told the House that I am not going to admit any more amendments unless they are verbal amendments."

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*SRI PILLALAMARRI VENKATESWARLU:—"What I am moving is nothing but a verbal amendment. The Hon. Minister's amendment has just now been handed over to us. We could not move our amendment previously. I therefore request you, Sir, to allow me to move this amendment. I move, Sir—

'that in the new clause 25 (2) (b) now moved the words "on any reasonable ground" shall be omitted.'"

THE HON. DR. T. S. S. RAJAN:—"I am surprised, Sir, that that the hon. Member has chosen to move this amendment. 'Reasonable ground' is about the most sensible thing in any legislation. It does not require the poor man to go to any medical officer or to depend on X, Y or Z to get his leave. 'Reasonable ground' is perhaps the most reasonable thing which any reasonable man could easily accept. This gives the worker the privilege of going to the proprietor and getting his leave. I do not think the amendment could be accepted, Sir, because it takes away the very sense of my amendment."

1-15 p.m. SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, I hope my amendment has been admitted."

MR. SPEAKER:—"Is it seconded?"

*SRI PILLALAMARRI VENKATESWARLU:—"My hon. Friend is here to second it, but I have to speak on the amendment first."

"Sir, if it is the Hon. Minister for Labour himself who will work out all these things, I would have accepted his oral assurance. But that is not the case. He may be reasonable, but this clause is to be worked by the employers against the employees. I am sure even the Hon. Minister for Labour will not expect the shop employers to be very reasonable. Under the circumstances when we frame legislation, we have to be very careful. I should like to explain the matter, Sir. What is casual leave? I can understand if it is said 'sick leave on reasonable grounds.' The shop employee can go to a doctor like the Hon. Dr. Rajan and get a certificate and get the leave. But this casual leave is very different. Whenever the employee wants to enjoy, say a marriage party or some other party, he takes that leave. For that purpose it was originally intended. If we introduce the words 'reasonable grounds', it will give rise to disputes. Who is to decide what is a reasonable ground? Are we to go to a court of law or to an adjudicator once again? When we introduced this legislation, most of the members expressed the view that the employee must have an unquestionable right of leave. But here comes the provision for 12 days leave on reasonable grounds. I say, Sir, that the words 'on any reasonable ground' should be dropped and that the shop assistants should have the right of enjoying the leave whenever they need it."

SRI K. ANANDAN NAMBIYAR:—"While seconding the amendment to the amendment, I should like to say, Sir, that in my experience of working for labour for 12 years, I have never seen anywhere in this country or in this world—I should say—

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a provision for the grant of casual leave on reasonable grounds. You have a right to take casual leave as and when you require it. I can understand sick leave being granted on reasonable grounds. But this casual leave is a casual one to be taken whenever the employee wants it. The question of giving casual leave on reasonable grounds will never look reasonable, Sir. Dispute is certain to arise. How can the employer sit in judgment over the reasonableness of the demand for casual leave on the part of the employee? Something may happen in his house and he may want leave. How can the Inspector of Factories or the Labour Department judge that? There will be hell of trouble. I request that the last few words of the amendment may be deleted. We expected 45 days; we are given 36 days. Our demand has been met to the extent of 75 to 80 per cent. We are satisfied for the moment."

MR. SPEAKER:—"The amendment to the Government amendment is: 'Delete the words "on any reasonable ground".'"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, although the Hon. Minister said that these words were necessary in this amendment, he has not said anything reasonable to justify the retention of the words. In introducing these words, I think the Hon. Minister probably thinks that he is legislating for Government servants where the employer is the Government. He should remember, Sir, that he is legislating for cases where both the employee and the employer are private individuals. The vagaries of the employer and also of the employee have to be taken into consideration in deciding whether these words are necessary. By retaining these words, what will happen? An employee will write to the employer saying that he wants casual leave for a particular day for some reason, say the death of one of his dearest ones. Or it may be that the employee has lost his cousin and there is no one except the employee to attend to the funeral. In the latter case, if these words are there, the possibility is that the employer might say that the employee's grounds for asking leave are not reasonable. It will lead to contention. I do not think these words are absolutely necessary. They will give rise to most objectionable decisions on the part of the employer. In many cases, it is possible that the leave applied for will be refused by the employer, because he knows he will have to pay wages for that period also. The employer is a very careful calculator of his profits. He would certainly not grant the leave, if he knows he will stand to lose thereby. In view of the fact that this will give rise to disputes between employers and employees and the possibility of the employer getting the better of the employee in the bargain and the latter suffering, I hope the Hon. Minister will agree to the deletion of these unnecessary words."

THE HON. DR. T. S. S. RAJAN:—"Sir, I regret that even after listening to my hon. Friends I am not convinced that the deletion of these words is of advantage to anybody. On the contrary it will give a certain decency to the whole matter. When the employee wants leave he should say as a matter of courtesy

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to his employer 'I am going on leave on such and such a day.' He should not simply say, 'I am entitled to leave for so many days' and go away and then come back and say, 'I have been on leave for so many days.' Is not the employer to know that it is casual leave that the employee is asking or it is privilege leave that he is asking? As a matter of information, the employee should let the employer know that he should like to go on casual leave. That is what reasonable grounds means. He cannot go to him and on unreasonable grounds say, 'I have got to be away.' If a man absents himself from work and yet claims pay, he must in justice to the employer inform him that he is taking leave because it is that man who has got to pay him. Ordinary commonsense and courtesy require that the employer should be told."

(Mr. Anandan Nambiyar rose to speak.)

MR. SPEAKER:—"How can the hon. Member speak again?"

SRI K. ANANDAN NAMBIYAR:—"On a point of information, Sir."

THE HON. DR. T. S. S. RAJAN:—"Everything is clear, Sir. The whole thing is in English language. 'Reasonable ground' does not mean anything derogatory to the employee and does not make it more difficult for the employee to avail himself of casual leave. We have made provisions for casual leave, privilege leave and sick leave, all with pay. Common courtesy has got to be shown to the employer and he must be informed that the employee is not turning up for work on a particular date. I really do not read anything sinister in those words. It seems from what has been stated that employers are all bad men and employees are all saints. They should all be considered as ordinary human beings and reasonable in the discharge of their respective duties. What is suggested here in the words 'reasonable ground' is that a certain amount of regard has to be shown to the employer."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of information, Sir, by introducing these words 'on any reasonable ground,' is it only meant that the employee should write to the employer beforehand and tell him the reason for which he wants leave?"

THE HON. DR. T. S. S. RAJAN:—"I think I have made myself perfectly clear. It means that the employer has got to be told that the employee would not be coming on a particular day especially as the employer has to pay for the day he is absent. If that is not reasonable, I do not know what else is reasonable."

SRI K. ANANDAN NAMBIYAR:—"On a point of information, Sir. The very word 'leave' means that the employee wants the previous sanction of the employer. It goes without saying. By the deletion of the words 'on any reasonable ground' it does not mean that the employee should not get the previous sanction."

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SRI PILLALAMARRI VENKATESWARLU:—"My hon. Friend, Mr. Abdul Hameed Khan has tried to get some information from the Hon. Minister and amend the sub-clause. But unfortunately the Hon. the Minister did not catch his point and he is still continuing in his confusion. My hon. Friend, Mr. Anandan Nambiyar, has explained that 'leave' means that the employee must apply and the employer must sanction. What does 'reasonable ground' mean? What are the reasonable grounds on which the employee may be given leave with pay? If the Minister had explained those reasonable grounds, I would have withdrawn my amendment. Unfortunately our Labour Minister has not explained what he means by reasonable ground. The retention of those words is harmful to the interests of the shop assistants. I request that these words may be deleted."

THE HON. DR. T. S. S. RAJAN:—"I am afraid I cannot accept the amendment."

The amendment of Mr. Venkateswarlu was put and lost.

The amendment of Hon. Dr. T. S. S. Rajan was put and carried.

THE HON. DR. T. S. S. RAJAN:—"I move—

'Add the following sub-clauses at the end of clause 25:—

"(6) A person employed in a hostel attached to a school or college or in an establishment maintained in a boarding school in connexion with the boarding and lodging of pupils and resident masters shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period for which he was employed continuously in the previous year or to the period for which he will be employed continuously in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

"(7) The Provincial Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case."

The amendment was put and carried.

Clause 25 as amended was put and carried.

The House adjourned for lunch.

(After lunch—2-35 p.m.)

SRI PILLALAMARRI VENKATESWARLU:—"On a point of information, Mr. Speaker. As has happened just now, if the Hon. Speaker, Deputy Speaker and the Hon. Members on the Treasury Benches come late, may I know what the procedure is?"

MR. SPEAKER:—"When such a situation arises, the hon. Member can raise the question."

Clauses 26, 27 and 28 were put and carried.

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* SRI PILLALAMARRI VENKATESWARLU:—" Mr. Speaker, Sir, I rise to move my amendment which reads as follows:—

'After Chapter VI, the following shall be inserted:—

"CHAPTER VI-A.

Minimum living wage.—*The provisions of this Act shall not interfere with any better conditions that are already in operation or agreed upon for all or parts of the employers that come under the purview of this Act.*

No employer shall pay wages less than minimum living wage.

Explanation.—*For the purpose of this section, the explanation of minimum living wage shall mean, wages rates worked out at the rate of Rs. 35 per month, in cities other than having population of more than 2½ lakhs, when the minimum living wage shall be Rs. 45 per month, taking the year 1939 as basic period with cost of living index as 100 and dearness allowance shall be paid to compensate the rise in the cost of living at the rates fixed by the Government."*

The amendment is a very important one because it deals with the minimum wage question. I fear this amendment has been neglected by the Select Committee. Even though I sent my amendment to the Select Committee, I could not personally attend the Committee meeting because a warrant was pending against me. I wrote a letter to the Chairman to press my amendment before the Committee. Unfortunately, I did not even get a reply from the Chairman. That being the position, I appeal to the Hon. Minister for Labour to carefully go through my amendment and accept it at least now.

"The reasons for the amendment are very simple. We know that there is so much economic unrest in the country and that so many strikes are going on. I know the Hon. Minister for Labour and the Hon. Home Minister accuse the Communists for creating labour troubles. The world will not believe when anybody comes and says that the Communists are responsible for the labour troubles. Those days are gone. Everybody has come to realize that because their economic position is so very unsatisfactory and they are unable to make both ends meet, the working classes go on strike and there is industrial unrest. That fact has been accepted even by the Congress and its Working Committee. In order to remove the discontent among the working classes so that there may be industrial peace, I am moving this amendment. The fixing of a minimum living wage is essential for this purpose. In this connexion let me bring to your notice that the servers in the hotel who serve practically all the 24 hours a day are paid Rs. 6 or Rs. 7 per month. No dearness allowance is paid to them. There are many similar cases. Such being the case, it is our duty as the legislators of the Province to provide them with a decent minimum living wage. That is essential for the progress of our

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society. I should like to bring to the notice of the Hon. Minister for Labour that this principle has been accepted by the Executive Government in the Centre which were in office before 15th August 1947, and the Hon. Dr. Ambedkar brought forward legislation for, fixing a minimum living wage. Though the legislation has not been passed till to-day, the fact remains that he found it necessary to fix a minimum living wage. Of course, that is also defective. We have had nearly two years of Congress Government in this Province, leave aside the 1937-39 period. They have not brought forward any legislation to fix a minimum living wage. That is why I am forced to move this amendment.

"The history of the minimum living wage can be traced to a pretty long time ago. About thirty years ago, most of the nations of the world met at Versailles and came to the conclusion that there should be a minimum living wage to improve the lot of the toiling millions. On that basis, they formulated certain proposals. Now after nearly three decades, in England, in Australia, in the United States of America, in Canada and so many other countries, there are minimum wage legislations."

MR. SPEAKER:—"I wish to know from the Hon. Member how the fixing of a minimum living wage comes within the scope of this Bill."

THE HON. DR. T. S. S. RAJAN:—"I don't think it comes within the scope of the present Bill."

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, let me make my submission as to how my amendment, namely, introduction of minimum wage comes within the scope of this Bill. Sir, in the original Bill, in the Statement of Objects and Reasons, it has been clearly stated that this legislation is intended to provide for the fixation of hours of work, payment of wages, etc. That is, to improve the working conditions of shop assistants is the object of this Bill. What are the working conditions? The term 'working conditions' apparently includes, leave with pay, minimum wages, etc. Let me, in this connexion, bring to your notice, Sir, the award of the Adjudicator in the Coimbatore Mills dispute. There, in his award, he has clearly indicated what are working conditions. According to the award, minimum wages do come under the term working conditions. Otherwise, there is no meaning. Let me read here, for the benefit of the House, what is contained in the Statement of Objects and Reasons in the original Bill. It says:—

"There is no enactment in this Province regulating the conditions of work of employees in shops, commercial undertakings, restaurants, etc. The Weekly Holidays Act, 1942 (Central Act XVIII of 1942), which has been brought into force in this Province from 1st January 1946 is limited in scope in that it provides only for the grant of holidays and does not contain provisions for various other matters affecting them, such as hours of work, payment of wages, health and safety. It is considered that there should be a comprehensive measure in this Province to regulate these matters on the lines of similar enactments in force in other Provinces. The Bill is intended to give effect to this object . . ."

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It is therefore clear, Sir, that the regulation of wages is contemplated under this Bill and therefore, my amendment is quite in order."

* MR. SPEAKER:—"Let your amendment be seconded, first, and then you will have a right of reply, if it is admitted by me to be in order."

* SRI PILLALAMARRI VENKATESWARLU:—"I have not finished my speech, Sir. I have got a seconder for my amendment, and I should like to finish before it is seconded. Sir, I was speaking about the minimum wage legislation before I was interrupted. I was explaining how it is essential and how in most of the progressive countries in the world minimum wages have been fixed to settle industrial disputes. I have also explained that it was because there is no minimum wage legislation in this Province, there are so many industrial disputes. To avoid industrial disputes, it is the duty of the Provincial Government to provide for a minimum wage legislation. Only in our country there is no such legislation. This is no credit to us. Until now, we had some excuse or other, because we were under foreign domination. But there can be no such excuse hereafter. To-day we can bring forward any legislation we want and whenever employees are affected, we can bring forward a legislation regulating their wages and other conditions. That is why, I say, that my amendment is perfectly in order."

"What is a minimum wage and how is it to be fixed? The minimum living wage is defined as 'the normal needs of the average employee, regarded as a human being, living in a civilized community; it should be sufficient to furnish him with the cost of a proper living to maintain his health and welfare.' In Australia, Wages Boards are formed to regulate wage conditions and whenever disputes arise, they are referred to these Wage Boards. Sir, we know, particularly in South India, it has been reported that the wages paid are the lowest. That does not redound to our credit. The Report of the Royal Commission on Labour in India, the Report of the Enquiry into the condition of labour in the cotton mills in India by Mr. Deshpande in 1944, and the Adjudicator's award in the Coimbatore Mills dispute, all these have clearly shown that the wages paid in South India are the lowest. A civilized Government should see that it brings forward the necessary minimum wage legislation . . ."

MR. SPEAKER:—"Let your amendment be seconded. If I do not rule it out of order, you will have a right of reply afterwards. Let the hon. Member finish his speech first."

* SRI PILLALAMARRI VENKATESWARLU:—"I was under the impression that my amendment is in order and that is why we are discussing it now. May I know, whether I am correct Sir?"

MR. SPEAKER:—"I have not given my ruling yet."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I want to make this submission, Sir. If at any time the Hon. Speaker feels that a particular amendment is not in order, I daresay, he can stop the hon. Member who moved it from speaking. But if you hold, Sir, that it is in order, then he can speak Sir."

SRI K. ANANDAN NAMBIYAR:—"In seconding this amendment, Sir, I want to say . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I do not think it need be seconded, Sir, if you are going to give a ruling whether it is in order or not."

MR. SPEAKER:—"It can be seconded. There is no harm in it and I can rule it out of order at any time."

* SRI K. ANANDAN NAMBIYAR:—"Sir, in seconding this amendment, I wish to point out that it has been clearly stated in the Statement of Objects and Reasons to the original Bill, which my friend Mr. Venkateswarlu read to the House, that the Weekly Holidays Act, which was brought into force in this Province in 1946 did not contain provisions for various other matters effecting employees and shop assistants, such as hours of work, payment of wages, health and safety, etc. Sir, payment of wages is the salient feature of this Bill. Because, whenever we say, 'payment during holidays', or 'holidays with pay', there the question of wages certainly comes in. Therefore the fixation of minimum wages must find a place in this Bill. What we want is that a particular chapter should be added to this Bill, dealing with minimum wages. I would therefore request you, Sir, that you may be pleased to rule that this amendment is in order and if it is thrown out either by the Hon. Minister or by the House, we have no objection, Sir."

THE HON. DR. T. S. S. RAJAN:—"I still maintain, Sir, that this subject of minimum wages should not be taken up in this Bill. The question of minimum wages for workers in this country is a big subject. And in fact, even with regard to textile labour, the hon. Member knows that after a great deal of enquiry lasting for a year and more, we have got the minimum wages settled and an industrial award given to the textile labour. Minimum wage is not contemplated in this Bill at all. Further, there is the Government of India that has got to take up this question into its consideration because, it is an all-India question affecting labour throughout the country and it is already going into the question of fixing minimum wages for a number of industries. I cannot therefore possibly subscribe to the view that the question of minimum wages comes within the scope of the present Bill, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On the point of order, Mr. Speaker, I wish to submit that the Preamble to the Bill states . . ."

MR. SPEAKER:—"No point of order has been raised by anybody. I myself asked the Hon. Minister whether this subject came within the scope of the Bill."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I want the Hon. Speaker to kindly state whether it is in order, Sir."

MR. SPEAKER:—"In my opinion it is out of order. It does not come within the scope of the Bill. So, I rule it out of order."

Clauses 29, 30, 31, 32 and 33 were put and carried.

Clauses 33-A and 33-B.

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I move—

that after clause 33, the following new clauses shall be inserted:—

"33-A. Every employer shall institute a Provident Fund or Insurance scheme and shall contribute a sum of not less than 10 per cent of the employee's salary towards the said scheme.

33-B. Every employee whose services are terminated by the employer or who has completed one year of his service under the employer shall be entitled to the entire amount in the Provident Fund or the insurance policy at the time the employee leaves the service."

"Sir, whenever a servant or employee is in service, he will get wages. But according to this Act, he will get wages for the period of holidays granted to him. But when he . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order, Mr. Speaker, in view of the ruling you have just now given, I believe the present amendment of my hon. Friend is out of order."

SRI K. ANANDAN NAMBIYAR:—"Provident Fund scheme cannot be out of order, Sir."

MR. SPEAKER:—"I wish to know from the hon. Member what he has got to say on the point raised by the hon. Member Mr. Abdul Hameed Khan."

SRI K. ANANDAN NAMBIYAR:—"Sir, when an employee leaves the service, he should be given a lumpsum amount in cash. That is the purpose of the provident fund system. We in railways have a provident fund scheme. One-twelfth of our pay is deducted from every month and one-twelfth is being added on to it by the railway administration and it is deposited in a fund. At that rate, at the end of every year of service, we get two months' pay as provident fund deposit. At the time when we retire or leave the service, we get the entire amount with interest added on to it and thus we get a lumpsum amount together with a gratuity of half a month's pay for every year of service. Here in this Bill, what I have proposed is not even to that extent. I have proposed the deduction at one-tenth of the pay, and have said that the employer should contribute another 10 per cent of the pay and

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constitute it into a provident fund. When the employee leaves the service all the accumulations in his provident fund account will be paid to him. This is an additional amenity. You find it in every other service. If an employee at the age of 45 or 50 has to leave his employment, he cannot go and seek another employment for himself, with the result that he will be left without any money for the rest of his life. What all I want is that he should be given something when he leaves service. As regards the second part of the amendment, there may be cases where an employee may be put into difficulties and has, all of a sudden, to give notice of one month, for leaving service. In such cases, he will be left in difficulties and it is for that purpose that I want the Hon. Minister to accept this amendment. If this amendment is accepted, the Government will not be committed in any way; it is only the employer that is concerned here. When an employee leaves service, he may be given the benefit of the provident fund; I do not at this stage say that the employer should also contribute to the fund; I shall bring in an amendment for that purpose at a later stage. The employer is not likely to lose anything by this arrangement; after all, this may involve some clerical work, some accounting, the maintenance of some register. So, apart from making the employer keep some register and also some funds at the disposal of the employee and keeping it in safe custody for the employee, this amendment does not involve anything. Therefore, Sir, the Hon. Minister must accept this amendment as a matter of principle, so that the employee may fall back upon something when he has to leave service. I appeal to the Minister, Sir, to accept it."

SRI PILLALAMARRI VENKATESWARLU:—"Mr. speaker, in supporting this amendment . . ."

MR. SPEAKER:—"Let the hon. Member reserve his speech to the end. I will first hear the Government opinion, then I will decide whether it is in order or not. If it is found to be in order, then he can speak."

SRI PILLALAMARRI VENKATESWARLU:—"In that case, I shall reserve my speech to the end, Sir. I second this amendment."

THE HON. DR. T. S. S. RAJAN:—"Sir, the question of provident fund is a subject by itself. The Government of India are undertaking legislation with regard to the provision of provident fund and when that comes, the Provincial Governments will have to fall into line with it. Therefore, we cannot consider the question now. Even as a matter of fact, I cannot imagine the suggestion made by the hon. Member as in any way a good one, i.e., that we should collect all the money and give it to the employer. One fine morning, the employer will be in Ceylon or somewhere else and along with him the deposit in the provident fund also will disappear. (Laughter.) I cannot understand how such a sane proposal comes from the hon. Members who speak so much on behalf of Labour. He does not know to whom this money will go and he does not know whether that man will continue to be as he is for 25 years or 50 years. This is a bad proposition and

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an impossible proposition. Moreover, this Bill before the House does not contemplate a provident fund, for the reason that this question is being considered by the Government of India and it will later be binding also on this Government when that law comes into being."

MR. SPEAKER:—"I am going to give my ruling. I told Mr. Venkateswarlu clearly that in case the point of order raised by Mr. Hameed Khan was accepted, then he need not speak. Mr. Hameed Khan's point of order was that this did not come under the scope of this Bill. I entirely agree with him and I rule this out of order."

Clause 34.

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, I move—

that for the words "to his neglect or default" occurring in sub-clause (2) (c) of clause 34 the words "due to his wanton negligence after it is proved" be substituted.

Let me explain to the Hon. Minister the position. Till now we have moved all the amendments for improving service conditions of the shop assistants; they were all either thrown out or ruled out of order. Now we come to an entirely different position."

THE HON. DR. T. S. S. RAJAN:—"May I point out that no employee is sent out from his job on a point of order raised. That is what perhaps the hon. Member is saying." (Laughter.)

SRI PILLALAMARRI VENKATESWARLU:—"An employee is not thrown out of order; this Bill at least does not provide for that." (Laughter.)

SRI N. S. VARADACHARI:—"I rise to a point of order, Sir. I do not think any Member of the House is entitled to say that anything has been thrown out because the point of order adversely affected him or the amendment he moved. I do not think any Member is entitled to say that any amendment of his is thrown out on a point of order raised. When a ruling is given on a point of order, it stands, and there should be no protest on that ground."

MR. SPEAKER:—"Yes, I agree; it means the hon. Member is questioning the ruling; I hope hereafter he won't do it."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, till to-day I have never questioned your rulings, nor am I going to question your ruling hereafter. This is merely a statement of fact. My Friend Mr. Varadachari is always capable of misunderstanding persons. When we bring forward amendments, they are expected to be in the interests of the employees on whose behalf most of the Congress members themselves have spoken previously. If I say this, I know my Friend Mr. Anwar will say that I do so only with a view to get a march over the Congress members and to win over people to my side. He has also already said that the Congress members in the House are being led into confusion

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by the two Communist members. My Friend Mr. Alluri Satyanarayana Raju gave him a reply in his own way. When we move our amendments, Sir, it is not with a view to steal a march over our Congress friends. Our main intention is to improve the position of these poor shop assistants or the teeming millions. Yesterday I remember my Friend Mr. Pattabhiraman saying 'Whatever you Communists say, we will not accept the amendment'. I can understand the spirit but that is not the plane on which we take our politics; our politics are straight; we put forward our political views and demand support from the masses."

MR. SPEAKER:—"Let the hon. Member come to the point."

SRI PILLALAMARRI VENKATESWARLU:—"According to the present clause (c), deductions are made whenever a slight mistake is committed, wantonly or unwantonly. For example, when a peon breaks one of the glass windows by sheer accident, according to this provision, deduction will be made from his wages. I do not know whether the Hon. Finance Minister will do that with his peon when he breaks glass windows. At the same time, I find the Hon. Minister for Labour has recommended this provision that the wages should be cut. I want the Congress members of the House to read this clause very carefully and see whether my amendment will not correct the position and give an opportunity for the shop assistants to be on a firm basis. My amendment specifically says that when an employee wantonly does a mistake, then his wages can be cut; but if the mistake is committed by mistake (laughter), what will these poor people do? Suppose in a shop where glass tumblers are sold, an employee by chance drops a tumbler, his wages are deducted. My hon. Friend Mr. Anwar should not be terrified at what we say; his League party also stands for the welfare of these poor people. Suppose our boys at home break tumblers are we refusing food for the boys? What is the punishment to be given when it is not done wantonly? I expect Dr. Rajan to reply. In a cloth shop, while cutting, some mistake will occur; and if the employee's wages are cut, what will he do; he cannot borrow or steal; both are prohibited. So, unless this amendment is accepted, the employees' position will be adversely affected. Our Hon. Minister for Labour has very reasonably raised the leave from 20 to 36 days. That is very commendable; we have faith in our Congress leaders. We were able to bring pressure on Mr. Prakasam and through him we were able to get five months' bonus for the textile workers. Here too we are confident; I appeal to the Hon. Minister to accept this vital and important amendment."

SRI K. ANANDAN NAMBIYAR:—"In seconding the amendment, I know, as a servant of the railway men, that this ambiguous clause will do great harm in day-to-day working. In railways too, there are rules saying that for the neglect of something or some misdeed, capital punishment should be given—which means removal from service for the employee. Capital punishment for a railwayman means dismissal for him. The Hon. Minister knows what a capital punishment means in a Court of law. For an employee capital punishment is dismissal. What

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we want here is to remove capital punishment by means of an amendment. We are not concerned with the policy or the programme or the thesis or the scope of the Bill. So, instead of merely saying neglect, we want 'wanton negligence after it is proved.' We request the Hon. the Minister to accept this amendment.

"Then, Sir, with regard to amendments generally moved here there is an impression among the Congress members that we are moving them as a matter of policy and for the purpose of canvassing votes. We are not doing anything here for the purpose of canvassing votes and getting through the elections. In this connection, I wish to read a telegram which I have received just now and it comes from the Bezvada Andhra Shop Employees Federation. This is what it says: "Request consideration of amendments". They feel, our own Congress Ministry will do this; they have always got faith in the Congress ministry and the Congress Ministry are exploiting that situation and passing such legislations. So, I beg to submit that this amendment is only a clarification of the definition and so, I suggest that it may be accepted. So, let this explanation once for all clear the doubts in the minds of the Congress members that we are canvassing votes. For canvassing votes we need not merely move amendments here. We can shout in the streets and address thousands of people. We are not addressing 25 people. The Hon. Minister should know that I have canvassed about 8,000 more already."

THE HON. DR. T. S. S. RAJAN:—"Sir, there has been plenty of noise. It may be a credit to the hon. Member for his capacity to use his throat not only for addressing 25 people but also 20,000 people. He is welcome to do it. But, this House cannot stand such a noise. The hon. Member has spoken as if he is addressing 20,000 members and the noise was so great. Some of the Members on this side also can shout and speak at such a voice as to drown the voice of the hon. Member."

"Now, coming to the amendment, Sir, I cannot understand why the word 'wanton' should be added before the word neglect. Neglect is an offence and it should be punished. The word neglect is sufficiently sensible English and anybody can understand it and it does not require an adjective. On the face of it, it is unnecessary to qualify the word neglect and so, I cannot accept the amendment."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of information, Sir. May I know from our doctor whether the hon. the Communist Member can stand persistent shouting and whether it will be good for his throat in future?" (Laughter.)

SRI PILLALAMARRI VENKATESWARLU:—"Of course, Sir, it is very difficult to convince the Ministry about the justness of our demand. All the same, we are confident that some Members sitting behind us are already convinced of our amendments in their hearts of hearts and I can see there is their

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moral support. But unfortunately they cannot vote. Apart from that, I am sorry to say that some hon. Members take it that it is for fun that we are moving these amendments."

MR. SPEAKER:—"Day before yesterday, the Hon. Minister had told the House, that the hon. the Communist members are in right earnest in moving their amendments."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, my amendment wants the words 'due to his wanton negligence after it is proved' to be substituted for the words 'to his neglect or default'. What I mean is that it may be neglect not purposely done then, in such a case, he must not be fined. The amendment is clear and it is nothing for the Government to accept it. But there may be cases in which the neglect is not due to any fault of the employee and it may be difficult for giving evidence of this; but all the same, I stand on the firm ground that this amendment would benefit the employees. I know that because I have presided over so many of their meetings and conferences and they wholeheartedly supported this amendment. If in spite of these, the Congress benches are not accepting this amendment, I am only sorry for that. With these words, I move the amendment, viz.,—

"For the words "to his neglect or default" occurring in sub-clause 2 (c), the words "due to his wanton-negligence proved" shall be substituted."

THE HON. DR. T. S. S. RAJAN:—"Now, Sir, with regard to the word 'neglect', there is no confusion whatever and so, in spite of the appeals, which the hon. Member has been making since yesterday, I cannot possibly, with the knowledge of English which I possess, accept the amendment."

The amendment was put and lost.

MR. SPEAKER:—"Then the next item is the amendment of Sri K. Bhashyam. The hon. Member is not in his place."

SRI K. ANANDAN NAMBIYAR:—"I will move on his behalf."

MR. SPEAKER:—"The hon. Member can move the amendment of Sri K. Bhashyam only with the permission of the House. I want to know whether the House gives permission to Sri Anandan Nambiyar to move the amendment. Now, I will read the amendment of Sri K. Bhashyam. It says:

"In clause 34 (2) the following shall be added at the end:—

"(1) deductions made with the written authorization of the employed person in repayment of any loans advanced by the employer, provided such deductions shall not exceed one-tenth of the wages payable to the employed person for a month's service."

THE HON. DR. T. S. S. RAJAN:—"It is against the Wages Act, Sir."

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MR. SPEAKER:—“ Apart from that, I wish to know from the House whether it gives permission to Sri Anandan Nambiyar to move the amendment.”

[Leave of the House was not granted.]

Clause 34 was put and carried.

Clause 35.

SRI PILLALAMARRI VENKATESWARLU:—“ Sir, my amendment is—

‘ For the existing clause, the following shall be substituted:—

“ No fine shall be imposed by the employer upon the employee.” ’

It is a very simple amendment and it is very clear. That is why I am not taking much time to explain this.”

[The hon. Member began to read the whole clause.]

MR. SPEAKER:—“ The hon. Member need not read the whole clause.”

SRI PILLALAMARRI VENKATESWARLU:—“ The whole clause is very vague, Sir. There is nothing definite about it and so, I am reading it. In the explanation, it says:

‘ When the persons employed are part only of a staff employed under the same management, all such realizations may be credited to a common fund maintained for the staff as a whole, provided that the fund shall be applied only to such purposes as are approved by the prescribed authority.’

Section (2) of this clause says that no fine shall be imposed on any person save with a previous notice specifying such acts and omissions and that such notice specifying such acts and omissions shall be exhibited in the prescribed manner on the premises in which the employment is carried on. In this section, nothing has been made definite. For what purpose the notice is going to be exhibited and whether the Government is going to protect the rights of the employees and for what purpose the authorities should give notice are all left vague in this clause. Government want authority for what they are going to provide in the rules. This is a very serious matter which affects the employers themselves. Is the employer not entitled to know the reason why he should give such a notice to his employee? The Government want power in their hands beforehand even before making the rules and they are not certain of what they say. If the Government impose a condition, it should have been made clear for what purpose that it is done. So, Sir, instead of having a whole clause with all the indefiniteness about it, my amendment says that the whole clause may be omitted and that no fine shall be imposed by the employer upon the employee. If the Government think that such a clause is essential, then they may bring in a resolution on the floor of

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this House explaining for what purpose it is required, but instead of that, Government wants the sanction of the House beforehand without clarifying the purpose of the clause. So, I think, it is the greatest fraud committed on the whole House. With these words, I move my amendment.”

SRI K. ANANDAN NAMBIYAR:—“ While seconding the amendment of my hon. Friend I ask whether it is right to impose a fine of half-anna in the rupee of the wages payable to the employee. This clause is a reproduction of the Payment of Wages Act, but as a matter of fact, as my hon. Friend has pointed out, there is nothing definite about it. For what reason the employer should give notice specifying such acts and omissions is left vague. It is left out for the Government to decide under their rule-making powers. Let them decide but why should there be an appendix? So, we wanted that fine should not be imposed as a matter of punishment because it is the worst form of punishment. We can understand warning as a punishment and it has been fundamentally accepted as a punishment. I submit that fine as a punishment may be used against the employee in season and out of season. That is why we want that fine should not be imposed as a method of punishment.”

THE HON. DR. T. S. S. RAJAN:—“ Sir, the idea of the amendment is the very negation of the Bill itself. They do not want punishment, they do not want fine and if the amendment is accepted nothing can be done to an employee and he can merely count his holidays. On the other hand, the intention of the Bill is not that. The employer who pays his assistant must have some power over lapses in conduct of his employee and so many other things. Fine is one of those acknowledged punishments in all the civilised countries of the world wherever there is an employer and an employed. This practice has been in vogue and what is provided in the Bill is only some safeguards, certain controls, so that a line of action to be followed by the employer is provided and those employed by him can also take refuge under the Act if the employer does anything against the Act. We have provided for all these. So, Sir, we cannot accept the argument that there should be no punishment, no fine, etc. This big clause has been put in merely to safeguard and to restrict the indiscriminate punishment of the employee. Therefore, I cannot accept the amendment moved by my hon. Friend.”

SRI PILLALAMARRI VENKATESWARLU:—“ I am sorry we are misunderstood by the Hon. Minister. We never said, there should be no punishment, no fine and everybody should go scotfree. Since there is no clear indication in the clause as it stands as to the line of action which they want to pursue, I only request him to let us know what is the line of action contemplated in the clause. We are only anxious that no arbitrary powers should be given to the despotic officers or employers in order to harass the shop assistants. It is for this purpose I commend the amendment.”

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THE HON. DR. T. S. S. RAJAN:—"On a point of order, Sir. I would like to know whether the mover of an amendment has got a right of reply on every amendment."

MR. SPEAKER:—"Yes. The rule says so and I must follow the rule."

The amendment was put and lost.

Clause 35 was put and carried.

Clause 36.

SRI PILLALAMARRI VENKATESWARLU:—"Sir, I beg to move the amendment that stands in my name, namely:—

(1) *The following shall be added at the end of sub-clause (1):—*

"and such deductions shall be proportionate to the period of time he is absent;" and

(2) *that sub-clause (2) shall be omitted.*

"Sir, I would like to add the above amendment so as to make the intention clear.

"Sir, as regards sub-clause (2) whenever a person absents himself from duty it is but natural that his wages should be deducted, but the question is how much of the wages should be deducted. If the salary of a person is on a monthly basis and supposing a person is absent for a day his pay for the day will be deducted. On the other hand, if he absents himself for half-a-day, how much of his wage you are going to cut? That is the question, Sir. According to the clause, if he absents himself even for half-a-day the whole day's wages can be deducted. Is it justifiable, I ask? I request hon. Members to consider the question very carefully and see whether the shop assistants are going to benefit by this provision at all or not. The only question is the shop assistant's pay for the whole day should not be deducted if he absents himself for half-a-day. I have nothing more to add. I request the Hon. Minister to accept this amendment."

SRI K. ANANDAN NAMBIYAR:—"I second the amendment. We are also getting tired of moving amendments one after another and getting defeated. I request the Hon. Minister to see that at least a proportionate wage cut is allowed. According to the Payment of Wages Act if a worker absents himself even for a day deliberately, even eight days' wages can be deducted, considering that he has absented himself with a view to strike. There is such an over-riding clause in the Payment of Wages Act. If this amendment is not put in here, they may even do it and we want to safeguard the employee against such a contingency. So I request that if a worker absents himself for an hour or two proportionate wages may be cut. I hope the Minister will accept this amendment."

THE HON. DR. T. S. S. RAJAN:—"Sir, from the number of amendments moved by the hon. Member, I am forced to conclude

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that there is an attempt on his part to escape more or less punishment relating to cutting off of wages. There is no doubt about it at all. Clause 36 clearly lays down that 'deductions may be made under clause (b) of sub-section (2) of section 34 only on account of absence of an employed person from the place or places where by the terms of his employment he is required to work, such absence being for the whole or any part of the period during which he is so required to work.' Then there is also the proviso which deals with the matter. So, Sir, if I accept the amendment there is no need to give notice and the power of cutting a certain portion of the wages for misconduct on the part of the employee will also be taken away. That is to say, he may do anything he likes, he may stay away for a long period and he need not also give strike notice and if the employer cuts his wages then there is agitation. Therefore, Sir, by accepting the amendment the whole frame-work of the Bill reduces itself to an absurdity and I cannot accept it."

The amendments were put and lost.

Clause 36 was put and carried.

Clauses 37, 38, 39 and 40 were put and carried.

New clauses 40-A to 40-D.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—

'that after clause 40, the following new clauses shall be added:—

"40-A. Every employer shall be bound to recognize a Trade Union of employees which has been registered under the Indian Trade Union Act and which has not less than 33-1/3 per cent of his employees as members of the Union.

40-B. No employer shall dismiss or reduce any employee or punish him in any manner by reason of the circumstances that the employee (i) is an officer or member of a registered Trade Union; (ii) has appeared or intends to appear as party or witness in any dispute between the employees and the employer; (iii) is an officer or member of an organization the object of which is to secure better conditions of service; (iv) or has gone on or joined a strike of the employees.

40-C. Whoever contravenes the provisions of section 40-B shall on conviction be punishable with imprisonment or fine or with both.

40-D. The Court trying an offence under this section may direct that out of the fine recovered such amount as it deems fit shall be paid up to the employee concerned as compensation."

"Here again, Sir, I anticipate the Hon. Speaker may say that the amendment is out of order. I would like this addition in the Bill so that the right of representation by a constituted

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Trade Union to be recognized by the employer. Though I have provided for a membership of 33-1/3 per cent in the amendment I am prepared to reduce it still further, say 10 per cent."

MR. SPEAKER:—"I want to know whether it comes under the scope of the Bill."

SRI K. ANANDAN NAMBIYAR:—"Yes, Sir, I think it comes under the scope of the Bill."

MR. SPEAKER:—"As the hon. Member is aware the title of the Bill says, 'A Bill to provide for the regulation of conditions of work in shops, commercial establishments, restaurants, theatres and other establishments and for certain other purposes.' Here the hon. Member brings in the Trade Union which is governed by a different Act altogether."

SRI PILLALAMARRI VENKATESWARLU:—"You referred to conditions, etc. I want to know what are the conditions to be required under this Act. My submission is that simply because the framers of the Bill and the members of the Select Committee have either by mistake or otherwise omitted certain provisions which are essential for these services, should we be denied the right to bring forward amendments at this stage? I want your ruling on this matter, Sir."

MR. SPEAKER:—"It does not come under the scope of the Bill."

THE HON. DR. T. S. S. RAJAN:—"The idea of legislating for Trade Unions has not been contemplated at any time and it does not come within the purview of any of the sections here. That is a separate Act and separate rules have been framed for that. I do not see how a new section in this Bill can bring into force the Trade Unions Act in this legislation."

MR. SPEAKER:—"I have already informed the hon. Mover that this amendment does not come under the scope of the present Bill and so I rule it out of order."

Clause 41.

3-45 P.M. SRI PILLALAMARRI VENKATESWARLU:—"Sir, I move—

"After the words 'No employer shall dispense with the services of a person employed,' the words 'unless it be a case of criminal offence proved in an impartial open enquiry or that of the closure of the establishment and that too' shall be inserted."

"Sir, this clause gives extraordinary powers to the employers which they are not enjoying to-day. That is the main defect of this clause. This clearly says that if a person is employed by a shop-owner or a hotel-keeper for a period of less than six months he can dispense with his services without any notice. He can throw him in the streets and leave him to his fate. That is what

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this clause wants, Sir. To-day, Sir, because of Trade Unions they enjoy certain rights. Here comes a legislation which in a way affects the rights of that body also. This Bill gives power to the employer to dispense with anybody's services if he is in service for a period of less than six months. That is my first objection, Sir."

SRI R. V. SWAMINATHAN:—"On a point of information, Sir. As the hon. Member has moved a number of amendments for almost all the clauses of the Bill, I want to suggest that instead of bringing them up one by one it is better if they are put to the vote of the House at one time."

MR. SPEAKER:—"I thought the hon. Member wanted some explanation from the hon. Member who is speaking. The hon. Member Sri P. Venkateswarlu may continue his speech."

SRI PILLALAMARRI VENKATESWARLU:—"Speaker, Sir, hereafter I request you to protect us from such interruptions."

MR. SPEAKER:—"Order, Order. It is not possible for me to know what is going to come from the hon. Member. Only when I hear him I can give protection."

SRI PILLALAMARRI VENKATESWARLU:—"My first objection to this clause is that an employer can dispense with the services of an employee who is with him for less than six months even without giving notice. Till to-day his rights are being protected. Now this clause authorizes such employers who have a vengeance to take advantage of this clause in this Bill. After the passing of this legislation they are going to enjoy 36 days as holidays with pay. If the employer wants to overcome this provision this is the best way of doing it. He can ask anybody who has not put in six months service to go away and be done away with them. Then he need not pay him any leave salary. That is one of the main defects in this Bill.

"Mr. Speaker, Sir, I want some more time and I cannot finish unless I speak for a little longer. This is an important amendment. Sir, the main difficulty with regard to this is that an employer can terminate his services without giving him even a chance to explain.

"Another defect is in cases of more than six months service employers can dismiss such persons with one month's notice or one month's pay in lieu thereof. I want to know from the Minister for Labour how he will justify this when he wants to protect the interests of labour. Is he going to protect the labourers or the shop-keepers and hotel-keepers who have earned lakhs and lakhs? I do not understand. This is a very serious defect. It is wrongly framed and I am sure the advisers to the Hon. Minister have wrongly worded the clause. We refuse to accept the clause which will seriously affect the interests of workers. It does no justice whereas my amendment does justice to the employer as well as

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the employee. The Minister may say that without these stipulations there will be anarchy. How can we avoid fines and other things? You can fine and for that my amendment makes provision. My amendment clearly states if it is a criminal offence proved in a court of law or an impartial enquiry you can dismiss, fine them and so on, but instead of proving the fault you want to punish him. Sir, because this Bill gives such facilities to the employees naturally most of these employers will take cudgels against them to overcome the provisions of this Bill and bypass this legislation which the Hon. Minister is unable to understand. That is the main defect in this clause. I hope that most of the members will raise their voice in this case in protest of this clause as they did in the case of the leave clause and protect the interests of the shop assistants. With these words I move my amendment, Sir."

SRI K. ANANDAN NAMBIYAR:—"In seconding the amendment, Sir, I wish to tell what happened in the South Indian Railway strike that came in August 1946, the biggest strike in the history of India. That was exactly to vindicate the point which is being discussed now. We wanted to safeguard the workers who had been dismissed or sent away from service without any enquiry or after a farce of an enquiry and against the sweeping powers enjoyed by the employers. I can assure you never will the workers accept this and they will have to raise their united voice and there will be more strikes. It is no use saying that the Communists are engineering such strikes. Because it is provided there in the Bill the employers will take advantage and dismiss the employees with a month's notice or pay. An employee may be a member of the Trade Union, or office-bearer of the Union. That member can be dismissed from service by the employer after giving one month's notice or one month's pay. In fact there is no need for such notice when the charge is for misconduct. Enquiry never means with regard to a private concern an enquiry in a court of law. An enquiry will be conducted departmentally where third parties will not be allowed to come in. It may be conducted by the very same Manager in charge of the man and some of his assistants will be put on the Committee and they will naturally support the Manager. Then the finding will be that there is serious misconduct and the person will be discharged and there the matter will end. It is circumventing the necessity for even one month's pay. The employee is left at the mercy of the employer. We are raising our voice against this because there must be some security of service, Sir. I say that there should be some reasonable security of service for every employee. I do not say that the employee must behave badly and then demand that no punishment should be meted out to him. I do not say anything of that sort whatever be the form of Government we have and I never say that there should be indiscipline. I say this clause is ambiguous. Misconduct should also be defined and what serious offences are should be defined. Without these additions there is no meaning in this clause. This will mean that there is no security of service

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for the employee and any moment an employer can dispense with his services. I therefore request the Hon. Minister to accept the amendment that I have moved."

THE HON. DR. T. S. S. RAJAN:—"Sir, for the benefit of the House I will just read clause 41:—

'No employer shall dispense with the services of a person employed continuously for a period of not less than six months, except for a reasonable cause and without giving such person at least one month's notice or wage'

"It simply means that no man can be dismissed from service unless certain things happen. That is really what is meant by this clause. Therefore, in all fairness the continuity of service and punishment or dispensation of service on frivolous charges is entirely protected but if you want that there should be an enquiry in a court of law on a criminal charge, well under those circumstances no establishment will continue for more than two days. The employers and employees are guided by certain rules in this Bill which gives protection to both of them. I do not see why all this unnecessary wordings as suggested by the hon. Member should be added. That is an impossible thing. He says this:—

'No employer shall dispense with the services of a person employed unless it be a case of criminal offence proved in an impartial open enquiry or that of the closure of the establishment, etc.'

"There is no question of the employer coming in with regard to the criminal offences. With regard to the impartial enquiry, I do not know what is meant by that. Then there is reference about the open enquiry and the closure of the establishment. No institution can carry on under these conditions. After all this law applies from a pan shop onwards that is where there may be only one or two men employed. If this elaborate procedure is enunciated the man will stick to the employer for ever and will make life a hell for him. Sir, with these words I oppose the amendment."

SRI PILLALAMARRI VENKATESWARLU:—"I can 4 p.m. understand, Mr. Speaker, the Hon. Minister's anxiety to protect the interests of the small pan shop employer and in that I am with him and I have no objection to his being exempted from the provisions of this clause. But my point is, Sir, why in the name of these small people, big establishments like Spencers or Parrys and big hotel-keepers should be left out. That is the point which the Hon. Minister must bear in mind, but unfortunately that has not been done. He is asking how an impartial enquiry is possible and he is ridiculing the amendment. I have been saying from the beginning that we could exempt the small shop-keepers as we have powers under the Act to do. But I cannot agree to big concerns being left out and allowed to take vengeance upon those whose cause I am now fighting for. Further there is a lacuna in his argument. He says that impartial tribunals

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are not possible and regarding that, my submission is that Government have already machinery which functions for this purpose and I do not think it is impossible to increase that."

THE HON. DR. T. S. S. RAJAN:—"The question is that the partiality or the impartiality of it may be questioned by any gentleman and the Government will be put to the necessity of showing to him how Government have instituted an impartial tribunal. That is the difficulty."

SRI PILLALAMARRI VENKATESWARLU:—"The Hon. Minister is confusing small shop-keepers with big concerns and for that I am suggesting that the small men might be left out. Even in the case of big concerns, it can be implemented. I will explain how. Even to-day Government are appointing adjudicator courts on grounds of their impartiality and they deal with things justly and equitably. In the same way justice can be done in these cases also. It is not an impossibility; we are not demanding impossible things. I feel the Hon. Minister wants to escape behind the plea put forward on behalf of the small pan shop-keeper. My suggestion for it is that they may be exempted from the provisions of the Bill and I am repeating it once again that it might be done. I commend the amendment for the acceptance of the House."

THE HON. DR. T. S. S. RAJAN:—"If it is a question of escaping the provisions of the Bill, Government need not have taken upon themselves the trouble of bringing it before the House and have three days of anxious debate over it. The hon. Member is entitled to plead for justice but in wanting for what he says is just for one set of people let us not be hard upon those people who employ them. Just as we are willing to deal very fairly with those that are employed, let us also deal in a like manner with the others and that is what is meant by this Bill. I do not like the insinuation to be made against Government after they had taken this trouble of bringing this Bill on the statute book."

The amendment was put and lost.

MR. SPEAKER:—"Mr. Bhashyam in whose name the next amendment to add two provisos to clause 41 (1) stands is not in his place."

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, I wish to move the amendment standing in the name of Mr. Bhashyam."

MR. SPEAKER:—"The hon. Member must have the permission of the House to do it."

"The House declining leave to Mr. Anandan Nambiyar to move the amendment, it was passed over."

Clause 41 was put and carried.

Clauses 42, 43 and 44 were put and carried.

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Clause 45.

SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, I beg to move—

For the words "twenty-five rupees" occurring in sub-clause (1), the words "rupees five hundred" and for the words "two hundred and fifty rupees" the words "five hundred rupees" shall be substituted.

The object of my amendment is that the punishment must be a bit severer and it is very simple. I am sorry to say that though some of our amendments are simple and verbal and others are more simple, they are all objected to and rejected and our solace lies in our explaining it fully irrespective of what may happen to them. This clause clearly indicates which way the opinion of Government is inclined. It has been provided that for the first offence the fine may extend to Rs. 25 and for a second or subsequent offence, the fine may extend to Rs. 250. You must see, Sir, that Rs. 25 is perhaps the earning of one hour for a big concern and even Rs. 250 may perhaps mean the profit for a day and if the punishment is so lenient the whole scheme of the Bill will be of no avail and they will contravene the provisions of the Act without caring for the consequence. The object of my amendment is that the punishment must be more drastic. A strict attitude has been taken with regard to the employees and my submission is that an equally strict attitude must be taken towards the employers also. We can easily anticipate the arguments of the Hon. the Labour Minister, bringing forward the case of the small pan shop-keeper. But for that I say the Magistrate may fine him Rs. 25 or may not even fine him at all. Only the maximum is provided for here. I do not understand why the big concerns should escape in the name of the small shop-keepers. They must act according to the law and if only small punishments are provided for, how will there be justice. Is it not our job to see that justice is done? They are very strict to the employees and when it comes to question of considering their case, Government are unable to understand them, much less accept them. In the case of the employers, fines are so insignificant that they do not even represent an hour's profit. I do not understand why they should lean towards the employers. That is my concern and I demand that the punishment must be made more stringent."

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, I wish to submit that according to the Payment of Wages Act the minimum punishment is Rs. 500. The fine provided here is very small, indeed ridiculously small and I even feel it is undoing the provisions of the Payment of Wages Act instead of conforming to it. That Act says that if a particular employer asks his men to work beyond a particular hour without any reasonable notice or overtime, he can be punished to the extent of Rs. 500. If such a thing is done by employers here, he can even be fined Rs. 5 and the maximum is only Rs. 25 for the first offence. For the big companies like Spencers, Parry and other big establishments, this would be a very small affair and that is why the ceiling figure

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is suggested by my hon. Friend. I feel that we must not undo the Payment of Wages Act by bringing in this legislation. I am particular about the punishment and I expect the Minister will see the point of our amendment."

THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, I do not see how there can be any parallel between the punishment provided for in the Payment of Wages Act and this Bill. Each offence is judged on its own merits. Government's intention is to levy a small fine for small offences and it cannot make legislation ridiculous or impossible by inflicting enormous fines for trivial offences. I am sorry I cannot accept the amendment."

SRI PILLALAMARRI VENKATESWARLU:—"The Hon. Minister has told the House that by accepting the amendment, the Act will be rendered ridiculous. But on the face of it, the provisions regulating fines are ridiculous. Think for a moment what is fining big establishments and big shop-keepers Rs. 25 which will not even represent an hour's earning for them, not even a minute's profit for them. Is not such a thing ridiculous in the eye of the law? Secondly, Sir, they are very strict with the employee in regard to the collection of fines from them; but when it comes to a question of big companies and concerns, they do not want to provide for equally stringent punishments. Instead of answering those points the Hon. Minister says that the effect of the acceptance of the amendment would be to make the Bill ridiculous. I am sorry as it stands it is ridiculous and we wanted to improve it so that the Government might at least be benefited by way of increased returns from fines. With these words, I commend the amendment to the whole House."

THE HON. DR. T. S. S. RAJAN:—"The Government can carry on without fines of this nature. I oppose the amendment."

The amendment was put and lost.

Clause 45 was put and carried.

MR. SPEAKER:—"There are no amendments to clauses 46 to 53 and I shall . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of order . . ."

MR. SPEAKER:—"I can anticipate the point of order which Mr. Hameed Khan is going to raise and that is whether the Chair has got the power to put them all in a bunch. I can point out to the hon. Member the authority on which I rely and I shall read it out."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to submit that if you put all the sections together, it will not permit any Member to speak on a particular clause."

MR. SPEAKER:—"If that is the position, I have no objection. But because there was no amendment, I took it that nobody was inclined to speak on the clauses and therefore suggested that they might be put all at once. Does the hon. Member wish to speak on any of the clauses?"

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am not anxious to speak on any clause. But the right of any Member to speak on any clause can be exercised only if you put them one after the other."

MR. SPEAKER:—"Then on the assumption that there is somebody to speak, I am going to put clause by clause."

Clauses 46 to 53 were put one after the other and carried.

Clause 1 and the Preamble were put and carried.

THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, Sir, 1 p.m. move—

that the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947) be passed into law.

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, all this day we have been discussing every clause and every sub-clause of this Bill very carefully. Of course, with the best of intentions and with the best motive, we were carrying on our discussions, and now the Bill has come to the final stage. If we pass it here, it will go to the other House, and after it is passed there it will become law. But we have to consider now, how far we have improved the Bill. If we go into that question, we will see . . ."

MR. SPEAKER:—"We have now come to the third reading stage. The hon. Member should speak only on the clauses that are in the Bill. He should not go into any extraneous things not in the Bill."

* SRI PILLALAMARRI VENKATESWARLU:—"Yes, Sir; we have to see now how far we have improved the Bill; what are the defects that we have rectified. If we just verify that, we will come to the conclusion, except in one case, the Bill is almost the same as it emerged from the Select Committee. Of course, I congratulate the Minister for Labour for bringing his own amendment for giving 36 days leave on the whole to the shop assistants in a year. For that he deserves our congratulations, and on behalf of all shop assistants I congratulate the Hon. Minister for that. But we have to point out several defects that have not been rectified. As a matter of fact in the payment of fines the Bill is defective, and I hope at least in framing the rules the Government will take our suggestions into consideration. Unless it is done shop assistants will be penalized by this Bill. My final observation on this Bill is, even though we give 36 days leave with pay, there will be no substantial effect felt in the working of this Bill. That is a serious defect which, I hope, will be rectified sooner or later. I hope the Government will bring in an amending Bill soon to rectify the defects, so that, as was said by Mr. T. S. Pattabhiraman, the Communists may not take a stolen march."

* SRI K. ANANDAN NAMBIYAR:—"Sir, I had the honour of taking part in the deliberations of this Bill, which I studied

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fully well. I am sorry to be here, because the labour which I represent is already enjoying most of these things now under legislation. Because I see workers here are still dreaming to get so many things which their brethren elsewhere are already enjoying. They are old things which Government should have given earlier. 'Eight hours work a day' and 'forty hours work a week' are already put on the statute book long ago. When labour itself is governing the country in so many places, here labour is appealing to Government to do this and to do that. I must also say I had the misfortune to take part in such deliberations. I tried my best to get the needs of labour satisfied, and to see that better conditions are secured for the workers. But here I see there is no hope of getting them satisfied. I go back home feeling that no substantial help is given to the shop assistants. It is no credit to my party. If we go to other parts of the country they will laugh at us. So, I appeal to the Hon. Minister to bring an amending Bill fixing minimum wage, fixed hours of work and trade union rights to workers; or else I will be forced to bring a non-official Bill. But I do not know whether we will come here, because we have to take our chance in the elections."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir. I congratulate the Minister for Labour on the passing of this ameliorative measure. On the last occasion, the Hon. Dr. Rajan was Minister, that is, during the last Congress Ministry, he brought forward an ameliorative measure entitled "the Public Health Act." In those days I was not a member of the Assembly; but in my individual capacity as a citizen of the land I did my part to give wide publicity to his Bill; so long as the Hon. Dr. Rajan was in office steps were being taken to implement the provisions of that Act. But thereafter a considerable amount of apathy crept in, and now that Act is respected more in its breach than in its observance. But, Sir, so far as this Bill is concerned, I am sure no such apathy can creep in, because labour is vigilant, labour is alert, labour is going to assert its rights and no employer in these days can afford to neglect the time-spirit and exploit labour as was done in the past. Therefore I expect that this Bill will not stand on the statute book as a dead letter, but will be implemented. Some of the Communist members demanded more holidays—I find that they are in a holiday spirit and in a holiday mood—and despite the fact that the Government were reasonable in their Bill with reference to this matter, the Hon. Minister was generous enough to meet them half-way and to extend the period of leave.

"Sir, I am also most gratified with the provisions contained in Chapter IV, because children under 14 are now prohibited from being employed. This measure was long overdue, and I congratulate the Minister in having inserted this clause in the Bill. I am also glad to find that young people under 17 are prohibited from working in any establishment before 6 a.m. and after 7 p.m.

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"But, Sir, I have a complaint to make, and that is that women's cause has been neglected and left unheard (laughter) and that nothing has been done with reference to the removal of their disabilities and hardships. Sir, it is not so much the Government that are to blame in regard to this matter—for in the original Bill they did have the intention of giving some redress to women—as the Members of the Select Committee which consisted of only men. (Laughter.) It is a pity that there was no woman on that Committee. Since women's interests are involved in practically every measure and since they too form parcel of society as much as men I appeal to the Government to see that one woman at least is appointed in practically every Select Committee hereafter, so that woman's cause may not suffer from neglect and the men in the Select Committee may not treat women's problems with disregard. (Laughter.) I am glad many benefits are conferred on the workers by this Bill. But one thing I was surprised to note, and that is that no provision has been made for the payment of weekly wages and that the employee has to wait practically for five weeks before he receives his wages. In these days, I find that workmen cannot afford to wait for one full month or five weeks to receive their emoluments, but are hard up for money at the end of a week. In Western countries, low-paid employees are paid weekly. The same system should be adopted in India so as to help the workers to keep out of debt or extravagance. It would be much better if the Government, instead of prescribing monthly wages, prescribe weekly wages, as is in vogue in England and other Western countries. I hope the employers will be generous to their employees and see that they do not fall into debt for want of money for their daily expenses. High-paid officials can afford to wait for a month for their salary but not low-paid employees.

"There is another point to which I should like to advert before I conclude, and that is, under this Act, the provisions are to be enforced through the Inspectors that are to be appointed. Here I should like to utter a word of caution. In view of the fact that certain minimum standards of ventilation, cleanliness, lighting, precaution against fire, etc., are to be maintained in the various establishments, the Inspectors will have to be vigilant. Hence I feel that if this Act is to work properly, the Government should see to it, that Inspectors are carefully chosen, I mean, those who are of the right type should alone be appointed, particularly those who are incorruptible and they should be duly remunerated, for then and then alone will this Act prove a success. With these words, I express my great pleasure that this Bill will soon become law."

[SRI V. I. MUNISWAMI PILLAI:—"Sir, I rise to congratulate the Minister for Labour for bringing this piece of legislation, which will certainly go a long way to improve the lot of those unfortunate people who have been working in shops and other establishments. I think, Sir, this will be the first legislation that has so far been taken up by a popular Ministry to bring

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home some relief to the workers. There are many kinds of labour which have not been so far touched, and I am sure the Minister in charge of Labour will consider those cases and bring in legislation in the near future. There is a lot of agitation made and disappointment felt in several fields of labour in the matter of wages and leave facilities and other things, and they have not been so far touched at all.

4-30
p.m.

"I am sure that the small legislation that has been brought forward in this House and which will go into the statute book will show to the world that the Congress Ministry is not behind anybody in taking up the cause of those people who are employed in these small shops, restaurants and other places. At the time of framing rules for implementing the various provisions of the Act, I am sure the Government will see that the small shop-keepers are not lost sight of. In our experience, we have known that the small shops which started with very small capitals have in due course developed into very big institutions and the proprietors have made enormous money at the cost of the health and convenience of those people who have been attached to those small shops and restaurants. I am sure, Sir, that the facilities which the Bill affords to these workers will be received with universal satisfaction in the Province. With these few words, Sir, I support the motion before the House."

* SRI B. S. MALLIKARJUNA RAO:—"Sir, on this occasion, one will be failing in his duty if he did not remember the framer of this Bill, Sri V. V. Giri, who has been the predecessor to the Hon. the Minister for Labour. It is due to his effort that this Bill as well as the other Bill, namely, the Non-Power Factories Bill have come to-day into existence. I must also congratulate the Hon. Minister for the assiduous way in which he has rushed the Bill to its present stage. To-day I have received a wire from the Shop Employees' Federation congratulating the Hon. Minister for at least bringing this measure without much delay. That shows how the whole Province has been anxiously waiting for this measure. No doubt, Sir, this measure is not complete in itself but notwithstanding that fact, it is my opinion that it is clearly an advance measure, when compared to the Factory Act. This measure is the first of its kind so far as the small businesses, shops and other establishments are concerned. In this, we have certain far-reaching provisions of an ameliorative nature, for example, holidays with pay. We find to-day that in most of the industrial concerns they are giving week-end holidays without pay. They are getting work done for all the 26 days and for the 4 days on which the labourer wants to take rest, they ask him to go without pay. Here a holiday is secured to the labourer with pay. Another feature of the Bill is the security of employment. What is the security? A man who has put in a continuous service of more than 1 or 2 months cannot be easily removed from service. He is given a tangible assurance that unless it is on the ground of misconduct it is not possible for the employer to remove him from service. An appeal is also provided for in this Act as against

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any unreasonable dismissal or discharges. So a security which labour has been agitating for in each and every union has been afforded by this Act. As regards overtime, they are given double the normal pay for working beyond the normal hours of work. The provision of normal hours of work may not be satisfactory so far as the present demand of labour is concerned but we feel that the limiting of the normal hours of work to eight is a definite advance. I have heard a criticism from the opposite side: 'You are giving more facilities, you are lessening the hours of work, you are giving more holidays and thereby you are making the workers idlers.' But I may say that what is provided for in this legislation when compared to Government holidays under the Negotiable Instruments Act, the summer holidays and the holidays under the leave rules, is very little. These leave rules are absolutely essential if we really intend the welfare and health of labour. Recuperation is very necessary; otherwise it does not contribute to the efficiency of labour. Labour also requires recuperation just as any machinery requires overhauling. Not only that. If you want efficiency in production the worker should recuperate periodically. Otherwise there will be no efficiency. It would be foolish to expect that a man working for more than eight hours will put forth larger amount of work. That is not the case. You can take it for granted that a man who works after six hours is not putting forth the normal work that is expected of him. It is humanly impossible, except that it gives satisfaction to the employer that he has made the employee work for more than eight hours. Even we who sit here hearing speeches if we sit for more than six hours get jaded. Then what about the manual labourers who have toiled with their sinews? In respect of their case, we have really to make a measure whereby they would not be made to work for more than a particular limit. That is what we have secured in this measure.

"Then there is the chapter relating to the health and safety of the workers. We want to regulate their working conditions. The premises where they work should be kept clean. They are given hours of rest. We have provided for their resting. We have provided for ventilation, urinals, etc. I would request the Government to make the rules in order to make provision for regulating the maintenance of premises of these concerns where the workmen work and other things carefully. The rules should be made in order to secure better sanitary and health conditions for the labourer.

"It was said on the other side, Sir, that we have not made provision for provident fund, or for the recognition of the associations of the workers in these concerns. It is said that we have not made provisions in respect of wage standards. I may say, Sir, that so far as this legislation is concerned they are out of place here. But those provisions are also essential and I would suggest that the Government should see that the Provident Fund Rules are applied to these concerns according to their capacity. There is nothing to prevent the Government from applying the provisions of the Provident Fund Rules to these concerns.

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"As regards the recognition of the Associations, one need not be diffident that no such provision is made in this Act. The Trade Union Act is going to be amended. But for the present circumstances that we have at the Centre, there would have been a provision whereby recognition would have been made compulsory on the part of every concern. About that our friends need not be diffident. That is going to be done by means of a separate legislation."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am glad, Sir, that we are passing a measure in this House to give relief to the labourers who are serving in organizations like the commercial establishments, restaurants, theatres and other establishments in this Province. The classes of people for whose benefit we seek to legislate to-day are the people who were neglected for a very long time. There was no security of tenure for them, because they are not treated as industrial labour. There was nobody to control the hours of work or the day on which they could be out of work and have a holiday. All these things were not controlled. The shop-keeper or the person running a restaurant had no control over his own hours of work, for the people believe in making the last pie till late in the evening or till midnight. He had never any idea as to how long he should carry on his business. He would go on till about 10 p.m., or some business houses are kept open even throughout the night. Not only was the proprietor of the concern keeping himself always busy with his work and tiring himself but he was keeping his employees and workmen also working without any time limit, or holidays. There has never been security of tenure and there was no control whatsoever with regard to wages. Punishments such as flogging, caning, etc., have been prevalent in these business houses. All this is due to the fact that education is wanting. Now that we are seeking to legislate in order to control the conditions under which these employees have to be entertained and retained. I am glad that we are passing in the right direction. This measure, to the extent to which it goes, I am sure, will have a very good effect upon the employers and the employees. The previous measure by which these concerns were compelled to close their business at least once in a week had its good effect. These small merchants not being able to earn enough during the limited number of hours think that they could make more money if they carry on for a longer period in the day. Therefore they sit at their business till late in the night and keep their men engaged. They get on in this unorganized manner. Times have changed and with the limited education we have been able to give to the people, even labour has begun to realize that it has certain rights and privileges. Various trade unions have come into existence. The employees in the shops and other establishments and the hotels have also organized themselves into trade unions. It is only when they realized their position and the value of self-respect that they combined together and demanded certain privileges which all human beings must have. I am glad that we are legislating here in order to prevent hardship being inflicted by the

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employers on this class of people. The provisions of this Bill will not only make their conditions of work easier but also give them sufficient time to recoup their health. The holidays provided for them are the most reasonable and the minimum number that a worker would require so that he may work as a human being and not as an animal. Besides, as we have fixed certain number of hours of work every day, the adults working in these institutions can attend educational institutions where provision is made for adult education. As it is, on account of the fact that all these people grew up not as human beings but, if I may be permitted to say so, as trees or mere animals, they were not allowed to think for themselves and receive any kind of education or know about things happening in the world around them. They somehow grew up as labourers whose only function was to work and work and get their pittance of a wage at the end of the day or week or month. But now it will be possible for these persons to attend adult education classes and get some education. If it had been possible in this Bill to compel the bigger employers to make provision for adult education for their workers, it would have been much better, but since the State itself is going to take up the task of imparting higher elementary education to all the people, I am sure it will bring into existence a country-wide organization for imparting education to these adults during their leisure hours.

"Sir, I am glad that already under the various Labour Acts the employment of children is prohibited . . ."

MR. SPEAKER:—"The Hon. Minister is going to Delhi to-morrow. If the hon. Member finishes soon, I will call upon the Hon. Minister to reply to-day."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Yes, Sir. Even in this Bill, employment of children has been prohibited. It is a tragedy that children of tender age should be made to do hard work for very long hours. This Bill will prevent that. I am glad that this Bill is becoming law very soon and I hope it will be worked satisfactorily. It all depends on the department concerned. Although we may pass a law here, it would merely remain a dead letter on the statute book unless the department concerned works it satisfactorily. We want very able direction and very able administrators. I am glad that we have at present at the head of affairs a gentleman who not only has ability but also sympathy for labour. It is a very ticklish thing to solve the difficulties that arise between employers and labourers. The department has to consider the points of view of both the sides and find out a satisfactory solution. I hope that the Inspectorate that is provided for in the Bill will function with sympathy for the labourers without in the least doing injury to the employers. For, unless the employer is in a satisfactory condition, he cannot afford to pay sufficient wages to his employees and give him holidays and so on. I have great pleasure in offering my congratulations to the Hon. Minister for piloting this Bill through the House to-day."

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THE HON. DR. T. S. S. RAJAN:—"Sir, I am very glad that this measure is to be passed into law very soon and I am also hoping that it will have an equally easy passage through the other House. Sir, I cannot claim much of service to labour in my life. As a public worker I have been associated with Congress activities of varying kinds. But it was not given to me to serve labour as it deserves to be served. It so happened that when we took up office we were more or less in the throes of labour troubles for which we had to take rather strong action. I have the satisfaction to see this Bill before me which is really meant for the benefit and well-being of labour. I cannot claim any originality for the Bill. It really belongs to my hon. Friend Mr. Giri, that life long labour worker, to whom we must tender our thanks. Though he framed it, he was not here to get it through and I had to take it up at the place where he left it. I am glad it was given to me to do this service during the few months I was holding this portfolio.

"Sir, I would like to say that the policy of the Congress—apart from the credit due to individuals here and there—which it has maintained throughout not only in Madras but in all the other Provinces is to be the friend of the poor, the friend of labour. That the Congress has always tried its best to serve the poor has been demonstrated more than once not only in its efforts to secure freedom for the country but also in the service which freedom has made it possible for us to render. Therefore, Sir, I am glad that this new Act which is meant for the well-being of labour is going to be placed on the statute book after the declaration of independence of the land. If I remember right, this is the first piece of social legislation that we have brought forward after we have obtained independence. It is very opportune that this legislation should take its place as the first performance of the Congress Ministry after the country has attained independence.

"The hon. Member Begum Sultan Mir Amiruddin was kind enough to make some reference about the non-inclusion of a lady Member on the select committee. I am very sorry for it, but it does not mean that women are forgotten, nor the services they render as a predominant factor in human society are ignored. At the time the select committee was constituted, somehow it was omitted to include a lady Member, but there was no deliberate intention on the part of the Government to keep them out. I am sure the Government will remember that on future occasions when statutes are being made, the place of women in society and in public life, is fittingly recognized by including them in committees. I have got only this apology to make and I may assure the hon. Member Begum Sultan Mir Amiruddin that on that account the interests of women have not suffered. The conditions of work of women employed in various places as nurses and servants have all been gone into and provided for. Just as children have been protected, so also women have been protected in the various sections of the Act. Much as we regret the absence of women, I can give this explanation that the cause of women has not on that account suffered seriously.

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"I shall also take the hint that the Government should employ a proper agency to carry out the provisions of the Bill, an agency which will do justice where justice has to be done. The Government will not fail in their duty of appointing a proper agency to carry out this piece of social legislation.

"There is another thing which has been mentioned in the course of the debate. We do not believe we have done anything wonderful for labour. I know this is only a little service which Government has done to the labour world. It is the barest justice and long, long overdue. Owing to the exigencies of the political conditions, we have not been able to bring up this legislation early. We are not proud of it. But we are glad that at least now it has been possible to enact this measure. I know some improvements can be made to the Bill. The two redoubtable members of the Communist Party have shown indefatigable energy in considering the provisions of the Bill and they have been on their legs for a considerable time while the Bill was being considered and would not own defeat. I am also conscious of the great interest which the Congress Party took in the Bill, because I have not witnessed the same amount of feverish enthusiasm exhibited before. I am very glad that they did so and that we were able to accept some of the points which they urged thereby demonstrating that labour will have the best attention at our hands. The Labour department and the Development Department of the Government of Madras have been of great help in framing this Bill and in its passage through the several stages. To them also I tender my thanks. I should like to thank the House and all those that have taken interest in the Bill and for the careful manner in which they have dealt with it. I am sure the same generous treatment will be afforded to the Madras Non-Power Factories Bill that will be taken up to-morrow.

"With these words, I move—

'that the Madras Shops and Establishments Bill 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 11 a.m. the next day.

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APPENDIX.

[Vide answer to starred question No. 386 asked by Sri B. Venkatanarayana Reddi at the meeting of the Legislative Assembly held on the 3rd November 1947, page 360 supra.]

Statement showing the monthly allotments of cloth for processing purposes made to the different districts from September 1946.

Districts.	Number of bales.	Districts.	Number of bales.
1 East Godavari	26	10 North Arcot	7
2 West Godavari	7	11 Salem	9
3 Kistna	19	12 Trichinopoly	1
4 Guntur	71	13 Madura	80
5 Nellore	56	14 Coimbatore	54
6 Chittoor	1	Other districts	Nil.
7 Bellary	1		
8 Anantapur	9		
9 Madras	35		
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THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 4th November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock; Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Cholera among prisoners in Dharapuram Sub-Jail.

* 394-A Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether there was any attack of cholera among prisoners in Dharapuram sub-jail;

(b) whether any attack of cholera has proved fatal;

(c) if so, how many of the fatal cases are under-trial prisoners; and how many convicts; and

(d) whether the Government have taken any action in the matter?

THE HON. SRI K. MADHAVA MENON:—“(a) Yes.

“(b) Two attacks of cholera proved fatal.

“(c) The persons who died were under-trial prisoners.

“(d) All the prisoners were immediately transferred to the Avanashi sub-jail under the District Magistrate's orders, dated 19th October 1947, in anticipation of the orders of Government. No prisoners are detained in the sub-jail at Dharapuram. The District Magistrate issued a notification under section 76 (1) (b) of the Madras Public Health Act on 11th October 1947, declaring the Dharapuram municipal area as infected with cholera. Inoculation of contacts, disinfection, chlorination and other preventive measures are vigorously taken by the health staff.”

* SRI M. A. EASWARAN:—“May I know for how long the under-trial prisoners had been in the sub-jail and what the cases pending against them are?”

THE HON. SRI K. MADHAVA MENON:—“That is not the subject-matter of this question. The subject-matter of this question is the death due to cholera in the sub-jail.”

DR. S. SUBRAHMANYA AYYAR:—“Were these prisoners kept in quarantine before their transfer to the Avanashi sub-jail, because they came from an infected place?”

THE HON. SRI K. MADHAVA MENON:—“They were given anti-cholera inoculation at Dharapuram before they were taken to Avanashi.”

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DR. S. SUBRAHMANYA AYYAR:—"When the food for the prisoners is prepared in the jail kitchen, how can there be infection from outside?"

THE HON. SRI K. MADHAVA MENON:—"No doubt the food is prepared in the jail kitchen. According to the District Magistrate and the medical officer of the sub-jail, the cause for the spread of infection might be due to the fact that the sub-jail is adjacent to the infectious diseases ward of the hospital at Dharapuram."

DR. S. SUBRAHMANYA AYYAR:—"Are the water-supply channels to the hospital and the sub-jail very near and, if so, is there any chance of percolation of water?"

THE HON. SRI K. MADHAVA MENON:—"I am unable to give an answer now."

SRI K. ANANDAN NAMBIYAR:—"May I know why the infectious diseases ward and the under-trial prisoners ward are so adjacent?"

THE HON. SRI K. MADHAVA MENON:—"They have been adjacent for the last so many years."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it a fact that cholera is raging among the non-prisoners of Dharapuram?"

THE HON. SRI K. MADHAVA MENON:—"I have already said that on the 11th October 1947, the District Magistrate declared the Dharapuram municipal area as infected with cholera."

SRI V. M. RAMASWAMI MUDALIYAR:—"Will the Government see that the sub-jail is not located near the infectious diseases ward of the hospital?"

THE HON. SRI K. MADHAVA MENON:—"Yes, Sir. Either the infectious diseases ward or the sub-jail should be removed."

SRI V. RAGHAVAYYA:—"In view of the very defective medical arrangements in the sub-jail, will the Government make it a general rule that all cases of cholera should be immediately removed to the town or city hospitals?"

THE HON. SRI K. MADHAVA MENON:—"It is not correct to say that the medical arrangements in the sub-jail are very defective."

SRI P. KANDASWAMI PILLAI:—"Will the Government issue instructions to the jail officials to remove the infectious diseases ward from the sub-jail?"

THE HON. SRI K. MADHAVA MENON:—"The infectious diseases ward is in the hospital compound."

SRI KALLUR SUBBA RAO:—"Is the cholera due to the food or the water that the prisoners take?"

THE HON. SRI K. MADHAVA MENON:—"I am not an expert in the matter."

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DR. S. SUBRAHMANYA AYYAR:—"Were there any cholera-infected cases in the infectious diseases ward of the Dharapuram hospital?"

THE HON. SRI K. MADHAVA MENON:—"That is the report."

The Khadi Scheme.

* 395 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Premier be pleased to state—

(a) the total number of handlooms working under the Intensive Khadi Scheme;

(b) the total number of charkas working under the above scheme;

(c) the total number of yards of Khadi so far produced since the introduction of the scheme;

(d) the average amount of daily wages one could earn by producing yarn;

(e) the average amount of wages one handloom weaver could earn a day; and

(f) the reason why the price of Khadi has increased from Rs. 3-8-0 per veshti to Rs. 5-4-0?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) 1,280. (This number represents the Khadi looms actually engaged for weaving the handspun yarn purchased from the spinners and that produced by self-spinners.)

(b) 21,446. (This represents the actual number of charkas registered by the Centre Khadi Officers for the purpose of issuing cotton stocked by the Government.)

(c) The total quantity of cloth produced from the inception of the scheme up to 15th September 1947 is 418,342 linear yards. (This figure includes the quantity produced on behalf of self-spinners.)

(d) & (e) The average amount of wages which a handloom weaver weaving on handspun yarn can earn a day in the seven centres varies from Rs. 1-4-0 to Rs. 2. In estimating the average amount of wages which a full time Khadi weaver could earn in a day, it has been assumed that an average weaver can produce four yards of Khadi of the standard variety in an 8 hours day. The scheme does not recognize any professional spinners and spinning is not to be treated as full time occupation except for those who have no other avocation. It is therefore appropriate to look at the value of the yarn spun by the members of a family as an extra income for the family. An ordinary spinner working in the ordinary country charka can produce one anna worth of yarn by an hour's spinning.

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“(f) The price of Khadi has not increased from Rs. 3-8-0 per veshti to Rs. 5-4-0. The veshti, which is sold for Rs. 3-8-0 by the All-India Spinners' Association, is sold for Rs. 3-6-0 in the Government Khadi centres.

The answers furnished above are with reference to the information available up to 15th September 1947.”

SRI K. ANANDAN NAMBIYAR:—“ In view of the answer given by the Hon. Minister that spinning and weaving are not to be treated as full-time occupations under the Intensive Khadi Scheme, may I know whether the employees will be given additional yarn other than the Khadi yarn for keeping them engaged for the rest of the time? ”

THE HON. DR. P. SUBBARAYAN:—“ The hon. Member is mistaken. All that I said was that spinners were part-time workers, and not weavers.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ In view of the statement that a spinner can produce one anna worth of yarn by hour's spinning, does the Hon. Minister think that even sixteen hours' spinning a day will fetch an attractive amount of wages to the spinner? ”

THE HON. DR. P. SUBBARAYAN:—“ As far as I know, it is attractive enough as a by-time occupation for agriculturists in times when there are no agricultural operations.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ In view of the results achieved by this Intensive Khadi Scheme, does the Hon. Minister still think that it is going to be successful? ”

THE HON. DR. P. SUBBARAYAN:—“ I certainly think so, Sir.”

SRI N. S. VARADACHARI:—“ Is it not a fact that the object of this Intensive Khadi Scheme is to enable people to make their cloth in their own homes? ”

THE HON. DR. P. SUBBARAYAN:—“ That is quite correct, Sir.”

SRI V. RAGHAVAYYA:—“ Does the Hon. Minister realize that complete Khadi-ization of the firkas cannot take place without preventing the increase of foreign and mill cloth, and, if so, whether the Government will take suitable steps and in what time? ”

THE HON. DR. P. SUBBARAYAN:—“ I will convey the suggestion to the Hon. Minister concerned and I am sure he will consider it favourably.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the Government conducted any survey with regard to spinning being a part-time or full-time occupation of those engaged in the Intensive Khadi Scheme? ”

THE HON. DR. P. SUBBARAYAN:—“ No survey has been carried out, but the Government know exactly what the people want.”

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SRI B. S. MURTHI:—“ May I know whether the Government are considering the report submitted by the two non-officials deputed to study the Intensive Khadi Scheme centres? ”

THE HON. DR. P. SUBBARAYAN:—“ Certainly, Sir. When the Government have deputed these people, they will certainly take into consideration the suggestions of these two hon. Members.”

SRI GEDDAM SANYASI RAO:—“ Is it a fact that there is no disposal for the Khadi stock, and if so, may I know what the reasons are? ”

THE HON. DR. P. SUBBARAYAN:—“ No, Sir. As far as I know, there is a very good demand for Khadi and it is being disposed of.”

SRI B. ANANTHACHAR:—“ In view of the good results achieved, may I know whether there is any proposal for extending this scheme to other centres also? ”

THE HON. DR. P. SUBBARAYAN:—“ The Government are carefully watching the situation, and there will be extension when they find that the work is getting on satisfactorily.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ During the so many months that the Intensive, and not ordinary, Khadi Scheme has been in force, cloth to the tune of about 4 lakhs of yards has been produced with 1,280 handlooms and 21,446 charkas. That works out to about 200 yards of cloth per charka for all these months. Does the Hon. Minister think that he has made any headway with this scheme, Sir? ”

THE HON. DR. P. SUBBARAYAN:—“ I am afraid I cannot grant the hon. Gentleman's premise at all. In my opinion, the advance made has been really good.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ In spite of the good results of the Intensive Khadi Scheme, may I know why Mr. N. S. Varadachari is going about without a shir? ”
(Laughter.)

THE HON. DR. P. SUBBARAYAN:—“ I think this question should not be allowed.”

MR. SPEAKER:—“ I disallow the question.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“ A comparative study of the price of mill, handloom and Khadi cloth shows that Khadi is uneconomic. May I know why the Government should launch upon this uneconomic enterprise? ”

THE HON. DR. P. SUBBARAYAN:—“ I do not grant the hon. Gentleman's premise of Khadi being uneconomic at all. In fact, lots of people who do not get mill cloth are running after the Khadi purchased by the All-India Spinners' Association from the Government spinning centres.”

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11-15 a.m. SRI V. I. MUNISWAMI PILLAI:—“ Will the Government be pleased to place on the table of the House the report of the two non-official Gentlemen who were deputed to convey to the Members of this House the activities in the various firkas, a few months back? ”

THE HON. DR. P. SUBBARAYAN:—“ I will convey the request of the hon. Member to the Hon. Minister concerned who happens to be the Premier and I am sure he will take into consideration the request of the hon. Member.”

SRI N. S. VARADACHARI:—“ Will the Government disabuse the impression from the minds of hon. Members that our Intensive Khadi Scheme is running through all over, the Presidency? Is it not actually confined to a very limited area and is it not a fact that in other areas, five times the number of handlooms and five times the number of charkas are working under the All-India Spinners' Association? ”

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

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I know from the Hon. Minister the amount that the Government is spending from its coffers by way of subvention to the Khadi Scheme? ”

THE HON. DR. P. SUBBARAYAN:—“ There is no question of subvention at all, Sir. The Government are working these schemes of their own accord, because they are Government centres and because they think that they are schemes for the benefit of the people.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ May I know, Sir, what is the amount that the Government have spent so far, for producing these 400,000 yards of cloth? ”

THE HON. DR. P. SUBBARAYAN:—“ I have not got this information handy, because this is not the purport of this question.”

Supply of mill-yarn to certain handloom weavers.

* 396 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Premier be pleased to state—

(a) whether there is any order of the Government that the handloom weavers living in the areas brought under the Khadi Scheme should not be given mill-yarn at all; and

(b) whether representations were made to the Government by the handloom weavers of Veepampundi and Periyeri villages of Athur taluk, Salem district, requesting for supply of mill-yarn to them; if so, what action has been taken?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—“ (a) No. The policy of the Government however, is to reduce gradually the ration cards issued for mill yarn with a view to carry out the Intensive part of the Khadi Scheme vigorously.

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(b) No representations were made to Government by the weavers as such of Veepampundi and Periyeri villages of Athur taluk, Salem district, requesting for the supply of mill-yarn to them. However, the Tamilnad Handloom Weavers' Federation (Branch), Aragalur, brought to the notice of the Government that about 100 weavers in Veepampundi and Periyeri villages of Salem district were not supplied mill-yarn and requested that they might be given their yarn ration cards. In view of the policy of the Government referred to in clause (a) above, no action was considered necessary on the representations. Further representations have also been received from the Head Office of the Tamilnad Handloom Weavers' Federation, Madras. They are being examined by the Government.”

SRI K. ANANDAN NAMBIYAR:—“ May I know, Sir, that since there is no chance of these handloom weavers being supplied with Khadi for the whole month, whether it will not be to the interest of the weavers as well as of consumers that they should be supplied with mill-yarn also to keep them engaged for the full month? ”

THE HON. DR. P. SUBBARAYAN:—“ As I have said at the end of answer to question (b), this matter is being examined by the Government, Sir.”

SRI V. RAGHAVAYYA:—“ In view of the declared policy of the Government regarding khaddar, will the Government introduce Khadi yarn only in all jails where handloom weaving is going on and purchase all their stocks of cloth when they are woven? ”

THE HON. DR. P. SUBBARAYAN:—“ May I request the hon. Member to put down the question to the Hon. Minister for Agriculture who is in charge of jails? ”

SRI N. S. VARADACHARI:—“ Will the Government consider the inadvisability of supplying mill-yarn to weavers where a full supply of Khadi yarn is assured for months ahead? ”

THE HON. DR. P. SUBBARAYAN:—“ Well, Sir, that is the policy of the Government. If hand-spun yarn could be supplied to meet the full demands of weavers, then the question of mill-yarn would not arise at all.”

SRI V. C. PALANISWAMI GOUNDER:—“ Is the Government aware of the fact that many handloom weavers' associations from the Avanashi Firka Development Centre have submitted complaints to the Government that they were not supplied with Khadi yarn to last even for a week or ten days in a month? ”

THE HON. DR. P. SUBBARAYAN:—“ I must have that question examined, Sir. I have not got it handy.”

SRI B. S. MALLIKARJUNA RAO:—“ Will there not be a better change of supply to weavers with adequate yarn, if the system of engaging wholetime spinners is introduced? ”

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THE HON. DR. P. SUBBARAYAN:—"It is difficult to answer this question, because the whole object of the spinning movement is to find part-time labour for agriculturists, Sir."

SRI B. S. MURTHI:—"May I know, Sir, whether this Government will consider the desirability of supplying mill-yarn to the looms that are working in Khadi intensive centres?"

THE HON. DR. P. SUBBARAYAN:—"As I have said already, the whole question is being examined, Sir. If the Government find that sufficient Khadi yarn is not available for weavers, then naturally the question of supplying mill-yarn will be considered."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will not this cloth scarcity turn into a cloth famine in this Province, Sir, by this policy of Government?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid, the hon. Gentleman is entirely wrong, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Hon. Minister be pleased to state whether it is not possible, in view of the great encouragement that is given to the agriculturists for the production of Khadi, that agriculture will suffer?"

THE HON. DR. P. SUBBARAYAN:—"I don't think, Sir, that agriculture will suffer. The hon. Gentleman evidently does not know how agricultural operations take place in villages, because he has been living in Madras. He must know that especially during dry season for three or four months, no agricultural operation will take place at all."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"If Khadi is such a dear institution for so many of these agriculturists, it is not possible that they would like to spin all the time in the year on Khadi production, rather than attend to their agricultural operations?"

THE HON. DR. P. SUBBARAYAN:—"If what my hon. Friend says, happens, then he might have to forego some of his rations."

SRI B. S. MURTHI:—"Arising out of the answer given to one of the supplementary questions, am I to understand that the yarn produced in these intensive Khadi centres is not adequate?"

THE HON. DR. P. SUBBARAYAN:—"That is the question which is under examination, as I said in the answer to question (b)."

SRI N. S. VARADACHARI:—"Does the Government know that when we speak of supply Khadi yarn to weavers, it means that it is full supply for 30 days in the month and not like the present supply of mill-yarn which lasts only for 10 days in the month?"

THE HON. DR. P. SUBBARAYAN:—"Yes, Sir, that is so."

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V. C. PALANISWAMI GOUNDER:—"May I know, Sir, what is the scheme of the Government with regard to handloom weavers working in these Khadi centres to whom they are not able to supply Khadi yarn for a full month, to supplement their occupation?"

THE HON. DR. P. SUBBARAYAN:—"The object is to give them full 30 days work and I think that is being achieved in some centres, Sir."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact, Sir, that weavers and spinners employed in these Government Khadi centres are not getting work for a full month, and earning full wages, will the Government consider the question of increasing their wages?"

THE HON. DR. P. SUBBARAYAN:—"I hope the hon. Member will not start trade unions in these centres also."

Rural cottage industry in the Tiruvallur Firka.

* 397 Q.—SRI N. GOVINDASWAMI NAYUDU: Will the Hon. the Premier be pleased to state why rural cottage industry started in the Tiruvallur firka of the Chingleput district is not functioning?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—"No demonstration and training unit for Cottage Industries under the Firka Development Scheme has so far been started in the Tiruvallur firka. Its establishment has been deferred pending decision on reorganization scheme now under the consideration of the Government."

SRI N. GOVINDASWAMI NAYUDU:—"இதை ஆரம்பித்து எத்தனை வருஷம் ஆகிறது என்று கேட்கிறேன்?"

THE HON. DR. P. SUBBARAYAN:—"It was begun by the then Government under the premiership of Sri T. Prakasam two years back, Sir."

MR. SPEAKER:—"இரண்டு வருஷங்களாகிறது."

SRI N. GOVINDASWAMI NAYUDU:—"அதற்காக ஏற்பட்டவர்களுக்கு சம்பளத்தைக் கொடுத்து வருகிறார்களா?"

THE HON. DR. P. SUBBARAYAN:—"அப்படி கொடுத்துக் கொண்டு வருவதாக தெரியவில்லை."

SRI N. GOVINDASWAMI NAYUDU:—"அப்படி அவர்களுக்கு வேலை ஆரம்பிக்காது சம்பளத்தை கொடுத்துவந்தால் அது அவசியம் இல்லை என்பது தெரியவில்லையா? அது கவான்மெண்டுக்கு நஷ்டம் என்றும் தெரியவில்லையா?"

THE HON. DR. P. SUBBARAYAN:—"The services of the cottage industries officer have been dispensed with, because the question of reorganization of the scheme is under the consideration of the Government."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know, Sir, whether it means that though there is no work for these people for the last two years, the Government is paying wages to them? "

THE HON. DR. P. SUBBARAYAN:—" I said, Sir, that the services of the particular officer concerned have been dispensed with, because the Government is considering the question of reorganization."

SRI B. S. MURTHI:—" Inasmuch as the development of cottage industries is one of the fundamental duties of the Government, may I know whether the Government will consider the desirability of re-employing those firka cottage industries officers that have been dispensed with? "

THE HON. DR. P. SUBBARAYAN:—" The hon. Member knows as well as I do that development does not depend on the employment of officers."

Refund of collective fines.

* 398 Q.—SRI K. T. KOSALRAM: Will the Hon. the Home Minister be pleased to state—

(a) whether the Government have refunded all the collective fines levied in connexion with 1942 movements from the inhabitants of Tiruchendur taluk, Tinnevely district;

(b) whether the Government have refunded fines collected from persons convicted by the Special Magistrate in Poochikadu Toddy Shop Arson Case; and

(c) if not, what are the reasons for the delay in refunding the amounts?

THE HON. DR. P. SUBBARAYAN:—" (a) Arrangements have been made by the District Magistrate, Tinnevely, for the immediate refund of collective fines.

" (b) Only seven out of the nine accused in this case have applied for refund and orders have been issued for the immediate payment of the fine amounts.

" (c) It is reported that there was some delay due to the non-availability of certain original records."

SRI K. T. KOSALRAM:—" May I know from the Government, Sir, when exactly the order for the refund of fines was ordered by the Government? "

THE HON. DR. P. SUBBARAYAN:—" Immediately after the representation was made, the Government orders were issued. As I have already explained in the course of the answer to the question, because some of the records were not available, payment was delayed in the case of the two persons referred to, and if they come and ask for the amount, it will be returned, Sir."

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SRI K. T. KOSALRAM:—" May I know from the Hon. Minister, whether it is a fact that the list of persons from whom collective fines were collected is missing from the Taluk Office, Tifuchendur? "

THE HON. DR. P. SUBBARAYAN:—" I will make an enquiry, Sir. So far as I know, they have not said that the records were missing."

SRI A. VEDARATNAM PILLAI:—" May I know whether the Government is refunding the whole of the fines collected or part of it, Sir? What is the policy of the Government regarding the refund of collective fines realized in the various parts of this Province? "

THE HON. DR. P. SUBBARAYAN:—" As a matter of fact, it is the policy of the Government to return all the fines collected, Sir."

SRI B. S. MURTHI:—" May I know from what other centres collective fines have been collected and whether the Government have already issued orders for their refund? "

THE HON. DR. P. SUBBARAYAN:—" The hon. Member can put a separate question on this subject, Sir."

SRI S. NAGAPPA:—" May I know whether the Government is prepared to pay interest on the fines that have been lying with the Government all these days, Sir."

THE HON. DR. P. SUBBARAYAN:—" I do not think so, Sir."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—" Is the Government aware, Sir, that the collective fines of 1942 were based on the loss that was caused to the properties that were burnt by the Congressmen? "

THE HON. DR. P. SUBBARAYAN:—" I do not grant the hon. Gentleman's premises, Sir."

SRI KALLUR SUBBA RAO:—" May I know from the Hon. Minister whether receipts have been given to those people from whom fines had been collected, Sir? "

THE HON. DR. P. SUBBARAYAN:—" I suppose, Sir, that when fines had been paid into the treasury, receipts would have been given."

SRI KALLUR SUBBA RAO:—" May I know whether, if the receipts are produced, the treasury will give back the amount, Sir? "

THE HON. DR. P. SUBBARAYAN:—" I will have to have the question examined, Sir."

SRI P. KANDASWAMI PILLAI:—" In view of the answer given by the Hon. Minister, may I know whether the records are missing in the Taluk Office and if so, will the Government take necessary steps to find out who is responsible for the loss of those records? "

THE HON. DR. P. SUBBARAYAN:—" I never said, Sir, that the records were missing."

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Posting of candidates selected for Ministerial services.

* 399 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that candidates selected by the Madras Public Service Commission for Ministerial Services were not posted in any of the three districts chosen by them in the order of preference; and

(b) if so, whether there is any proposal to transfer them to the chosen districts?

THE HON. DR. P. SUBBARAYAN:—“(a) Under the orders on the subject, candidates are permitted to specify in their applications their choice of districts in which they wish to be appointed in the case of the Madras Ministerial Service and the Madras Judicial Ministerial Service and among those eventually selected for either service or department in a language area, preference for districts will be respected as far as possible. The Commission has, however, the power to assign any candidate to any district in his language area, if the exigencies of the public service render this desirable. It is, therefore, possible that some of the candidates were not appointed in the districts of their choice, but this cannot be helped. They would nevertheless have been appointed in their language area.

“(b) The answer is in the negative.”

11-30 a.m. SRI V. RAGHAVAYYA:—“In view of the fact that retaining the candidates in the districts they have preferred would conduce to economy both to the Government and to the services by way of saving much transit charges and travelling expenses, will the Government try to put them back in the districts they have chosen?”

THE HON. DR. P. SUBBARAYAN:—“As I have said in the answer itself, it is not always possible to do this; but as far as possible, the Commission are trying to assign candidates to the areas they prefer; but if in spite of it, they have to be appointed to other areas, that has got to be done. Therefore, the Government have to take it that this is being done according to the convenience of the services.”

SRI V. RAGHAVAYYA:—“In case it is possible in the future, by way of mutual adjustment and in case the Government do not feel much difficulty in complying with the request of these servants, will the Government try to help them by giving instructions to the District Collectors and the Board of Revenue?”

THE HON. DR. P. SUBBARAYAN:—“This will certainly be done provided there will be no sort of indiscipline in the matter of these transfers.”

SRI K. VARADACHARI:—“Will the Government be pleased to suggest to the Collectors of the districts to exchange these clerks?”

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THE HON. DR. P. SUBBARAYAN:—“If applications are made, they will be considered; but I give no undertaking.”

SRI V. I. MUNISWAMI PILLAI:—“Due to the great hardship of Harijan candidates due to transfer from one district to another, will the Government consider the question of placing them in the very districts where they live?”

THE HON. DR. P. SUBBARAYAN:—“I believe that is what is being done; and in view of what the hon. Gentleman has said, I am prepared to find out and give every facility that is necessary for this purpose.”

* [400 Q.—

MR. SPEAKER:—“Hon. Member is not in his place; the answer will be printed in the proceedings.”]

Strike in certain spinning mills in Madura.

* 400 Q.—SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the workers of Kothandaram Spinning Mills and the workers of Rajah Mills have gone on strike from 22nd March 1947 and 3rd April 1947, respectively, and whether the strike is still continuing;

(b) whether it is a fact that the management of the above mills have not yet given effect to the awards of the adjudicator regarding the interim relief up till now;

(c) if so, whether the Government have taken any steps to direct the managements to give effect to the same, and, if so, what steps; and

(d) whether it is a fact that the proprietor of the Rajah Mills after granting the interim relief for the months of October, November and December 1946, had afterwards refused to grant the same from January 1947?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Dr. T. S. S. Rajan):—“(a) Yes, Sir. The workers of Kothandaram Spinning Mills called off the strike on 7th May 1947 and the workers of Rajah Mills called off the strike on 4th May 1947.

“(b), (c) & (d) Kothandaram Spinning Mills.—The Industrial Tribunal has, in its award, ordered that the interim relief should be paid with effect from 1st October 1946, the award has been enforced on the management of the mills which has since paid the interim relief.

Rajah Mills.—Previous to the award regarding interim relief, there was an award by the District Judge of Ramnad in respect of this mill, which was enforced on the parties up to 31st March 1947. As the management of the mill allowed the enquiry regarding interim relief ex parte until after February 1947 the facts relating to the mill were not

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known to the adjudicator who gave an award on interim relief. The interim relief was paid for the months of October, November and December 1946 but was stopped from January 1947. The interim relief need not have been paid when a previous award was in force. The Industrial Tribunal in its final award has ordered that the workers need not repay the interim relief already paid to them for the months of October, November and December 1946 and that the recommendations in the final award so far as this mill is concerned will come into force only from 4th May 1947 when the strike ended."

Firewood shortage in the City.

* 401 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Food be pleased to state in view of the firewood shortage in the City, whether twigs will be made available for distribution to the public at controlled rate?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Minister for Food):—"Twigs imported into Madras City are even now being sold at controlled rates in a limited number of retail shops. Although the supply of a fixed quantity of twigs each month to the card-holders attached to these shops is not guaranteed care has been taken to ensure that the actual stocks available are distributed in as equitable a manner as possible. The Government are not encouraging large-scale imports of twigs into the City as this will affect normal transport of firewood to the City especially by canal over which transport facilities are poor. Steps are, however, being taken to increase the number of retail shops for sale of twigs in the interior parts of the City, so that this commodity may be made easily available to card-holders in those areas."

SRI S. PARAMANANDA RAYAR:—"Will the Government be pleased to state if all the ration card-holders are getting their supply?"

THE HON. DR. P. SUBBARAYAN:—"As far as my information goes, I believe the card-holders are being given the quantities they are entitled to get when they produce the cards."

BEGUM SULTAN MIR AMIRUDDIN:—"In view of the impending rainy season, may I know whether the Government have taken steps to increase the quota of firewood that is allotted to consumers?"

THE HON. DR. P. SUBBARAYAN:—"As a matter of fact, usually there is an increase from the first of November, but it will largely depend upon the amount of stock that is available in the shops. There is no use increasing the quota of the people entitled to get them, not being able to get them."

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MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is there any proposal before the Government to give up firewood rationing in the City of Madras from April 1948?"

THE HON. DR. P. SUBBARAYAN:—"As far as I know, there is no such proposal."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will the Government give permission to owners of gardens outside the City to bring twigs into the City?"

THE HON. DR. P. SUBBARAYAN:—"I do not think so, because it will lead to a lot of misunderstanding and perhaps even to blackmarketing."

Adjudication in trade disputes of certain oil companies in Madras.

* 402 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Food be pleased to state—

(a) whether any Industrial Tribunal was appointed to adjudicate in the trade disputes between the workers and managements of oil companies in Madras; if so, what is the result of the proceedings of that Tribunal; and

(b) whether the Government are aware of the agitation on the part of certain trade unions against the adverse adjudication awards particularly in respect of the labour disputes of Burma-Shell and Standard Vacuum Oil Company; and, if so, what action the Government propose to take?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Minister for Food):—" (a) The industrial disputes between the workers and managements of (1) the Burma-Shell Oil Storage and Distributing Company of India, Limited, Madras, (2) the Standard Vacuum Oil Company, Limited, Madras, and (3) the Caltex (India), Limited, Madras, and the industrial disputes between the commercial staff and managements of (1) the Burma-Shell Oil Storage and Distributing Company, Limited, Madras, and (2) the Standard Vacuum Oil Company, Limited, Madras, were referred for adjudication. The awards of the Industrial Tribunal in respect of the last two disputes have been received and enforced on the parties for a period of one year. Copies of the awards have also been communicated to the parties.

" (b) The Commercial Employees' Association, Madras, represented to Government that the award of the tribunal on two issues in the dispute between the commercial staff and management of the Standard Vacuum Oil Company, Limited, were not clear and asked for clear interpretation of the award. The intention in the award was explained to the Association.

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No representation was received in respect of the award in the dispute between the workers and management of the Burma-Shell Oil Storage and Distributing Company of India, Limited, Madras.

The Government have no power to revise or modify the awards of the industrial tribunals."

SRI K. ANANDAN NAMBIYAR:—"Is it a fact that the Government are aware that this award for the Burma-Shell Oil Company is not in favour of the workers?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, when an industrial dispute has been referred to a tribunal and it gives its award, the Government do not make a decision on it as to whether it is just or not, because the workers and the employers both go before the Tribunal and represent their points of view, and the Tribunal, I think, is judicial enough to come to its own conclusions."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that the Minister is now aware that it is not in favour of the workers, will the Government reconsider the matter on representation by the Burma-Shell Oil Company employees?"

THE HON. DR. P. SUBBARAYAN:—"As an award has already been given, I think it is too early now to think of re-opening the question."

Abolition of certain village committees.

* 403 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the village committees of Kovur, Kavali and Allur in Nellore district have been abolished;

(b) if so, what is the reason for their abolition;

(c) whether it is the district authorities or the Provincial Government that abolished them;

(d) whether any representations have been received for restoring them;

(e) whether it is a fact that the Revenue Divisional Officer, Kavali, made serious allegations against the President of the Kovur Village Committee and characterised him as a man of low status; and

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

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Minister for Food):—" (a) Yes.

" (b) All the three Committees proved to be a hindrance in the way of successful and effective procurement of foodgrains in their respective villages and were found to be not distributing the controlled commodities entrusted to them equitably among the villagers. The members of the Committees

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of Kavali and Allur did not make any attempt to prevent smuggling of paddy and rice from their respective villages although they were quite aware of it, while the Kovur Village Committee was unrepresentative and did not contain persons who commanded influence or respect in the village. All the three Committees in question had, therefore, to be abolished in the interests of the public.

" (c) The district authorities abolished them.

" (d) No.

" (e) Yes.

" (f) The Government have fully enquired into the matter and have satisfied themselves that no action on their part is called for."

SRI V. RAGHAVAYYA:—"Granting that the allegations made by the Government are true, have the Government dispensed with several other committees which are not helping the Government in distribution and procurement likewise?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid this question does not arise out of what has been stated in the answer to the question put."

SRI V. C. PALANISWAMI GOUNDER:—"In view of the wholesale abolition of the village committees according to the recent Government Order, are the Government aware that a non-official agency in the villages has been completely removed in the matter of the distribution of cloth, over which there was not much of complaint?"

THE HON. DR. P. SUBBARAYAN:—"It was because the Government felt that these village committees were not working satisfactorily that the Government took the action they did on the report of the district authorities concerned."

SRI S. NAGAPPA:—"May I ask the Government what is the suitable agency through which they want to distribute to the people the controlled articles in the place of these village committees?"

THE HON. DR. P. SUBBARAYAN:—"That is being considered, Sir."

SRI V. C. PALANISWAMI GOUNDER:—"May I know whether this order has been fully supported by the district authorities? If so, how many of them have protested against this order?"

THE HON. DR. P. SUBBARAYAN:—"This matter refers to Kovur, Kavali and Allur; I would like the hon. Gentleman to put down a separate question."

MUHAMMAD RAZA KHAN SAHIB RAHADUR:—"In view of the fact that the Government have passed orders abolishing

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all the village food committees, may I enquire whether there is any proposal now before the Government to abolish all the taluk food committees and the district food committees?"

THE HON. DR. P. SUBBARAYAN:—"The whole question is under the consideration of the Government."

Particulars regarding the staff of the Provincial head office of the Transport Department.

* 404 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of Muslims in the posts of Gazetted Officers, Superintendents, upper division clerks and lower division clerks in the Provincial head office of the Transport Department; and

(b) the number of gazetted officers appointed by the Government within a period of six months in the city and the mufassal and the number of Muslims among them?

THE HON. MR. DANIEL THOMAS:—" (a) There is Muslim gazetted officer in Madras City under the Transport Commissioner.

One Muslim is employed as lower division clerk in the nationalization branch of the Central Road Traffic Board Office. There are no Muslims in the offices of the Provincial Rationing Officer and the Provincial Motor Transport Controller.

" (b) At present, there are two Muslim Regional Transport Officers and one Muslim Area Rationing Officer. No Muslim officer has been appointed after 31st March 1947."

K. M. SEETHI SAHIB BAHADUR:—"May I know whether it is on account of the paucity of qualified hands among Muslims that there are no officers in the gazetted rank in the City and that only a very small number of Muslims are appointed to these cadres in the mufassal?"

THE HON. MR. DANIEL THOMAS:—"So far as the latter part of the hon. Member's question is concerned, I do not think the number can be said to be small; there are after all six Regional Transport Officers and seven Area Rationing Officers, and three out of thirteen is a good number. So far as the first part of the question is concerned, the hon. Member will do well to put a separate question and the matter will be examined."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Do I have an assurance from the Hon. Minister that in the Madras nationalization of transport services, all the communities will be properly represented in the appointment to jobs?"

THE HON. MR. DANIEL THOMAS:—"Yes, Sir."

SRI B. S. MURTHI:—"Is it not a fact that no Harijan has been taken on this department; will the Government consider the desirability of appointing Harijans as early as possible?"

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THE HON. MR. DANIEL THOMAS:—"Once again, I have to say that among Regional Transport Officers and Area Rationing Officers, there are two Scheduled class officers; I think one in six and one in seven are not a bad proportion. So far as the Madras officers are concerned, I think the matter will have to be examined."

SRI S. NAGAPPA:—"May I ask whether the Government are satisfied with one Adi-Andhra in the whole of the transport department?"

THE HON. MR. DANIEL THOMAS:—"I just now mentioned there are two gazetted officers among the Regional Transport Officers and Assistant Rationing Officers."

SRI V. RAGHAVAYYA:—"Arising out of the answer given by the Minister that he would like to make provision for all the communities in this department, may I know whether there are any aboriginal tribes members; and if not, whether the Government will take speedy steps to appoint at least one to justify the statement made?"

THE HON. MR. DANIEL THOMAS:—"I understand applications received in the Postmaster-General's office are delivered from the Post offices in wagons; and so there will be some applications from members of the aboriginal tribes also, I think."

SRI V. I. MUNISWAMI PILLAI:—"In view of the fact that the Governor's Band has been disbanded, will the Government consider the question of merging those servants in the lower ranks of the services in this department?"

THE HON. MR. DANIEL THOMAS:—"I do not understand what bearing that has on this question."

SRI V. I. MUNISWAMI PILLAI:—"Since the Governor's Bodyguard has been disbanded and there are already sixty Harijans thrown out of employment, will the Government consider the advisability of employing them in the lower ranks of the services?"

THE HON. MR. DANIEL THOMAS:—"Well, Sir, the Transport Services department is only one department; may hon. Friend need not confine them to the transport department only; they may be absorbed in the various departments wherever there are vacancies available."

SRI M. KOTHARI:—"May I know how many Gujaratis have been given gazetted posts in this department?" (Laughter.) (No reply.)

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is it a fact that the advertisement for post in this service was made after the appointments had been made?"

THE HON. MR. DANIEL THOMAS:—"No, Sir."

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Inland transport in the City of Madras.

* 405 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the exact objective of the Government in regard to (inland) transport in the City of Madras;

(b) what steps the Government are taking to provide this City with an efficient, adequate and properly integrated system of (inland) transport;

(c) whether it is a fact that bus operators are being granted merely temporary permits; and

(d) whether compensation will be paid to the holders of expired permits?

THE HON. MR. DANIEL THOMAS:—“(a) The aim of the Government is to provide regular, quick and efficient means of transport for the convenience of the public.

“(b) The existing forms of transport available in the Madras City are (1) the bus service, (2) the tram service, and (3) the electric suburban service.

Bus service.—The Government decided to take over the entire passenger bus service in the Madras City by 1st October 1947 or as soon thereafter as possible and to run additional buses to relieve the congestion in traffic. But due to the delay in receipt of new vehicles it was not possible to adhere to that date. Government expect to take over the passenger bus services in Madras City completely by 1st January 1948.

Tram service.—Owing to the war and the post-war conditions, the Madras Tramway Company have not been able to get new trams but many of the old trams are being renovated and put on the line.

Electric suburban service.—It is understood that the Railway authorities are contemplating increasing the services by nearly 100 per cent.

The Government have since sanctioned the formation of a Madras Board of Transport consisting of both officials and non-officials to survey the existing facilities for transport by road, rail, water or air, to consider the demands made by Government and the public and to tender advice on the co-ordination of the supply of, and the demands for, transport. The Board has been constituted and is likely to meet about the end of this month.

“(c) The answer is in the affirmative.

“(d) The answer is in the negative.”

11.45 a.m. BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Government do not propose to rid the City of the outmoded and decrepit rail-bound trams whose running in their present rickety condition is a source of danger to the public?”

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THE HON. MR. DANIEL THOMAS:—“Sir, I have already mentioned that several demands were made for new tram but owing to the war and post-war conditions, trams are not obtainable. The present contract with the Madras Electric Tramway Company lasts till the year 1954. Some time back negotiations were made by the Company to the Government for taking over the entire Tramway system in this City but the offer was put at an enormous figure. As the hon. the Lady Member has said, most of the trams were old and rickety and Government were not prepared to pay such a huge sum for those trams. Anyway by about the year 1954, the present licence will be expiring and I think the Government will consider the taking over of all the trams and nationalizing them. When that scheme of nationalization is taken in hand, the question of taking over rail-bound trams and introducing trolley buses will also be considered.”

MR. B. W. BATCHELOR:—“May I ask, Sir, if the Hon. Minister realizes that if the Government had accepted that ‘enormous figure’ asked for by the owners in their negotiations that began in 1943, Government would now have recovered that enormous figure and will also have made substantial profits?”

THE HON. MR. DANIEL THOMAS:—“May I ask the hon. Member that if during the years 1943 to 1947, the Company has been making enormous profits, why should they not now hand over the trams to the Government?”

SRI C. M. KOTHARI:—“At what rate of compensation in 1953, the Madras Electric Tramway Company will be prepared to hand over the tramway system to the Government?”

THE HON. MR. DANIEL THOMAS:—“The hon. Member is looking far ahead in the future. That question cannot be answered now.”

SRI C. M. KOTHARI:—“May I know from the Government whether in the deed of agreement between the Madras Electric Tramway Company and the Government, there is a provision that 25 per cent over the depreciated block amount is to be given to the company?”

THE HON. MR. DANIEL THOMAS:—“Notice, Sir.”

H. S. HUSSAIN SAHIB BAHADUR:—“In view of the fact that the Secretariat staff and even Members of the Legislature have to wait for a long time outside the Fort St. George for buses plying along the Beach Road, will the Government be pleased to consider the necessity of increasing the number of bus services along the Beach Road?”

THE HON. MR. DANIEL THOMAS:—“I think, Sir, that matter will be considered when new buses are received.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“May I ask the Hon. Minister whether the Government have any powers to insist on the Tramway Company to introduce trolley buses in place of these railed monstrosities?”

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THE HON. MR. DANIEL THOMAS:—"The conditions of the agreement have to be gone into before that question is answered."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether the Hon. Minister is taking any steps to prevent the overcrowding in trams which now exists?"

THE HON. MR. DANIEL THOMAS:—"When the scheme of nationalization of motor transport in the city is complete, we hope to put a number of buses and when those additional buses are put, the rules as regards the overloading in trams will be enforced. I have asked seven more buses to be put on the Mylapore-Parry's route and I believe it has considerably reduced overloading in the trams on that route."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In view of the fact that an enormous amount has already been demanded by the Madras Electric Tramway Company by way of compensation, will the Government consider taking over that company without paying compensation of even a single pie?"

THE HON. MR. DANIEL THOMAS:—"I have not got the authority to enforce the hon. Member's suggestion."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"In view of the fact that the licence expires only in the year 1954, will the Government consider the advisability of issuing an Ordinance giving retrospective effect and taking over the company now?"

THE HON. MR. DANIEL THOMAS:—"I thought the hon. Member knows that Ordinances are things *non grata* in this Assembly."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the Hon. Minister whether he is aware that the number of buses run by the transport services in certain routes is more than necessary at present and that the number of buses on certain other routes where they are required is less?"

THE HON. MR. DANIEL THOMAS:—"We are only in the beginning stage of nationalization. When we put the full complement of buses on the routes, there will be definite co-ordination and a decision will be taken as to the number of buses required for the various routes in the City."

SRI B. S. MURTHI:—"Are the Government aware that ever since this taking over of buses in the City by the Government for providing regular, quick and efficient transport, there has been a lot of disorganization and as a matter of fact passengers are put to a lot of trouble?"

THE HON. MR. DANIEL THOMAS:—"Transition times are always difficult."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether compensation will be paid to the holders of unexpired permits; if so, what will be the amount of compensation? That was my original question but a printing error has crept in."

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THE HON. MR. DANIEL THOMAS:—"The Madras Government propose to follow the scale of compensation adopted by the Bombay Government. Compensation for the unexpired permits will be paid at the rate of Rs. 2,000 for the unexpired period over twenty-four months. Then there is a decreasing rate if the unexpired period is less than twenty-four months."

P. P. HASSAN KOYA SAHIB BAHADUR:—"May I ask the Government whether it is the intention of the Government to stop the rickshaw traffic in the City and to introduce trolleys and tonga traffic?"

THE HON. MR. DANIEL THOMAS:—"We have only begun with buses and we cannot now think of rickshaws and tongas."

H. S. HUSSAIN SAHIB BAHADUR:—"Will the Government consider the desirability of immediately making arrangements to start some or at least a few more of the buses that are now starting from Parry's Corner to the Fort St. George in the evenings?"

THE HON. MR. DANIEL THOMAS:—"Even as at present, certain buses that go to Parry's corner are arranged to come empty to Fort St. George to take passengers and clerks of the Secretariat, but if the hon. Member makes a detailed suggestion in writing, that will be considered by the Government."

Purchase of new buses.

* 406 Q.—SRI T. K. T. N. R. TATACHARI: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether an order has been placed with a Bombay Firm for purchase of new buses;

(b) if so, which officer fixed up the price, and other conditions, with the name of Bombay Firm; and

(c) whether the Government will be pleased to place on the table of the House details of the purchases made in Bombay?

THE HON. MR. DANIEL THOMAS:—" (a) The answer is in the affirmative.

" (b) Notices were published in a number of leading newspapers in Madras, Bombay, Calcutta and Delhi, calling for tenders to supply buses to the Government of Madras. The tenders received were carefully examined at a conference presided over by the Hon. the Minister for Transport at which the Chief Secretary, the Home Secretary, the Finance Additional Secretary, the Transport Commissioner and the Secretary, Central Road Traffic Board were present. At this conference it was decided to place an order with Messrs. General Motors (India), Limited, Bombay, for the supply of 75 Chevrolet 1946 model buses with 195 inches wheel base, with Messrs. George Oakes, Limited, Madras for 75 Ford buses with 194 inches wheel base and with Messrs. Indo-British General Exchange, Bangalore, for 50 Isotta Fraschini

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Diesel buses. In pursuance of the decision reached at the conference the Transport Commissioner accepted the tender of Messrs. General Motors (India), Limited, subject to certain alterations found necessary in their specifications and placed an order with them for the supply of 75 Chevrolet vehicles.

“(c) Details of the purchase will be laid on the table of the House as soon as the vehicles are received and the transaction is completed.”

SRI T. K. T. N. R. TATACHARI:—“ May I ask the Government if they have assured themselves of the existence of trained personnel and spare parts in regard to diesel buses to operate and maintain them? ”

THE HON. MR. DANIEL THOMAS:—“ The companies have agreed to lend the services of their experts for giving service to the diesel engines for a period of one year. During that period arrangements will be made for the supply of spare parts and the training of proper personnel.”

SRI S. C. BALAKRISHNAN:—“ May I ask the Government, Sir, whether the vehicles purchased by the Government are driven by diesel oil or by petrol? ”

THE HON. MR. DANIEL THOMAS:—“ Some are driven by petrol and some are driven by diesel oil.”

SRI C. M. KOTHARI:—“ May I ask the Government, Sir, that if spare parts are required after two or three years and not in the first year when the companies lend their experts for service, for a year only is the Hon. Minister prepared to keep sufficient stock of spare parts before the buses get out of order? ”

THE HON. MR. DANIEL THOMAS:—“ As I have already stated, Sir, the companies officers will give service to the diesel engine buses for a period of one year and for the second and subsequent years, necessary provision will be made for keeping stock of spare parts for any repairs that may come.”

SRI V. I. MUNISWAMI PILLAI:—“ May I ask the Minister, Sir, will not the cost be prohibitive in the case of buses run by diesel oil, when compared to the buses run by petrol? ”

THE HON. MR. DANIEL THOMAS:—“ On the other hand, my impression subject to verification, is that diesel oil engines run more economically than petrol-run vehicles. I may also state that the diesel oil buses are nearly double the weight of ordinary vehicles.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I ask the Government why they did not make purchases of these buses from a Madras concern and why they have made them from Bombay? ”

THE HON. MR. DANIEL THOMAS:—“ We have purchased them from different concerns, one from Madras, one from Italy and one from Bombay.”

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MUHAMMAD RAZA KHAN SAHIB BAHADUR:—Is it in order for a Minister to jump and laugh while replying to a question? ”

THE HON. MR. DANIEL THOMAS:—“ May I ask whether an hon. Member is in order if he weeps and crouches? ”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I ask the Hon. Minister how many buses have already been purchased in each of the three categories mentioned by the Hon. Minister and how many more are expected? ”

THE HON. MR. DANIEL THOMAS:—“ The hon. Member may put a separate question.”

New minerals discovered in the Province.

* 407 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) whether any new minerals have been discovered in this Province; and if so, their names and places;

(b) whether it is a fact that a substitute for coal has been found at Cuddalore;

(c) if so, the quantity available and the extent of the land in which it is available; and

(d) the uses of the substitute material?

THE HON. SRI H. SITARAMA REDDI:—“ (a) The following minerals have been newly discovered in the places noted against each:—

Lignite in South Arcot.

Chromite in Namakkal taluk, Salem.

Columbite-Tantalite in Tiruchengode and Bhavani taluks of Salem and Coimbatore districts respectively.

High grade limestone in parts of Salem and Tinnevely and Madura districts.

Magnesite in Namakkal taluk, Salem.

Kyanite in Chundi zamindari, Nellore.

“(b) Lignite which can be used instead of coal in some processes has been found at Cuddalore.

“(c) An area of about 23 square miles has been proved to be lignite bearing and to contain a seam of an average thickness of 24.7 feet. The gross reserves of the mineral are estimated at 498 million tons approximately.

“(d) Lignite can be utilized for steam raising and for generating electricity. It can be used as fuel for industries and locomotive boilers after being briquetted, as is being done by the Italian Railways. It is also known to be used for the manufacture of synthetic petroleum by hydrogenation in Germany. Its value as fuel for domestic and technical use is well established in other countries. If it proves possible to convert the lignite into hard coke, it would be suitable for the metallurgical industries.”

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12 noon. SRI M. BAPINEEDU:—"Is it not a fact, Sir, that in the Godavari valley coal-bearing rocks have been found at Totapalli?"

THE HON. SRI H. SITARAMA REDDI:—"I have no information, but I shall take the information from the hon. Member."

SRI C. M. KOTHARI:—"Will the Government be pleased to state whether the prospecting of these mines will be allowed to private individuals?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, it depends upon the nature of the minerals and some minerals are allowed to be exploited by private parties while others are not."

SRI V. T. MUNISWAMI PILLAI:—"May I know, Sir, whether any researches are being made to make full use of these mines that have been found in the South Arcot district?"

THE HON. SRI H. SITARAMA REDDI:—"Yes."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know what steps the Industries Department are taking for intensely carrying on the prospecting of these mines?"

THE HON. SRI H. SITARAMA REDDI:—"The Industries Department is asking the Geological Department to take up the investigation of the mineral resources of this Province."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether the Geological Survey of India or the Geological Department has deputed any specialists for this purpose so far as this Province is concerned?"

THE HON. SRI H. SITARAMA REDDI:—"I should like to have notice of the question."

SRI R. V. SWAMINATHAN:—"In view of the fact that a large amount of mineral resources have been left untapped, will the Government consider the desirability of appointing an expert committee to examine the matter?"

THE HON. SRI H. SITARAMA REDDI:—"The Government do not propose to appoint a committee."

SRI N. VENKATA SUBBAYYA:—"May I ask if the Government are aware that a lot of mineral wealth lies untapped in the Ceded districts and whether they have ordered a geological survey, and if not, why not?"

THE HON. SRI H. SITARAMA REDDI:—"I am not aware of any intensive geological survey having been conducted in the Ceded districts, but the question of taking up a survey of the Ceded districts is being considered."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the fact that there are many minerals available in the Province and also of the fact that they have not been sufficiently developed

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so far, will the Government take all possible steps at least from now onwards to develop these minerals which are of much immense value to this Province?"

THE HON. SRI H. SITARAMA REDDI:—"Yes, Sir."

SRI ALLURI SATYANARAYANA RAJU:—"Is it a fact that mica is also one of the minerals available in this Province?"

THE HON. SRI H. SITARAMA REDDI:—"Yes, Sir."

SRI B. S. MURTHI:—"May I know whether it is not one of the terms of the Planning Committee appointed by the Government that they must go into the mineral resources available in the Presidency?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, the Industrial Planning Committee will naturally consider the location of all the available minerals in the country."

SRI S. C. BALAKRISHNAN:—"Is the Hon. Minister aware that certain minerals which are useful for dyeing and similar purposes have been discovered in the Madura district and that the concerned parties have applied to the Government for financial aid?"

THE HON. SRI H. SITARAMA REDDI:—"Notice, Sir."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Will the Government be pleased to give an assurance that the right to exploit the minerals will not be given to any company outside this Province and that it would be given by public auction?"

THE HON. SRI H. SITARAMA REDDI:—"No such assurance can be given because it all depends upon the capacity of the local people to work the minerals in question and if the minerals cannot be exploited by local people, Government cannot remain quiet and keep the minerals unexploited. So, all these will depend upon several factors that we have to take into consideration. For instance, it depends on the nature of the minerals, amount of money required to exploit them and so on. So, the Government cannot give the assurance that they will not allow anybody else to come into the Province to exploit any particular mineral."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Will the Hon. Minister take the information from me, Sir, that there is a strong expectation that my village, Valathoor, contains a gold mine, and will he authorize very soon an investigation into it?" (Laughter.)

MR. SPEAKER:—"It is an information given by the hon. Member and not a question."

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The Fountain-pen Manufacturing Concern, Rajahmundry.

* 408 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government are aware of the fountain-pens manufacturing concern at Rajahmundry;

(b) what is the total output of the concern;

(c) whether the Government have been approached for any help by the concern and, if so, the help done to the same; and

(d) whether the Government have taken or propose to take any steps to start or aid fountain-pen manufacturing concerns?

THE HON. SRI H. SITARAMA REDDI:—“(a) Yes, Sir. Messrs. K. V. Ratnam & Brothers, Rajahmundry, are manufacturing fountain-pens.

“(b) The Government have no information. The firm has reported sales of pens and nibs worth of Rs. 16,000 approximately during the year 1946.

“(c) Yes. Details of help rendered are given below:—

(1) A loan of Rs. 1,500 was granted in 1937.

(2) An overdraft of Rs. 500 was granted in 1943.

(3) An overdraft of Rs. 500 with the Imperial Bank of India was granted in 1945.

(4) An overdraft of Rs. 2,000 was sanctioned recently.

“(d) Government have all along been aiding the fountain-pen industry. Government have very recently sanctioned the grant of a loan and subsidy to another fountain-pen manufacturing concern Messrs. K. V. Brahman & Sons, Bhimavaram. It is not proposed to start fountain-pen manufacture departmentally.”

SRI B. S. MURTHI:—“May I know whether the Hon. Minister is aware of the fact that the proprietor of Messrs. K. V. Ratnam & Brothers was asked to proceed to foreign countries to study the process of fountain-pen manufacture?”

THE HON. SRI H. SITARAMA REDDI:—“No, Sir.”

New industries started by the present Congress Ministry.

* 409 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) the new industries started by the present Congress Ministry;

(b) the place, capacity, production and capital in the case of each industry; and

(c) the industries proposed to be started by the Government?

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THE HON. SRI H. SITARAMA REDDI:—“(a) & (b) The Ministry does not start any new industry. But the Government have encouraged many new and old industries such as for chemicals, fertilizers, cement, fountain-pens, etc. Details of these are published in the press from time to time.

“(c) Government have proposals under consideration for the exploitation of lignite in South Arcot and iron ore in Salem. They are also examining the possibility of manufacturing cement for the Tungabhadra Project.”

SRI M. BAPINEEDU:—“My question is, whether any new industries have been started under the ægis of the Congress Ministry?”

(No answer.)

SRI B. S. MURTHI:—“May I know whether the Government will take up the question of prospecting the coal deposits in the West Godavari district?”

THE HON. SRI H. SITARAMA REDDI:—“This question relates to some industries whereas the hon. Member's question relates to mines.”

MR. C. M. KOTHARI:—“Arising out of the answer of the Hon. Minister that the Government are going to exploit the industries, may I know whether the exploitation will be on private and industrial basis or at top-level basis?”

THE HON. SRI H. SITARAMA REDDI:—“I am not able to answer the question now because as I have already answered with reference to another question, it depends upon the nature of the problem that has to be faced from time to time.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Sir, in view of the fact that the Government have to rapidly develop the industries of this Province, may I know whether they are taking any steps to expand the Industries Department to cope up with the work?”

THE HON. SRI H. SITARAMA REDDI:—“No, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know why the Government of Madras are apathetic about the industrialization of the Province whereas the adjoining States of Mysore, Travancore and Hyderabad have made much headway in that direction?”

THE HON. SRI H. SITARAMA REDDI:—“I do not concede the hon. Lady Member's premises.”

SRI S. NAGAPPA:—“Arising out of the answer to clause (c), may I ask the Hon. Minister where this Cement factory is to be located?”

THE HON. SRI H. SITARAMA REDDI:—“The hon. Member may put a separate question on it.”

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SRI P. NATESAN:—" May I ask the Hon. Minister whether there is any limit of financial aid to industries under the State Aid to Industries Act? "

THE HON. SRI H. SITARAMA REDDI:—" The question of giving financial aid under the State Aid to Industries Act is one of the terms of reference to the Planning Committee and the Committee is considering it."

SRI V. I. MUNISWAMI PILLAI:—" Arising out of the answer to clause (c) will the Government be pleased to place on the table of the House full details as regards the lignite industry to be started in South Arcot? "

THE HON. SRI H. SITARAMA REDDI:—" No, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Arising out of the answer given by the Hon. Minister to my previous question, may I know how then the Government expect to cope with the expanding necessity of the Province in the industrial sphere? "

THE HON. SRI H. SITARAMA REDDI:—" The existing staff of the Industries Department is capable of coping up with the industrial development of the Province at present."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Is the Hon. Minister satisfied with the progress that is being made in the industrial development of this Province? "

THE HON. SRI H. SITARAMA REDDI:—" Yes, Sir."

Revised scales of pay for Pandits.

* 410 Q.—SRI T. K. T. N. R. TATACHARI: Will the Hon. the Minister for Education be pleased to state—

(a) whether the revised scales of pay are made applicable to Pandits employed in all schools;

(b) if not, when, and on what scale, they propose to revise the scales of Pandits;

(c) whether the Government are aware that the Director of Public Instruction expressed in a public meeting at Madanapalle some time in or about July 1947 that the revised scales of pay would be given in a fortnight thereafter;

(d) whether for employment, there is any rule insisting on S.S.L.C. qualifications even in the case of Pandits of long service and proved experience and ability; and

(e) if so, whether the Government propose to alter such rules exempting the Pandits therefrom?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

" (a) & (b) The Government have already fixed revised scales of pay for the three grades of pandits and munshis to be employed in secondary schools under all types of managements. The question of revising the qualifications and scale

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of pay fixed for each grade is under consideration and orders will be issued after the extra cost involved in the revision is estimated.

" (c) The Government understand that no such speech was delivered by the Director but that he merely informed representatives of Pandits who met him that the Government were considering the question.

" (d) When fixing the revised scales of pay the Government have laid down certain qualifications for each grade of Pandits and S.S.L.C. eligible is one of them.

" (e) The question of exemption will be considered after the qualifications are finally revised."

MR. SPEAKER:—" The answers to the rest of the questions will be printed in the proceedings."

(At this stage some hon. Members rose to put supplementary questions.)

MR. SPEAKER:—" Hon. Members are at liberty to put separate questions if they wish to do so."

SRI R. V. SWAMINATHAN:—" It is a very important question, Sir, and I would request your taking it up to-morrow."

MR. SPEAKER:—" If the hon. Member wants he can renew notice of the question. Answers for the rest of the questions will be printed in the proceedings as usual, but if any hon. Member wants that a particular question might be taken up to-morrow he should make a request to me in writing before 5 p.m. to-day when it will be done."

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

II.—BILLS.

(1) THE MADRAS BETTING TAX (AMENDMENT) BILL, 1947.

MR. SPEAKER:—" The Hon. the Finance Minister will now move the motion that stands in his name." 12-15 p.m.

THE HON. SRI B. GOPALA REDDI:—" Sir, I beg leave to introduce the Madras Betting Tax (Amendment) Bill, * 1947, and move that the Bill be taken into consideration at once.

" Sir, the Bill raises a simple issue, viz., that the existing rate of 6½ per cent on both the totalizator betting and betting with book-makers, be enhanced into a rate not exceeding 12½ per cent. The issue is straight and I am sure hon. Members will accord their sanction to it."

MR. SPEAKER:—" The motion before the House is that the Madras Betting Tax (Amendment) Bill, 1947, be taken into consideration at once."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Sir, I am sorry I have to oppose this motion not because that the Government should not seek new sources of revenue but on principle. We have made it very clear on the floor of this House that we are opposed to

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betting even in race courses. We have been agitating against this form of betting within the race course itself and we have made our position very clear. Any source of revenue based upon that evil must also be an evil and immoral one. Therefore, whatever may be the amount of money Government may get from this source, we are opposed to it because instead of doing any good to the Province evil only will result. I am not mincing words. We are firmly and strongly opposed to this measure of raising money for the good of the Province. That is trying to utilize the proceeds of an evil for the sake of the Province. On these grounds I am opposed to the motion tabled by the Hon. the Finance Minister."

* SRI G. SANYASI RAO :—“ ఆధ్యక్షా, మన ఆర్థిక శాఖా మంత్రి (Finance Minister) ప్రతిపాదించిన Betting Tax (Amendment) Bill ను నేను విశేషముగా ముగింపుగా వీక్షించి, దీనికి ముఖ్య కారణములు ఒకటి, రెండు తెలియజేస్తాను. మధ్య పాన నిషేధము మొదలైనవివంటి ప్రజాపక్షములైన స్త్రీ-ముగ్గుల ప్రవేశపెట్టుటవల్ల ప్రభుత్వమువారికి డబ్బు కొరతగా ఉన్నది. ఇంతేకాక ఈ పన్ను బీద ప్రజలకు కాక విమీ పని లేకుండా ముగిసి పానము డబ్బును గుర్తించు పంచెములమీద ఖర్చుపెట్టే అధికారులకు, జమీందారులకు, పెద్దపెద్ద రైతులకు వర్తకులకు వర్తించును. ఇటువంటి ధనికులవద్దనుంచి ఇట్టి పన్నును వసూలుచేసి ప్రజలకు ఉపయోగముగా ఉండే పనులు చేసేవలెను చేయాలి. అందుచేత ఈ గుర్తించు పంచెములమీద పన్నును ఇంకా పానము చేసినను, సగముకు సగము (50%) పన్ను వేసినను మనము అంగీకరించవలసిన దేశని ప్రభుత్వమువారికి తెలియజేస్తున్నాను.

“ఈ సందర్భములో మన (Finance Minister) ఆర్థిక శాఖా మంత్రిగారికి ఒకటి, రెండు విషయములు మనవిచేస్తాను. మన పల్లెటూళ్లలో కోల్ల పంచెములు, గొర్రెల పంచెములు సాధారణముగా జరుగుతుంటాయి. ఈ పంచెలను కూడా అక్కడ ఉండే పెద్దలు సాగిస్తున్నారు. వీటివల్ల చాలామంది పేద ప్రజలకు కూడా పానము వస్తుంది. కాబట్టి ఇలాంటి పంచెలను నిషేధించడం కాని, లేకపోతే వీటిమీద కూడా బాన్సిగా పన్నులు వేయడం కాని ప్రభుత్వమువారు చేయవలసినదిగా కోరుచున్నాను.

“ఇంకొక విషయము మనవి చేస్తాను. పల్లెటూళ్లలో అమ్మ ప్రజలు, పట్టణాలలో ఉండేటటువంటి ఉద్యోగులు, పెద్దపెద్ద వర్తకులు, అధికారులు, జమీందారులు క్లబ్బులలో పానములు అడుతూ ఉంటారన్న విషయం మనకందరకూ తెలిసినదే. ఇంతేకాక కొంతమంది కాంగ్రెసు వాదులుకూడా ఈ క్లబ్బులలో జూద మాడుతారనే సంగతికూడా మనకు తెలుసును. కావున ప్రభుత్వమువారు క్లబ్బులలో ఇటువంటి పానములను, జూదాలను నిషేధించవలసినదని, లేకపోతే Indirect Tax మార్పించుటకు బాన్సిగా వాటిమీద పన్ను విధించవలసినదని కోరుతున్నాను.

“ముఖ్యంగా ఇప్పుడు ప్రభుత్వమువారు ప్రవేశపెట్టిన Betting Tax (Amendment) Bill వల్ల పనిచేయడానికి పంచెలమీద డబ్బు ఖర్చు పెట్టేటటువంటి ధనికులవద్దనుంచి పన్ను వసూలు చేయబడుతుందనే కారణముచేత బిల్లును నేను support చేస్తున్నాను.”

* SRI P. NATESAN :—“ Sir, I support the Bill that has been brought forward by the Hon. Finance Minister. I can understand his trouble now being in want of finance, having introduced prohibition. He has conceived the idea of the increase in the General Sales Tax; he has introduced the Entertainments Tax Bill and now

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he is trying to get a little more money from out of gambling. Although I agree with the Leader of the Opposition that gambling is an evil, the same has been in existence all these years. We have been getting this 'tainted' money all these years and even in areas like Pakistan where the Viceroy, Mr. Jinnah, is the patron of the Karachi Race Club, Muslims do not seem to consider this as a harmful thing. Therefore, I do not think, there is very much point in what the Leader of the Opposition has said and I certainly think that this Bill has got to go through. I would have been pleased if the Hon. the Finance Minister had raised it up to only 10 per cent because it was only 6½ per cent so far and now he is trying to double it. I wish also, Sir, he had stated what the policy of the Government was with regard to racing because after all in racing there is a great deal of investment by people who own horses and people who own stables and that sort of thing which makes up the racing profession. The public will be glad and will appreciate if such an indication is forthcoming. Sir, I may have something more to speak but just now I have nothing more to say usefully except to say once again that I heartily support the motion moved by the Hon. the Finance Minister."

[SRI V. I. MUNISWAMI PILLAI :—“ Mr. Speaker, Sir, I was very much surprised to-day when my hon. Friend Mr. Natesan got up and supported this Bill. I know as a matter of fact he has been saying that the horse-breeding industry will disappear from the zone if horse races and bettings and all that are connected are abolished. I am glad that he has seen the light of the day and come to the support of this measure to-day. Sir, coming as I do from the Nilgiris which affords many opportunities for horse races both flat and hunt races, I am glad, Sir, that the Hon. the Finance Minister has thought it necessary to bring a piece of legislation whereby the gentlemen who are responsible for betting are brought within the purview of this tax. This will also give more money to the Government.

“I know as a matter of fact the plight of the poor people who have got their fancy for horse races and who have lost what little they have had. I think, Sir, this increase from 6½ per cent to 12½ per cent will be welcomed in the Nilgiris because it is a district populated by backward communities and hill-tribes and the aboriginals. All these people, Sir, on account of these races, take great interest in gambling and they are paying a lot of money which goes into the hands of betting gentlemen and it is right and proper for the Government to collect not only 12½ per cent but 25 per cent even as suggested by my hon. Friend, Mr. Karanth. The Nilgiris has as suggested by my hon. Friend, Mr. Karanth. The Nilgiris has gone dry from 1st October. I know as a matter of fact the people of the Nilgiris will not grudge to pay this amount of tax or even more. With these observations, Sir, I welcome the introduction of this Bill.”]

ABDUL HAMEED KHAN SAHIB BAHADUR :—“ Mr. Speaker, Sir, I am sorry I have to oppose this Bill for the simple reason that racing is not stopped at the stage of sport. The Hon. the Leader of the House is of opinion that racing should be

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encouraged for the purpose of keeping up horse-breeding in this country. Sir, if racing was only the sport of the rich we may not have to encroach upon that right of those people who wish to have it as a sport. But, Sir, the unfortunate part of it is that the betting side of the race courses. The evil effects of betting are well known to the people who are indulging in that institution. It has become a commercialized vice. I look upon it from the point of view of the poorer classes who are adversely affected on account of the encouragement and continuance of this institution in the City of Madras. I thought, Sir, that this Government who believe in prohibition and regard drink as an evil wanted to abolish this evil—horse racing. I fail to understand how the same Government can encourage another evil while putting down one evil. It is true that the Government have lost enormous amount of money through prohibition. Is it because the Government have been reduced to such straits on account of this loss of money that they have gone to the extent of encouraging another evil? Otherwise, what does it mean? When Government double the tax on betting, they expect to get good revenue from that source and large revenue from this source means large increase of the evil of betting. Unless and until betting increased on a large scale, the Government cannot get large revenue. (Sri P. Natesan: 'No, Sir.') For the sake of my friends who are anxious that the horse racing should thrive and prosper I am prepared to go to the extent of saying that while betting should be abolished, the races might be run and let the race-course be continued and no Government need come forward to close it down. But what I am opposed to is the encouragement of betting because it is gambling, be it within the race-course or outside it. Legislation was brought forward and it is there as an Act prohibiting betting outside the race-course; but even there they have not been able to put it down successfully and bucket shops are still continuing and thriving in some parts of the City. Possibly the Government might bring forward another amendment to secure a share of the profits from bucket shops as well. I shall not be surprised if it happens. (Sri P. Natesan: 'Do not insult a Congress Government.') They are insulting themselves by bringing forward legislation like this. I am afraid that the Government instead of putting down this evil are coming forward to encourage the evil of gambling in the City of Madras and other parts of the Province. I hope that this gambling evil will be put down with a firm hand for the reason that a large number of poor people who do not know what they are doing, go to the race-course, bet heavily and ruin themselves. I know that the race-course is well organized so far as the sporting aspect of it is concerned; the patronage that is given to this sport by rich landlords is certainly welcome. I myself went to the race-course once at the instigation of some friends and of course I appreciate the sport in which certain number of people engage themselves and it is a very good business for them but the adverse effects of that business should not be encouraged. I hope, therefore, that the Government will put down this evil with an iron hand. It is no good trying to make money from an evil, the like

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of which had been put down in another sphere by the introduction of Prohibition. There will be no point and consistency if another evil is encouraged in another fashion by this Government. I hope that the Government who are anxious to introduce Prohibition will not at the same time encourage gambling, much less continue it on a large scale. I, therefore, oppose this Bill."

SRI K. LINGA RAJU:—"On a point of information. We are asked to participate in this debate without knowing some of the technical terms in the Bill. For my part, I do not understand what a totalizator means or who book-makers are. I am sure you will excuse my ignorance but there are other hon. Members who share this ignorance. I would like the Leader of the House who is also a Steward of the Madras Race Club to enlighten us."

MR. SPEAKER:—"The Hon. Minister will explain all those things. If there is any expert in this Assembly, I have no objection to his explaining those things."

* SRI P. NATESAN:—"No use will be served by explaining those terms because they are all technical terms. If there is any Member interested, I would invite him to come and attend the races on the 22nd November 1947 and I shall give them a very pleasant time."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"As was claimed the other day in the Council, Dr. Subbarayan is the authority on horse-racing and I would like to know from him rather than from the Hon. the Finance Minister the meaning of these technical terms."

* SRI K. R. KARANTH:—"Mr. Speaker, this item has been put down on the agenda for to-day though we did not expect it to come off to-day. Without a speech announcing the policy of Government in this behalf, it is rather difficult for us here not to appreciate the points urged by the Leader of the Opposition. I wish to keep the House informed of what the last Ministry thought and did about it and I would like to know whether the present Ministry has departed from it and if so, to what extent. During the last Ministry, we made it perfectly clear that we were out to put an end to the evil of betting on horse-racing."

* SRI P. NATESAN:—"May I rise to a point of order, Sir. I should like to know whether what happened under the last Ministry is relevant to the debate on a Bill moved by the Hon. Finance Minister to raise taxes on betting. I do not know whether he is in order in referring to what views were held by the previous Ministry on this matter. Of course, he is entitled to tell his own partymen about it or even the outside people."

* SRI K. R. KARANTH:—"I am very sorry my hon. Friend is very much in a hurry. I would like, when an important Bill like this is brought forward, the Government to announce their policy with respect of this matter. We had a definite policy and I would like to know whether they are following the same or whether they have departed from it. If so we should like to tell

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the Province outside where we stand in this matter. I am very sorry that an experienced legislator like Mr. Natesan should have been so hasty in a matter like this.

"We definitely announced that horse-racing would be abolished, rather betting on horse-racing would be abolished in this province and we published a Bill in the Gazette and we had also decided after hearing the representations of those who had some vested interests in this matter that horse-racing and betting should end by April last year. But subsequently representations were made to the effect that the time allowed was too short and therefore, an extension should be given for one more year and we had agreed to that. I would like to know if that is the position still. We would certainly support the Ministry if it says that during the course of this one year for which we had given time they would like to have more income from this. In that case, let it not merely be $6\frac{1}{4}$ per cent. But we have heard speeches in this House and we have also read a speech made by an Hon. Minister in the other House which indicated a departure from that policy wherein he justified horse-racing as such saying that it was going to create a better breed of horses and that they are going to take a leaf out of what Bombay has done. I was also told that it does not represent the policy of the Ministry as a whole. I wish to know what is the real position. On the basis of what we decided, some of us have gone outside and told the people that though it involves a loss of revenue to the tune of 18 lakhs of rupees, we are going to put an end to this evil. And as we are going to forgo a revenue on this, we are going in for taxation like the Sales Tax (Amendment) Bill in which the poorest of the poor have to pay more on the purchase of what they eat. In view of this disturbing factor, namely, the speech made in the other House, I would like to know what the attitude of the Ministry to-day is in regard to this matter. If it is for more than a year, I am afraid I cannot vote for this motion but if they say that they would stick to what has been decided by the previous Government and that it is only for a year, in such a case, I see no justification to leave this class of tax untouched. I have myself tabled an amendment for increase of the tax which I shall move at the proper moment—I should have informed the Minister about it but it is only after coming here that I knew that the Bill was coming up and was going to be passed through all the three stages at once. I would like to know where we stand in this matter with the public. In regard to entertainment taxes, there were certain classes of people, those who buy a particular denomination of tickets, I believe it is tickets of the value of 6 to 8 annas, who were exempt altogether from the tax. (Interruption.) It is a matter which could be verified but I know that certain class of people did not pay any tax at all or paid only very little. It is only those that purchase the higher denomination of tickets that pay. But now the Government have brought forward a measure to increase the taxation on all classes of tickets to 33-1/3 per cent of their value. People visiting such innocent amusements

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like the drama or the cinema are taxed like that. If that is the position with regard to such amusements and entertainments, how are we going to justify our stand when it is said that this class of open betting is to be taxed at only $6\frac{1}{4}$ per cent? How are we going to satisfy ourselves about its fairness and how can we justify it? In view of that, I have given notice of an amendment that there should be nothing less than 25 per cent and I would have even gone further and asked for 50 per cent. But 25 per cent is reasonable provided the Government are going to say that there is to be an end to betting and horse-racing by the end of the year. I may also say one more thing. Before the Adviser Government gave up office, to forestall the Popular Ministry, for their views on these points were too well known, they gave a 99-year lease of the racing grounds both at Ootacamund and Madras to the concerned clubs long before their periods of leases were over. These matters were under the consideration of the Government when we left office. We found that this extension had been given so as to perpetuate horse-racing and facilities were given to them so that they might have possession on the grounds for the periods of the fresh lease. The 30-year lease in Ootacamund was going to close only in 1949-1950 but two or three years earlier they wanted to extend the lease by 99 years. I would therefore like the Government to make their position clear and if they stick to the decisions of the previous Government, I wish to suggest that $6\frac{1}{4}$ per cent is too low and that they should ask for at least 25 per cent per annum."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, at the very outset I may say that this is a very important measure on which we members of the Muslim League should express our views very strongly. While we speak, it is not as if we speak with the idea of obliging Dr. Subbarayan or my hon. Friend Mr. Natesan, who I know are the two good patrons of horse-racing. My hon. Friend Mr. Karanth was perfectly right when he put a very pertinent question. During the last session, we were waiting anxiously to pass into law the Bill brought forward by the previous Ministry for the complete abolition of racing. We were prepared to oblige when the Bill came up. That session was over, and we thought that the Leader of the House would bring that Bill in the present session. In the meantime, one of our Members, Mr. Farookhi in the Council brought forward an identical Bill for the abolition of racing in this Province. At that time, some of the reasons given by the Hon. Dr. Subbarayan on behalf of Government were that horse-racing was good, and he spoke about horse-breeding. If you really take horse-racing as a sort of sports, we will have no valid objection. My point of view is different. Our Province is losing 18 crores of rupees on account of the introduction of prohibition. Why have we introduced prohibition? How are we right in taking away the right of the people to drink? The natural corollary after introducing prohibition is that horse-racing should go and go for ever. While, it may be all right in the case of Mr. Natesan or other members who may like to go to the race

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course, it would be a different thing to see poor people being ruined by going to the race course. My Friends like Mr. Natesan and Kumararaja may lose money. I have no sympathy for them. I am not concerned with those who go to the first enclosure. But what about those people getting 30 rupees and 40 rupees per month who go to the race course and become bankrupt soon? I think horse-racing should be abolished in our Province at least on moral grounds. My hon. Friend Mr. Natesan said that racing was in Pakistan and all that. Even granting that something is done in Pakistan, in Madras we need not follow that. That is not a very important point. My hon. Friend Mr. Karanth very pertinently said that there should be some consistency in the policy when this Ministry came into power. The Leader of the House gave us an assurance that there would be a continuity in policy. But what has happened? Instead of that Bill being brought before this House, a new Bill is coming for increasing the 6½ per cent to 12½ per cent. As a taxation measure intended to give more money to Government this should be welcomed. But on moral grounds we say that this betting tax should go. I do not think there is anything difficult for the Government to face our point of view. It is a natural corollary after introducing prohibition that the Government should stop this horse-racing in Madras City.

"I may refer to another thing. This is a Government Bill and this would be passed into law even if we oppose. In this connexion, I wish to bring to your notice one or two things and then conclude my speech. It is common knowledge—I do not go to the race course—that apart from the betting which takes place in the totalizators and book-makers, a good deal of betting is going on to the tune of lakhs of rupees. Therefore, the Government would do well to enquire into the matter. Otherwise, they would be deprived of their income. We know that bucket shops are going on in the City when horse race is going on. The police have failed to a certain extent in tackling this problem. I conclude by saying that it is high time to have the Government policy settled, and see that horse racing is abolished in our Province. If you like to have it as a sport, you may have it in a different form. Most of the people who go to the race course do not go there for sport, but only as a sort of profession, and their lives become ruined. It is our duty to see that these people are saved from ruin. Hence, I oppose the Bill, Sir."

SRI C. M. KOTHARI:—"Mr. Speaker, Sir, I did not want to participate in the debate in the initial stage, and I thought I would speak after the amendment of Mr. Karanth had been moved. But there are certain things which have been told to this House, and through this House to the general public which are not true. In verification of what the past Ministry did we are told what was not done. A stage came when the later events were explained by my hon. Friend Mr. Karanth also. I feel Mahatmaji, the great man of the country, and of the world also, has been undecided as to whether racing is to be allowed to continue for next few years."

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SRI V. RAGHAVAYYA:—"Who told you that; it is a lie."

SRI C. M. KOTHARI:—"It is a fact. With due deference to my hon. Friend who says that it is a lie, I can throw the challenge to him and say that it is nothing but truth. If he can read in Hindi and Gujerathi papers what Mahatmaji has been saying in his prayer addresses, he would find that it is a fact. The attitude towards betting and racing, I feel, should be uniform as in other Provinces also. In other Provinces also, the Congress is in a majority. It needs no enlightenment to this House that there is betting continued for six years in Bombay, and it is only to-day that we hear from Calcutta that some attempt is made as to how to continue racing in Calcutta. In view of these facts, if the present Ministry decide to introduce a Bill of this type, I for one, feel that it is a very great hardship to the people who go to the race course. Because, they will have to pay a tax of 12½ per cent. I feel that the Hon. the Finance Minister would agree to decrease the rate from 12½ per cent to 10 per cent, but if it is not possible, and if you need revenue at this juncture, and if the sales tax is to be introduced on a scale which is going to impair trade and industry of this Province, it is better that some income which is available to this Presidency, at least 50 lakhs of rupees are not thrown away. I take a realistic view, Sir. I support the Bill at this stage."

* SRI N. S. VARADACHARI:—"Sir, if I participate in this discussion, it is only to make it clear that I am not arguing the case for prohibition of races, from mere Puritanical zeal. I am also aware of the fact that this Bill is a purely finance Bill, but since it mentions in its statement of objects and reasons that betting taxes will of course be leviable only so long as horse racing is permitted in this Province, I take it that the Government will soon come out with a Bill on the question of horse-racing. It is made clear to me that Government are examining the question, and since the Bill itself contains in its statement of objects and reasons this very significant sentence, which need not have been put into a purely financial measure, I am satisfied about the Government's intentions in the matter. But I wish to say this that I am not going to put down this evil in the spirit of an iconoclast. It is no religion with me. It is, Sir, a pure, simple proposition for saving poor people from betting on horse races. I would be satisfied if Mr. Natesan and all his friends sought to give advice and arrive at a formula, that would save the poor from going to the races; that would prohibit all newspapers in the Province from publishing advertisements of races, that would make it an offence for publications about races being sold in the market place and elsewhere. If these friends will further present a scheme of restricting this betting habit to a few people in the City and in the mofussil who have enough money to pay and ruin themselves, if they so choose, then, Sir, I would even go to the limit of sanctioning this evil in that form. But I would like horse-racing to be prohibited altogether. My leanings are on that side. If I am not to be mistaken for a kill-joy, if I am not to be

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accused of being unkind to that class of people who think that for relieving fatigue there is no recreation other than this one simple form of recreation, I would be charitable and allow them to indulge in it for a short time longer. But I make no mistake about this that on no account would I allow the poor to throw away their money as on liquor and ruin themselves. Horse-racing may be good or bad—I do not know all about that. It may be bad for aught I know. But I am now concerned only with the money that Government wants, pending the examination of the whole question of prohibition of betting. It is for the Government to determine as to how much they want and in what manner they will realize it. I do not propose to go into the details of how they are going to realize this revenue. I support it as a pure revenue measure."

1 p.m. SRI K. ANANDAN NAMBIYAR:—"Sir, this Bill is of course for more money to the Exchequer. I have no objection to Government getting more money, but I feel that Government should not derive any revenue from betting and gambling. That is my view. We do not feel that Government are justified in bringing Prohibition at one stage, and allowing this sort of business to continue in this Province. The Government may say that horse-racing is good, because horses must be bred, and there must be more horses, etc. I have no objection to horses being bred, and people showing more kindness to animals. But on the plea that there should be horse breeding, Government should not encourage betting and thereby encourage gambling. I can understand hon. Members like Mr. Natesan and Mr. Muthiah Chettiyar betting; for if they lose, who don't grudge, as they can afford to lose; but in the case of the poor people who are indirectly brought into this calamity, it is simply terrible, and I therefore on behalf of the party I represent here strongly oppose this measure. I also echo the views expressed by Mr. Karanth, for he has rightly said that the Congress Ministry did not want this sort of gambling and betting to continue in this country and that the last Ministry wanted to abolish this horse-racing altogether. I am only sorry that the last Ministry did not do this before they resigned."

SRI K. R. KARANTH:—"We published the Bill, but before it could be proceeded with the Ministry had to resign."

SRI K. ANANDAN NAMBIYAR:—"I am glad to hear it. I was not in the legislature then; and if I had been here then I would have supported that measure. I am glad that Mr. N. S. Varadachari has drawn the attention of the House to one redeeming feature in this Bill, and that is, that by the end of this year, Government propose to bring forward a Bill for the total abolition of horse-racing. Of course I welcome that move, and I expect Government to do it as soon as possible. But in the meanwhile what I fear is, that when the time of abolition comes, Government may raise the cry that if they were to do it they would be losing so many lakhs on account of this tax. Therefore I do not want to allow this tax to be increased, so that this point may not stand as an obstacle at a later date. Therefore I oppose the Bill in toto."

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* SRI V. RAGHAVAYYA:—"Sir, this is a Bill which ought not to have been brought before this House. Though it has been argued, Sir, that Government can change its opinion, I wish to submit it cannot be done on fundamental issues. Prohibition is one such; it cannot be made into Temperance. Likewise horse-racing cannot take the shape of an increase in tax to allow it. It is possible that even hot heads become cucumbers. My hon. Friend on the right (Mr. N. S. Varadachari) gave a glorious instance of it. If Mr. Varadachari should lose fire I do not know whom else we have to look for guidance. I do not know why we should tolerate an evil for the sake of a few owners of horses, when a great majority of people are ruined."

"I do not know why the present Ministry has suddenly changed its mind. It has been given to the credit of one of the members of the Treasury Bench recently to have been openly declaring that several great men have been approving of their policy. We have absolutely no quarrel with any one of the members of the Cabinet for his own way of thinking. But I have all the quarrel when they begin to twist opinions of great men to suit their occasion, violently taken away from the context. It was said that His Excellency Sri C. Rajagopalachari presented a cup to the Calcutta Race Club and that there is nothing wrong in racing. It is also said that Mahatma Gandhi has approved of horse-racing. Mahatma Gandhi could never have done it. On the other hand he has condemned it in the most unequivocal terms. It is unthinkable that Mahatma Gandhi could have approved this evil on monetary grounds which has brought ruination to so many families. Drink is another evil which has brought money to Government coffers, and on that ground it too can be allowed to continue. It is this lure of income that has doped the previous legislatures of this province to adopt temperance in the place of Prohibition. Now at least I am glad Government have taken the bold step of introducing Prohibition, and we are now trying to enjoy the fruits of it despite the lapses here and there. I fail to see why this Government should fall short of the ideal set up before it. Unfortunately it has given room to thinking that its policy seems to be to fleece the poor to pamper to the rich. Again, you have abolished the producers-cum-consumers co-operative societies recently simply to encourage the usual trade channels, which have been keeping the poor man down-trodden economically. I do not want this monstrous act of cruelty to the animal kingdom should be perpetuated. I have read in books that horses have been doped to give their master the satisfaction of winning the race. Why should they be doped to pamper to the vagaries of a few rich people?"

SRI P. NATESAN:—"May I inquire of my hon. Friend what is meant by doping?"

* SRI V. RAGHAVAYYA:—"We have often read how people have been doped and robbed of their belongings. Doping means doping as it is popularly understood. If you dope an animal you make it forget its natural ability. I know where horses have been

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made fully drunk and under the power of intoxicants they are expected to run to gain a mark. In this way horses are killed, so to say, to win a race. I know several people have gone there and lost their all. After seeing this, for some legislators to come here and say there are some hidden virtues in this game and quote Mahatma Gandhi and Sri C. Rajagopalachari is simply ridiculous. I fail to see whether we are progressing or regressing. I strongly condemn this Bill for trying to raise a few lakhs of rupees by way of taxation when you are losing so many crores under Prohibition. Government should take a lesson from the Prohibition policy. I therefore urge Government to withdraw this Bill unhesitatingly and bring in a measure to abolish this evil root and branch so that other provinces may take a lesson from us."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to oppose the Bill that has been introduced by the Hon. Minister for Finance. It is indeed amazing that the Government should have cast to the winds the Bill to prohibit betting on horse races, of which notice was given and which was even placed on the agenda of this House. Instead of proceeding with that measure, the Government have now brought forward this Bill to increase their revenues from that self-same evil source which they erstwhile condemned. This change in the attitude of the Government is indeed astounding. We the Members of the Muslim League, I am afraid, cannot lend our support to this measure, because betting and gambling are deemed reprehensible according to the religious tenets of both Hinduism and Islam. With reference to gambling, the Holy Koran has thus proclaimed:—

يَسْأَلُكَ ذِكَّ عَنِ الْخَمْرِ وَالْمَيْسِرِ، قَدْ فِيهِمَا لُتْمٌ كَبِيرٌ

which means:—"They ask you about intoxicants and games of chance, say, in both of them there is great sin." Since it has been specifically declared in the Holy Koran that it is a great sin to indulge in games of chance, under which category betting is to be classified, we cannot lend our support to the measure before this House, as it seeks to augment the revenues of the Government from a source that has been condemned. Sir, I wish to state that not merely Muslims, but also the womanhood of the land are opposed to this Bill. The other day when presiding over the Constituent Conference of the Madras Branch of the All-India Women's Conference, Mrs. Radhabai Subbarayan, the wife of the Hon. the Leader of the House, who is an ardent social worker, condemned betting and urged upon the Government to take measures to stop this evil. To-day on the floor of this House, I am voicing the feelings and the opinions of half of the section of the people of the land, namely, 'womanhood'."

* SRI P. NATESAN:—"On a point of information, Sir. Is it not a fact that Mr. Mir Amiruddin the husband of the enthusiastic Lady Member who is opposing the motion, frequently goes to the race course along with his two daughters?" (Laughter.)

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BEGUM SULTAN MIR AMIRUDDIN:—"With reference to the point raised by Mr. Natesan, I may inform him that my husband and daughters are true Muslims and that they never bet. The point at issue is the abolition of betting and not of horse-racing. We are not against horse-racing conducted merely as a sport and not for the purpose of gambling. As a member of the Race Club whenever my husband visits the Race Course, he does so simply by way of recreation and to meet friends in the same manner as he attends the Cosmopolitan Club. He is a staunch Muslim and never indulges in the vice of betting. But there are very few people who attend the Race Course that can exercise that self-restraint. (Sri P. Natesan: 'Why should the hon. Member think so?') Because people have told me that they cannot derive any fun by coming to the races unless they bet. Having regard to the temptations to which the generality of men and women succumb in the interests of public welfare we demand that betting at horse races should be prohibited. When a member of my party introduced in the Upper House the self-same Bill of which the Government gave notice in this House, it was indeed surprising that the Government, when opposing the measure, declared that they intended to continue betting and adduced many arguments in favour of horse-racing. I wish to state that simply because His Excellency Mr. C. Rajagopalachari, who is an ardent supporter of Prohibition, has now come forward to grant a cup to the Calcutta Race Club, that does not make betting and gambling at the races any the less reprehensible than it was heretofore. There must be some consistency, some logic, some uniformity in the policy of the Government. It is not consistent on their part to declare that they regard the revenue derived from drink as tainted and at the same time come forward to augment their income through an equally tainted source, namely, betting on the horse races. This tax on betting at the Race Course was not included in the last budget and the Government did not take account of that income. I do not know why they should now look forward to this evil source of income.

"Mr. Speaker, Sir, I wish to point out that with reference to this matter there is no necessity to have an All-India policy, as was stated on the floor of the other House. When there is no All-India policy with reference to Prohibition and many other matters, why should the Government wait for an All-India policy in regard to this question. Have not the Government their own initiative, their own judgment to act upon in regard to this matter as they have in regard to many other questions? I may point out that in this country every other form of gambling has been made penal except that on horse races. This was allowed by the Britisher because he wished to indulge in his favourite pastime. But now that the Britisher has left the land I think the time has arrived when this exotic device of gambling should also be expelled from our midst.

"I am aware that there are some countries in the West which have no compunction in increasing their revenues by undesirable methods. For instance in the State of Monaco on the Riviera the main source of revenue which the Government derives is

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through gambling at Monte Carlo. I have myself witnessed to what utter desperation people are driven at Monte Carlo. Yet the State of Monaco has no compunction in thriving on the ruin of human lives."

SRI P. NATESAN:—"On a point of information, Sir. What about racing in Muslim countries like Arabia and Egypt?"

BEGUM SULTAN MIR AMIRUDDIN:—"I do not think, Sir, the information of Mr. Natesan is correct. In Muslim countries there may be horse-breeding but I do not think people would be indulging in gambling there for according to the Holy Koran no Muslim can betake himself to gambling. Be that as it may, but it cannot be urged that if any Muslim acts in infringement of the Koranic injunction we are to follow him, Sir. It is very important for women that betting on horse races should be prohibited, for, women are getting ruined thereby and is they who suffer the most."

"Sir, when Mr. Natesan disturbed me I was referring to what was prevalent in the State of Monaco in the Riviera in the South of France where the main source of revenue is derived from the gambling at Monte Carlo. I have seen for myself the terrible plight of big lords from England who have lost their all at that fashionable resort. I have seen big lords and ladies who have not had even money left to get back to England. Monte Carlo is a land of despair, but the State thrives on the ruin of human lives and takes no heed of their desperation."

MR. SPEAKER:—"The hon. Member has already taken too much time."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, such a state of affairs may be prevalent in a western country but in this land of India which from time immemorial has been noted for its spirituality, we cannot come down to that level. Therefore I request the Government to withdraw their present Bill and come forward with their original Bill to prohibit betting on horse races."

"One more point, Sir, and then I shall conclude. I am surprised to find that the Hon. Minister for Finance, Mr. Gopala Reddi, has proposed that the tax should be increased only from 6½ to 12½ per cent in this Bill whereas the other day when he brought the Entertainments Tax Bill the increase proposed by him was 33½ per cent. Why should the Government have a soft corner for people who indulge in betting at the races? Why has not the tax been raised to 50 per cent for such people? I hope, Sir, that the Government will come forward and declare their policy with reference to this matter. Sir, I oppose the Bill."

SRI R. V. SWAMINATHAN:—"I have been hearing, Sir, the same points repeated by the hon. Members. Therefore I move for closure, Sir."

SRI RAJARAO VENKATA MAHIPATHI GANGADHARA RAMA RAO BAHADUR:—"I second the motion, Sir."

The motion was carried.

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THE HON. SRI B. GOPALA REDDI:—"Am I not allowed to reply, Sir?"

MR. SPEAKER:—"As closure has been moved and carried I am not going to allow the Hon. Minister to reply. It is only in the Central Assembly when closure is accepted by the House the hon. Member who has moved is allowed to speak. But here I am following, as I have told the House several times, the procedure of the House of Commons. Therefore I am not going to allow the Hon. Minister to reply."

SRI B. S. MURTHI:—"On a point of order, Sir. Several Members would like to know the reply of the Hon. Minister and try to draw certain conclusions. They expect the Hon. Minister to reply . . ."

MR. SPEAKER:—"The hon. Member must know that I must follow some rule. I am going to put the motion to the vote of the House. The motion before the House is that the Madras Betting Tax (Amendment) Bill, 1947, be taken into consideration."

The motion was carried.

Clause 2.

SRI K. R. KARANTH:—"I move, Sir—

'that in clause 2, for the words "twelve and a half per cent" wherever they occur, the words "twenty-five per cent" shall be substituted'."

SRI B. S. MURTHI:—"I second it, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, I oppose this amendment on the same principle on which I opposed the Bill. Any money, whether it is more or less, small or large, is bad if it is money gained through undesirable means. Now, Sir, they say that there is nothing wrong in getting this enhanced money from betting on horse races. Several arguments have been advanced in justification of horse races. I am not convinced with those arguments. They say that this is an institution which is going to give us better and better horses. I want to know whether as a result of the existence of racing for so many years, it has produced any number of good horses. During these days of mechanically driven vehicles, I want to know whether there is so much use for horses, as it used to be once upon a time. Therefore I am doubtful if they are really so very anxious in regard to the breeding of horses as they pretend, let them be sincere—I do not want to use the word 'honest'—when they plead for existence of racing, and say whether they really want the breeding of better horses to go on or whether they simply . . ."

MR. SPEAKER:—"We are now discussing the question of tax on racing. We are not considering the breeding of horses."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Therefore it is I say that we do not want this increased amount of money which is going to come from such an evil source. The point that

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I am trying to make is this. Whether it is Re. 1 or Rs. 100 it is all bad and tainted money. Therefore it is that I am objecting to the amendment of Mr. Karanth. My point is, Sir, that the whole thing must go. As it was put by one of my friends this Bill should be withdrawn and the Government must come forward with the other Bill of which they have given notice and which they have published."

MR. SPEAKER:—"In the priority of things lunch should have preference. So I adjourn the House to meet again at 2-30 p.m."

The House adjourned for lunch.

(After lunch—2-30 p.m.)

MR. SPEAKER:—"Mr. Ismail Sahib will continue his speech."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I was asking, Sir, whether the supporters of racing were sincere when they wanted that institution to go on for the purpose of breeding horses. I do not think, Sir, from the actual state of affairs that the main reason for racing is breeding of horses. We do not see much use for racing in that way. Because, Sir, what is the sort of horses the breeding of which they are encouraging by this racing? It is not this kind of horses that are required in this country particularly when we have power-driven vehicles in increasing numbers. Of course, if they say that they are helping the breeding of horses that will be useful for agricultural purposes, there will be some meaning in it, if the people can afford to make use of horses for agricultural purposes and if this racing really helps directly in that connection. Then there may be some point in that. But I do not see, Sir, that racing has served any such useful purpose. After all is said and done, Sir, if it is really the breeding of horses that is your object, then this breeding may be encouraged by other methods. You can institute prizes and so many other things. But this racing is really doing great harm to society. For appreciating what amount of harm it is doing, one has only to go and stand at the gates of the enclosures in the afternoon when they go in and note their appearance and then when the races are over and they come out of their enclosures and go home, you can see them having lost all the lustre in their eyes and their vitality, bearing cheerless faces and go to their homes as if they have lost their nerve. At times, many of them appear even worse than drunkards. I am not exaggerating things. I have heard from friends narrating this experience.

"Now, Sir, for the sake of the pleasure or recreation which some friends say they derive from this, why should you heap upon society such a cruelty as this? Friends argue that they are at liberty to have whatever recreation they like. Any liberty, let it

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be civil liberty or any other liberty, it is always conditioned by the requirement that that liberty shall not encroach upon the liberty and the well-being of other people in society. From that point of view, for the sake of a few people who may have some pleasure from this thing—which I doubt—there are very many who lose their lives. Many people are ruined there and their families have to suffer throughout their lives. Therefore, Sir, the Government, knowing as they do all these things, are not justified in continuing this evil institution and then try to make use of it for getting more revenue.

"Sir, the Congress Government know this very well. They appreciate all that we are saying and that we have been saying. They know all these things. That is why, Sir, some time back they even prepared a Bill and were prepared to introduce it in the Assembly. That is a fact. Then they have now changed their minds. I do not know why they have changed their minds. Has the situation become different from what it was when the Government thought of introducing a Bill for the abolition of racing? Of this we have not been informed, Sir, by the Government. Therefore, I object to any tax, any revenue being obtained from such a source as this. On this principle, Sir, I oppose the motion."

* W. J. FERNANDEZ:—"Mr. Speaker, Sir, I support the amendment. I do so not from the point of view of the finances of the Government, but in the interests of the hundreds of poor people who flock to the race course hoping to come back with their pockets full but really returning sad and dejected over their losses. Sir, great concern has been evinced by every Member of this House for the welfare of the poor people who go to the races and waste their money there. But I do not see why on that account racing should be prohibited or the race course closed down. We have been yearning for freedom from foreign yoke. But the moment we get that freedom we want to deprive others of freedom. Those who want to have this pleasure and can afford to have it, may have it. Why should we curtail their liberties? After all there is nothing wrong in what they are doing. They do not bet as we imagine by lakhs. They go there and seek some pleasure and they are entitled to have that source of enjoyment if they can afford to pay for it. That apart, by this amendment we can bring about just what we want to do in the interests of the poor people. If you raise the taxes, I expect that the stewards will automatically raise the amount of betting. Otherwise they are not going to benefit as they did in the past. Unless they raise the betting limits and get more money they may not be able to pay the taxes. By raising the betting limits they will prevent poor people from betting as much as they now do. So, I feel, Sir, that the tax should be increased not merely by 50 per cent, but even 100 per cent. In that way you will effectively keep the poor people away from the race course. With these words, I support the amendment."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I am sorry I am constrained to oppose the amendment moved by my hon. Friend Mr. Karanth. The hon. Member who was a Minister in the last Government which was proposing to bring forward a Bill for the abolition of racing altogether should have been the last person to bring forward an amendment like this. We accuse the present Government of committing a sin or offence against society in having brought forward this Bill doubling the incidence of tax. If the Government have committed one sin, the hon. Member by his amendment is committing double that sin. I wish my hon. Friend had adhered to his opposition to racing, although it would have meant opposing the party to which he belongs. Perhaps it is with a view to show that they are working together and that there is no difference of opinion between them that he has moved this amendment. I am sorry, Sir, that the hon. Member has not adhered to his original principle.

"My hon. Friend Mr. Fernandez thought that by doubling this tax the number of poor people taking part in betting would be reduced. I am afraid, Sir, I have to differ from him. If the stewards of the race course have to pay not only this 12½ per cent but 25 per cent tax to the Government they have to devise ways and means of popularising the race course in order that they may get larger incomes. Otherwise they would have to close down their institution on account of the heavy weight of taxes. In order that they may exist and pay their taxes to the Government they have to find ways and means of attracting masses of people to the race course.

"My hon. Friend Mr. Karanth, who moved his amendment might come forward with the argument that he has proposed to raise the taxes to 25 per cent in order to destroy the very source of revenue by making it practically impossible for the race course to exist and by making it crumble under the dead-weight of taxation. If that is his object, he may put forward that argument when he has an opportunity of replying. But that is not the straight way of opposing a Bill with which he does not agree. I therefore appeal to my hon. Friend to withdraw the amendment, because the burden on the poor man will be doubled. We know that the Government are going to have their Bill passed with the help of their majority. Therefore why should we increase the burden on the poor man and make him go to the race course more and more? Why should we invite a larger number of poor people to get themselves involved in this game of chance and suffer all the troubles that this racing will bring upon them and ultimately ruin them. Therefore, Sir, I oppose the amendment of hon. Friend Mr. Karanth."

2-45
p.m.

SRI B. S. MURTHI:—"Mr. Speaker, Sir, I rise to support the amendment moved by my hon. Friend Sri K. R. Karanth. It is accepted that betting is an anti-social activity. In most of the civilized countries, betting, racing and drinking have been prohibited by legislation. (Sri P. Natesan: 'In which country?') Here

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in this country we have buried the drink evil. (Abdul Hameed Khan Sahib Bahadur: 'Civilized country.') We have been civilized not only to-day but for centuries. When the world was completely submerged in darkness and ignorance, India held aloft the light of culture and civilization. (Mr. Speaker: 'The hon. Member is going out of the way.') I am coming to the point. I had to say this in reply to a question put by my hon. Friend Mr. Hameed Khan. If I remember aright, during the Congress regime in 1937-39 there was a move to do away with races in the Madras City. No doubt races will provide entertainment, but entertainment at the cost of family happiness. When we are coming forward to tax entertainments like exhibitions, cinemas, dramas and other art shows, why should we not tax racing and betting? I wish to draw the attention of my friends who are opposing this amendment to the fact that betting is done by persons who are either reckless and addicted to betting or who do not know how to spend their money in proper ways. Betting is an anti-social activity and it must be restricted, if not actively prohibited. My Friend Mr. Hameed Khan said that if you tax them heavily, races and betting would be driven out. (Abdul Hameed Khan Sahib Bahadur: 'I never said any such thing.') Well, Sir, the inference is that, because he said that if you taxed them heavily, you would be forcing the authorities concerned to device ways and means to make their business a profitable one. The object is not so much to get revenue as to tax the activity which does not in any way help social progress. The Government should take courage in both hands, see that they tax betting and get money, so that they may discourage most of the people from betting or restrict it to only those people who can afford to bet in race and waste their money, time and energy. One more point, and I lay stress on this. When the Government are taxing more and more entertainments which help the mental recreation of children as well as the old people, why should they not levy a higher tax on betting? I support the amendment that wherever the words 'twelve and a half per cent' occur, the words 'twenty-five per cent' shall be substituted. I requested the Government to accept the amendment and not to explain it away."

* SRI P. NATESAN:—"I am amused to find nowadays that members belonging to the Congress Party come forward openly with amendments or oppose Bills brought forward by their own Government.

"I rise to oppose the amendment moved by Mr. Karanth. Mr. Karanth and Mr. Murthi seem to have no idea of what it means to tax betting on the race course. Otherwise, they would not have come forward with a 25 per cent increase in tax. (Sri B. S. Murthi: 'I admit I have never been a bettor'.) That is why I want them to study what this betting tax is and see how far the goose will lay some golden eggs. Don't kill it; if you kill it, you kill yourself. If a man wins Rs. 1,000 in a bet, he is supposed

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to pay you Rs. 250. Next time he bets the remaining Rs. 750. The money is gone and the man also is gone, and you don't get any tax. I can understand people saying that gambling is an evil. I respectfully agree with my hon. friend the Leader of the Opposition. He at least talks on principle. But these Congress gentlemen want to get money by taxing people in some form or other. I am not surprised because in connexion with the Sales Tax Bill, the gentlemen belonging to the Congress Party said: 'Will you find some money for us, as we are held up on account of Prohibition'. For these Congress gentlemen, the principle of taxation seems to be to tax somehow or other. It does not matter now. (An hon. Member: 'Question.') Question or no question, that is what I understand. If they want to tax, let them tax every man, woman and child in Madras at the rate of one rupee per year. Look at the population of Madras. How much money will you get! I know it will not be enough, but it will give some relief to the poor, harassed Finance Minister of the Madras Province. A tax of one rupee per head per annum on the entire population of this Province will yield a substantial return. That is my honest view. It is not gambling; it is a fair means of taxing people. You can ask the people to produce their ration cards and check up the number of people easily. Nobody can say that there are only two members, when there are four on the ration cards. That is the best way.

"I think there are so many Members here who talk as if gambling has been discovered only in 1947. It has been there from time immemorial, from the time of Nala and Damayanthi. What about the crossword puzzles which nowadays appear in the papers? Two annas, four annas, that is the entrance fee. They are making it as cheap as possible so as to rope in as many people as they can. I can understand the 'Illustrated Weekly' publishing them. People would like to get rich quickly. You cannot prevent that. I do not want Koran or any other scripture to be invoked here to show that gambling is an evil.

"Mr. Varadachari was good enough to ask: 'Give me some other formula'. What is the formula we can give? We have abandoned the third enclosure—when I say we, I speak for the race course also—the second enclosure entrance fee has been raised and the unit of betting in the first and second enclosures has been raised. Mr. Varadachari does not mind rich men getting killed, because he thinks that rich men will go to races in any case. Then will come all the poor men and they will probably run the Government. The instinct of betting is ingrained in the blood and it is there from the childhood. It is in the very marrow of the bones of the people. Even in the case of weather, people say: ('இன்றைக்கு மழை வருமா?') I bet it would not. What do you say? For any simple thing, there will be betting. As I said, it is in the very blood of the people. You say gambling is an evil. Gamble we do in our own life. Otherwise we cannot be a success. What is business if it is not gamble? What about stock exchange? It is nothing but that. There is gamble everywhere. (The Hon.

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Sri M. Bhaktavatsalam: 'Elections'? I will never face elections, which is the biggest gamble that one comes across. If one has extra money, he must stand for election. So, there is not much meaning in saying that gambling is an evil. I do not want the Muslim members to be hurt if I say that Pakistan has got racing. Iraq, Baghdad, Basra, Cairo—are they not having gambling and racing? Still I hear our Muslim friends saying gambling is evil. What is the population of the City of Madras? How many of them go for gambling? According to our own records, not even 5,500 both in the first and second enclosures. How many of these will gamble on a big scale to give this wonderful 25 per cent to the hon. Mr. Karanth, and how many of these will be poor people? Talking about the poor man is one of the tricks of the publicists. In the Corporation of Madras, when house tax has got to be increased, they will plead for the poor. But it is the rich man that owns the house. Everywhere we, the so-called rich men, always try to advocate the cause of the poor man. Unfortunately the poor man never gets the benefit. That is the trouble. I am not going to say that gambling is good or bad. I say that racing is a profession. People who have invested lots of money depend upon racing for their subsistence, because we happen to give some stake money to encourage owners to run their horses in races. My Friend Mr. Hameed Khan does not object to racing but to betting. Without betting, there will be no racing. I say: Out of evil cometh good. If you want to know the value of being good, you must have some evil. After all in society you must have pleasure and pain. If you have pain, then only you can understand pleasure and vice versa.

"I am hearing the same stereotyped story whenever this question of racing comes up. By all means abolish racing, but don't trot out this old man's story. Racing affects the urban population, and among the urban population, only about 5,500 people go to the race course. I expect that about 1,000 poor people will be there trying to have a gamble for two rupees or so. Why don't you prevent the crossword puzzles in the Tamil magazines and the football pool? I do not really consider that racing as such is doing any harm to the people.

"All the Congressmen think that they are the only custodians of the morals of the people. 'We have brought in prohibition; let us abolish racing.' Prohibition was in their plank. Was racing also there? No doubt Mr. Kothari referred to Mahatma Gandhi's statement. You don't give the people any entertainment, you don't give them any pleasure, you abolish racing. You simply kill the whole people. Let there be some method in madness. A tax of 25 per cent is simply staggering. I cannot understand people with imagination coming forward with such a proposal. In business, if I get a stuff, do you think I can make a 25 per cent profit?

"Sir, it is an absurdity which I cannot understand, when 3 p.m. responsible members coming forward and saying 'Pay us a tax of 50 per cent'. There is no meaning in that. What about

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Bombay? Bombay is the home of all these great Congressmen. They are supposed to be puritans in the Congress because they are wearing white khaddar. The Bombay Government, which is a Congress Government, have agreed to give a six years' term of life to the races under certain conditions. Is the Congress Government of Bombay any the less sympathetic to the poor than the Madras Government? Are not the Congress Governments allowing races at Lucknow and in other parts of the country? Why should the Madras Government alone view the races with such disfavour? I quite sympathise with the Hon. the Finance Minister who wants only money. That is why I say, we shall give 12½ per cent. But you are not satisfied with that and you are asking the whole of the revenues of the race course. What I want to tell hon. Members opposite is that all this talk of gambling as an evil is well-known to us already and it has no force or substance. Let us see what the other Congress provinces are doing and let us follow an All-India Policy. Sir, with these words, I oppose the amendment which has just been moved by my hon. Friend Mr. Karanth."

* SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, I am here to oppose the amendment brought forward by my hon. Friend Mr. Karanth and to support the Bill brought forward by the Hon. the Finance Minister to amend the Madras Betting Tax Act, 1935. In doing so, I wish to state that every member of the House who spoke from the opposite side said that this betting on horses is as much an evil as drink. They therefore argued that people who condemn the drink evil should also condemn this and see that it is abolished altogether just like drink. The purpose of the Bill before the House is not to abolish races. The proposition before the House is whether we must have 12½ per cent of the tax or not. That is the question that the House has got to decide. Therefore what we have to discuss now is whether the tax proposed by the Hon. Finance Minister is proper and reasonable or not. That is the pertinent question to which we should address ourselves. Instead of that, my hon. Friend representing the Chamber of Commerce began to justify the principle of gambling and because he is interested in that recreation, he supported gambling with all his force. He brought in the story of Nala and Damayanti and said that gambling has been in existence ever since the world began."

"Sir, I am sure those of us who are in public life will never agree with the hon. Mr. Natesan that there is gambling everywhere. We have not come here to gamble. Surely our election is not gambling. Gambling is deceiving a man and getting money in a wrong way. That is next to theft. We who are here are not prepared to support gambling and I want to say it with all the emphasis I can command."

"Now, Sir, let me compare the drink evil with racing. Drink not only spoils the health of the man who drinks, but also his reputation, his wealth, his brain and everything in his life."

MR. SPEAKER:—"The next Bill that comes up before the House is about prohibition. The hon. Member can speak on that in that connection."

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* SRI P. KANDASWAMI PILLAI:—"I do not wish to speak about prohibition at any length. Other hon. Members have been speaking about gambling and they have been allowed half-an-hour. It is because one hon. Member on the opposite side compared racing to the drink evil, I had to make this reference. I am contending here, Sir, that racing cannot be compared to drink. The Congress stood from the very beginning for the abolition of the drink evil in this country, because drink has ruined the poorer classes of the population and therefore it is that the Congress has pledged to abolish it, and is carrying out the policy. But that is not the case with racing. Racing affects mostly the well-to-do class of our society. If a man has a lot of money, he comes to Madras, goes to races and bets. That is a different matter altogether. The Congress Government which is interested in the welfare of the public knows when to abolish the races. It is now preparing the ground. It is waiting for an opportunity to abolish races altogether, and when the public is convinced that racing is an evil, the Congress Government will lose no time to abolish races altogether. But that is not the purpose of the Bill before the House. The object of the Hon. Finance Minister in bringing forward this Bill is this. Somehow it has not been possible for the Government to prevent racing altogether immediately. Why should not the Government, which wants money now, get it from those who can afford to go to races? That is the proposition before the House. The Finance Minister is quite right and justified because he wants to get money in all moral and legal ways. Sir, I am here to say that the arguments advanced by Members who belong to the other side are not at all tenable and are not reasonable as far as the Bill is concerned. I therefore entirely agree with the point of view of the Finance Minister and support the Bill."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, I expected better things from the hon. Mr. Karanth, but I am sorry that he too should only plead for a larger share of the tainted money. Sir, an evil is an evil and I believe that particularly racing is an evil of evils. First, racing is not racy of our soil. My hon. Friend Mr. Natesan brought in the analogy of ever-so-many evils in the world and said that there is no harm in this evil also existing along with others. But, Sir, let me expose the anomaly of his analogy. We are the sons of the soil and we are only going to plead for causes which we deem to be right, think what the world may."

"Mr. Speaker, it is not for Mr. Natesan to speak in terms of the hedonistic calculus of pleasure and pain, of good and evil, of shade and sun and to plead with Shakespeare that 'Out of evil cometh good'. I shall leave it to Mr. Natesan to decide for himself in what proportions, Dr. Jekyll and Mr. Hyde are in him."

"Sir, one thing he said about morals. But I should like to state that it shall be our duty and it shall be the duty of the State as custodians of the well-being of the Province to see that we are the watchdogs of the morals of our people."

[N. Muhammad Anwar Sahib Bahadur] [4th November 1947]

“ Mr. Speaker, it was very amusing for me this morning to listen to the hon. Mr. N. S. Varadachari. I am only sorry he is not now in this House. He was preaching as an ardent advocate of Gandhism. You know, Sir, that he has been preaching ever and anon, inside and outside, in season and out of season and with or without reason (laughter), the ever so many virtues of Gandhian philosophy. But let me ask him this question, Sir. ‘Is not this Bill against all canons of Gandhian philosophy, against all Gandhian teachings, and against all the injunctions of religion and morality and is it just on the part of the Congress Government to come forward and ask that it must have a share in this gambling that is going on in an unadulterated form in this Province?’ Let me say, with all the emphasis at my command that this is an evil which has been condemned by all right-thinking men and women, and it is not of course for me to say whether the hon. Mr. Natesan who, as a steward of the race course, thinks differently from our standpoint, is justified or not. I plead, Sir, let us not take cognizance of this Act or of the amendment by the Hon. the Finance Minister or of the amendment of Mr. Karanth. It would be much better that we follow the maxim ‘where ignorance is bliss, it is folly to be wise’. Let us rather be ignorant of racing altogether. Why should we take cognizance of a measure which is nothing short of Machiavellianism? Surely the end is not going to justify the means, however, laudable the end might be. It may be that the Hon. Finance Minister, in his anxiety to find money, may come forward with proposal for taxing anything and everything, and for increasing the tax in ever-so-many ways, but that does not mean that we should allow him to invade on the domains of our morals which we consider to be sacred. It would indeed be deserving of public indictment, if we allow him to do so.

“ Mr. Speaker, gambling has been the prostitution of all games. It was said by Sir George O’Sullivan that it is gambling that has resulted in the loss of our standards of morality. Let all of us who are tribunes of public opinion in this Province try to vindicate our moral standards and condemn this measure, pooh-pooh it through and through and give no quarter either for the Government Bill or for the amendment that has been moved to it.

“ Mr. Speaker, let me say this before I conclude. It is not as Muslims here that we want to oppose this Bill, but as gentlemen we want that there should be no more gambling in any shape or form in this Province and I am sure that the Government when they think over this matter at their leisure will themselves feel that they have come forward with a measure that is going to be condemned as very unpopular and that a popular Government dare not come forward with such a measure. Let them in their calm moments reflect and consider deeply over the matter and arrive at a right decision and then come forward with a Bill abolishing all types of gambling altogether in view of the repercussions that have been created by the observations of the hon. Mr. Natesan, the steward of the race course.”

SRI R. V. SWAMINATHAN:—“ Mr. Speaker, Sir, I rise to support the amendment moved by Mr. Karanth and in doing so,

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I want to tell the Hon. Finance Minister, Mr. Gopala Reddi that by accepting this amendment, we can achieve two objects. One is that as far as the income is concerned, I think, we can get twice as much as what the Finance Minister expects under his proposal. I understand that according to the $6\frac{1}{4}$ per cent which is now in force, we are getting about Rs. 18 lakhs. According to the enhanced rate proposed in this Bill, we will get about Rs. 36 lakhs and by the amendment of Mr. Karanth, I think we may get about Rs. 80 lakhs, which is rather a substantial amount of revenue. I wish therefore to ask the Hon. Finance Minister why he should increase the rate of sales tax which is ultimately going to be passed on and to be a burden over the consumer, and why not he accept this increase of 25 per cent to the betting tax.

“ The second object which we can achieve by accepting the amendment is this, Sir. I am one of those who believes that racing ought to be abolished altogether, for this reason, namely that we should not tempt poor people to go for races and waste their money on betting and thereby help people like the hon. Mr. Natesan, who is the steward of the race course. In this connection, Sir, I wish to narrate one thing to the members of this House. During the last season I had an opportunity to witness the races at Guindy. There I saw in the last enclosure, very poor people—even rickshaw wallas—betting on horses. It was a very sad sight indeed for me to see and I was thinking in my mind how many poor people there were in our Province and how they were getting spoiled by these races. But when I went into the first enclosure, which was specially reserved for the Members and their friends, what did I see? I was bewildered when I saw the whole enclosure packed up to the full with rich people, Zamindars, Princes, Maharajas and the like. I began to wonder within myself whether there were so many rich people in our Province especially.

“ Sir, this morning the hon. Lady Member Begum Sultan Mir Amiruddin was telling us that women who go to the races are not betting. But I saw there many ladies with dashing dresses watching the races with all keenness and at the same time betting and gathering at the counters.”

* BEGUM SULTAN MIR AMIRUDDIN:—“ Reference has been made to the ladies going to the races and betting. While I wish 3-15 p.m. to make it clear that my daughters never bet, it is true that many women also succumb to the temptation. That is why I want the original Bill to be brought forward to check the evil.”

SRI R. V. SWAMINATHAN:—“ Sir, there I saw a lady who was going here and there and a gentleman was following her like a sheep. I asked a friend, ‘What is this.’ He said, ‘that is her husband and he does not know how to bet but that lady is an expert in the art of betting.’ That is what my friend told me, Sir, I want therefore to protect such people. The feeling of the public is that races should be entirely abolished. In case, however, it is continued, the Congress workers will organize a movement to picket the races. I ask Mr. Natesa Mudaliar whether he will agree to this suggestion; he is very much interested in races, I know. Some

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people including Mr. Natesan say that racing is good for horse-breeding. By all means let us have good horse-breeding, but not the races with betting. Many Members think that races will be of no use without betting. My idea is to abolish races completely; unfortunately, however, our Government are not bringing forward a Bill for that purpose. That is why, in order to achieve two objects at one time, to kill two birds at a stroke we can accept this amendment for 25 per cent tax; we will be protecting the poor people from this evil and at the same time we will be getting good income. I hope the Hon. Minister will accept the amendment from that point of view."

* THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I shall confine myself to the amendment for the present, because we have got the third reading stage when we can take up the larger issue of policy. The amendment is very simple."

MR. SPEAKER:—"The Hon. Minister should know that at the third reading, policy cannot be discussed; only the provisions in the Bill can be discussed."

* THE HON. SRI B. GOPALA REDDI:—"The question is whether the rate should be $12\frac{1}{2}$ per cent or 25 per cent. Shall I discuss it now, Sir?"

MR. SPEAKER:—"If the Hon. Minister wants to answer the points raised by hon. Members, he can do so now."

* THE HON. SRI B. GOPALA REDDI:—"The important point is whether the rate should be $12\frac{1}{2}$ per cent or 25 per cent. I shall confine myself for the present to the amendment."

"Sir, the betting tax was introduced in the year 1935. Prior to that, there was only racing and there was no betting. In 1935, it was 4 per cent and in 1943 it was raised to $6\frac{1}{4}$ per cent. Now the proposal is to increase it by another 100 per cent to $12\frac{1}{2}$ per cent. That means from the year 1935 to 1947 the increase will be from 4 to $12\frac{1}{2}$ per cent. The suggestion first emanated from Mr. Karanth himself on the 12th March 1947, that the rate should be increased. Immediately after I took up office, the file came to me, and without knowing anything about betting or racing, I said 25 per cent. I did not know anything even about the terminology of racing, the totalizator and other things."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is the Hon. Minister entitled, Sir, to reveal an official secret, the opinion of a man who has left office?"

MR. SPEAKER:—"It is not a Cabinet secret that he is revealing."

THE HON. DR. P. SUBBARAYAN:—"Might I point out that we are responsible people on these benches? It is for us to decide what we are going to give out and what we should not give out, and it is not for hon. Members to discuss what we should give out or not give out. It is purely for the Ministers of Government."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"My point is whether the Minister can reveal now what the other Minister has done, when the public were not able to know what he had done?"

MR. SPEAKER:—"The Hon. Minister may not reveal what has taken place in the Cabinet; but he can answer some of the points raised by the hon. Members now."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The point is not really that, Sir. What the hon. Member wanted to know is this: The Hon. Minister says that without knowing anything about betting, without knowing the implications and consequences, he agreed to 25 per cent. Whether such a responsible gentleman can commit himself to that rate,—that is what Mr. Salam wanted to know."

THE HON. SRI B. GOPALA REDDI:—"Sir, I was not permitted to continue what I was saying. It was agreed by me that it should be 25 per cent. Later, some representations were made to me. I went to the race course, not on a holiday when there were races, but on a day when there was no racing. I went along with my friends, with my friend, the Leader of the Opposition also, to see what was a totalizator, what was a bookmaker, what was this $6\frac{1}{4}$ per cent, etc. All those details had to be explained to me by the Secretary of the Race Club. We had a very interesting discussion; number of figures and statistics was given to me, and the whole thing explained. As I said, it was not a race day fortunately. I understood the whole position. Then I had discussions with a number of friends too, not only in this Province but in Bombay and in Delhi also. I had occasions to speak to the Home Minister of the United Provinces about the betting tax here and I had also occasions to see the Prime Minister and the Home Minister in Bombay; their percentage was different and when I consulted them, they said it won't bear 25 per cent. So, I had to revise my opinion and go back to $12\frac{1}{2}$ per cent which I thought was reasonable. Even that meant a 300 per cent increase as compared to what it was in 1935-42. Perhaps the law of diminishing returns also would work; I am not quite sure whether the Government will after all get a 100 per cent more than what they realized last year on this betting tax. Mr. Swaminathan's mathematics may not work; according to him, if the rate was raised to 50 per cent the Government would get Rs. 180 lakhs. That law won't work, and I am sure this $12\frac{1}{2}$ per cent is very reasonable."

"Sir, it was suggested that we are charging 33-1/3 per cent as entertainment tax on the poor cinema, while we are suggesting only $12\frac{1}{2}$ per cent here. I may say that the entertainments tax also operates here. When you take a ticket for the second enclosure, this 33-1/3 per cent tax will come in; and if you go into the first enclosure for Rs. 5, that ticket also will come under this. That tax is parallel to this. But when you go to betting, you will have this betting tax. In the second enclosure,

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you cannot go to the bookmaker; that is only for the first enclosure. The ticket for the second enclosure is Rs. 5 and for the first enclosure it is Rs. 10. Bookmakers are available to the first enclosure only. Further, last year, the rates for the second enclosure were enhanced from Re. 1 to Rs. 2-8-0, including the entrance fee; and the betting unit was raised from Rs. 2-8-0 to Rs. 5. The result was highly marvellous. I shall read the statistics. Before the increase in the entrance rate, the average attendance for the second enclosure was 11,982 for 28 days on an average; but last year, after the rates were increased from Re. 1 to Rs. 2-8-0 and the betting unit was increased from Rs. 2-8-0 to Rs. 5, the average for 22 days worked up to 6,924. The attendance, therefore, fell from 11,900 to 6,900, only as a result of an increase in the entrance fee. The entrance fee will be subjected to 33-1/3 per cent tax and that will also deter many people from going from the second enclosure to the first. As I said, the second enclosure people cannot go to the bookmakers, and it is only there that they will lose heavily. Even assuming that people in the second enclosure are all poor people—I do not think so, I have seen some of them going to Bangalore, Ootacamund and other places—this will affect about 6,900 people and they cannot have access to the bookmakers. If they take Rs. 5 ticket from the totalizer it will be subjected to 12½ per cent betting tax. So, having gone into the whole question, having consulted people who know these things and having also consulted Ministers in other Provinces, I thought 12½ per cent—it is 8 per cent in Bombay—would be very reasonable in Madras. It is for these reasons, Sir, that I came forward with this amendment for ‘not exceeding’ 12½ per cent. I am sure Mr. Karanth will appreciate our difficulties in the matter and kindly withdraw his amendment.”

* SRI K. R. KARANTH:—“Sir, I wish to submit that I am not fully convinced, even after the figures have been given, that this betting cannot bear 25 per cent. I am not convinced at all because, if a simple entertainment can bear a 33-1/3 per cent tax, to say that on betting even quarter of it cannot be taken by the State is a thing which even after hearing all the figures quoted, I am not convinced about. But on parliamentary principles—and it is only on that fundamental principle—viz., that a taxation measure is always for the Government to bring forward—I have to consider my position. In the House of Commons, for instance, it is not open to any Member to move an amendment for increasing a tax; but luckily here we have no such restrictions. All the same, I wish to respect the tradition that it is for the Government to say what money they want. Here, there is a good source of revenue and if this Government, in spite of persuasion and arguments, say, ‘We do not want that money’, well, the responsibility is entirely theirs and I do not want to share it.

“On the question of the evil of betting, I wish to say that barring one hon. Member, all are agreed that this evil should be put an end to. It is much to my regret, Sir, that after so

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much discussion, the Minister is not able to say what the mind of the Ministry is on this important question. Let me say that while the betting tax might have begun only in 1935, betting and gambling have been going on in Madras—though I do not profess to know the science of it—and from 1926 onwards on the floor of this House and in the previous Councils, I have heard from all sections speeches made that this evil should go. A Government which is answerable to the people should put an end to it. Still, after the achievement of independence, with a people's Ministry here, that we should still be arguing and soliciting and asking the Government ‘When are you going to put an end to it?’ is, I can only say, the tragedy of the situation. When we had published the Bill and had put it on the agenda with a view to put an end to the evil, and when a private Member brings forward an amendment for effectively putting an end to it, that the Ministry should oppose it is something which requires more than an explanation. I can definitely say I cannot support this Government if they want to prolong this betting any longer, except for a year as I said, because after all, people have invested moneys. I beg of the Government to say what their decision is on an important question like this. A similar Bill was not allowed to be passed in the other House; and here when we ask for a higher tax on betting, the Government have not yet made up their minds; it is not a happy fact. Sir, in view of what I have said, I do not press the amendment, but the responsibility is entirely on the Government both for continuing this evil and for not taxing the people who resort to this, to the degree that we want.”

THE HON. SRI B. GOPALA REDDI:—“I am not quite sure whether I can speak on the policy of the Government at this stage.”

MR. SPEAKER:—“If the Hon. Minister wants to say anything, I have no objection. The hon. Member has withdrawn the amendment.”

The amendment was, by leave, withdrawn.

Clause 2 was then put to the House and carried.

Clauses 3 and 1 and the Preamble were then put and carried.

THE HON. SRI B. GOPALA REDDI:—“Mr. Speaker, Sir, I move—

‘that the Bill be passed into law.’

“In asking the House to pass this Bill into law I may say that this Government are equally anxious to pursue the Bill which was published some time ago and which could not be taken up in the last session before we concluded on the 25th of April. The Hon. the Leader of the House gave notice of the Bill during this session to you, Mr. Speaker, and you said that the Bill could not be taken up since the Assembly was prorogued and even Government Bills lapsed and you, Sir, ordered that it should be republished in the Gazette and fresh notice to the Assembly should be given. Accordingly steps are being taken to republish it and I hope the

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Hon. the Leader of the House has already given notice of it, perhaps he has given notice of it to the Assembly office. So, Sir, Government are anxious about the future policy with regard to racing and betting. But, Sir, having allowed racing and betting in 1947 and having allowed it in 1948, my hon. Friend Mr. Karanth now comes forward and says that it should not be allowed any more. I want to ask him why should he have allowed it in November 1946 and is it anything sacred that it should not be continued for some time more. After all, we gain by experience. We have so many representations to be heard and so many other factors to be taken into consideration; money factor is also there, I do not deny it. So, it is no use saying that this Government are anxious to get some more tainted money. I have got the proceedings of the Assembly of August last when Mr. Vaidyanada Ayyar accused the Ministry saying that they were getting money which as he called it, was *panchamaha-padakam*. Now, Mr. Karanth uses the same yard-stick which Mr. Vaidyanada Ayyar used against the Congress Ministry of 1937-38, I repeat the same words to Mr. Karanth, that this Ministry should be measured by the same yard-stick. Even that Bill does not say when horse-racing and betting should be abolished. I have got the Bill here which says, 'It shall come into force on such date as the Provincial Government may by notification appoint.' When this date is going to be, we do not know. So, Sir, that Bill also did not specify any date, whether it should be March 1949, 1952 or 1953 and it was left to the will of the Government to decide when that would come into force."

* SRI K. R. KARANTH:—"I want to ask the Hon. Minister whether there was not a definite decision that only for one year longer it should be allowed and no more and if so, what are the latest circumstances that have set in and what is the subsequent decision of this Ministry, one would like to know, Sir."

* THE HON. SRI B. GOPALA REDDI:—"Having come to office in May 1946 I would like to know why they allowed it till November 1946 and for another year afterwards when they could have abolished it within six months of their taking up office; and when they met for the first time in this Assembly, they could have straightway abolished it even in 1946. On the other hand, they gave time for two years. Likewise, Sir, since then many representations have been made to the Government, and there are many issues also involved in this. I am told definitely that, even if you abolish racing in Madras, they may bet at Bangalore, Secunderabad and even Pudukottah may think of starting something like this. So, Sir, these bucket-shops will continue and people may take to betting at the Bombay or Calcutta races. As far as I am aware, no Province in India has even thought of abolishing races. I have made references to the United Provinces, to Bombay and they have said that they had given them time for five years and that it should be done in 1952. I say once again that it is not one of the issues in the election manifesto nor do I see that there is any popular demand for the abolition of betting and racing except perhaps on the floor of the

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House. I have attended political conferences, not only of kisans, not only of Congress workers but also of trade union people and they have never passed any resolution nor had they presented any memorandum to the Minister nor to any Congress dignitaries urging that betting and racing should be abolished immediately. That does not mean that we are not equally anxious about it. We are equally anxious and as I have been saying from the beginning, we are publishing a Bill and the Leader of the House is also giving notice of it and Members of the House on both sides will then have an opportunity of putting forth their views as to how it should be regulated, modified, or prevented or totally abolished and whatever they want to be done they can give expression to them. The main issue was to have it at 6½ per cent or at the other rate of 12½ per cent suggested in the Bill. Many issues were raised on this simple amendment. I request that the House might give permission for the Bill to become law."

* K. M. SEETHI SAHIB BAHADUR:—"Mr. Speaker, even after hearing the Hon. the Minister for Finance, we feel absolutely unconvinced that there is any justification for a measure like this which gives sanction to the perpetuation of one of the anti-social evils of to-day. In fact, just like drink, betting is an anti-social evil and it is the duty of a progressive Government to devise immediate measures to counteract such anti-social evils and to put them down with the utmost expedition. Mr. Karanth's point was not answered though he repeatedly urged it in asking whether there was not a definite decision of the previous Government in regard to the abolishing of betting and racing within one year, and whether the decision would be stuck to by the present Government and if it is not adhered to, what the reasons are for it. Though he repeatedly raised that question, it was burked and evaded by the Hon. Minister for Finance and the House is really entitled to know what the attitude of the Ministry is with reference to the continuance of betting and racing in this Province. There is no use pointing to other provinces and saying that in no other provinces steps have been taken to do away with betting. When it suits the Government, they say they are the pioneers for other provinces and when it suits them they point out the example of other provinces as if they should lead and we should follow. I am reminded by my hon. Friend Mr. Salam that the pride of honour of giving lead to other provinces was claimed by the Hon. the Finance Minister in connection with other measures that were before this House. There is no point in making a distinction between drinking and the evil of betting as was done by one of the speakers on the other side. Betting is as much ruinous to the poor as drink itself and any argument for continuing 'moderate drinking' would be no less unconvincing than what can be said in defence of betting and racing. Both are evils and it has to be admitted on all hands that both affect the poor people more than anybody else. I could not sympathize with the amendment moved by my hon. Friend Mr. Karanth when he asked for an increased

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rate of taxation because that will be more ruinous to the poor people than before. Whatever may be the rate of taxation the temptation for the poor people to go for betting would be irresistible and they will bet heavily and ruin themselves and there is no point in raising the level of taxation in the hope of discouraging betting. In such circumstances, what should be done by a Congress Government which claims to be popular and which professes to be keen on inaugurating healthy legislation will be to put an end to racing and betting immediately and without waiting to see what others are doing. They should take such a step instead of depending upon this money which is really tainted money—money obtained from exploiting a very unpardonable frailty of human society. With these words, I oppose the motion.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Mr. Speaker, the speeches made and the arguments advanced in support of this measure are not convincing. They have not urged that this is not an evil. Even my hon. friend Mr. Natesa Mudaliyar has admitted that it is an evil but his argument is that it must continue, for whose benefit, no one knows but he. It is pointed out that only 6,000 and odd people go to the races, the question of what enclosure each goes to does not matter. Though I do not know anything about the technique of racing, I only know that people are being ruined and unhappiness is being brought into many a home. But it is said that the number of such people is very much restricted as could be seen from the number of people visiting the races which is about 6,400. One thing has to be remembered which is lost sight of in this sort of argument and that is that these are not the same people who visit the races year after year. Some people get ruined this year and some new people come the next year and so on. Do not think that it is confined only to them; it is spreading amongst the people and therefore, it is that we implore Government to still reconsider this question and abolish this source of evil to society. They may not look to other countries for inspiration in this matter because they themselves admit this is an evil. They speak of Muslim countries but those countries which they mentioned were under foreign rule and the evil had been introduced there by those foreigners and they are now taking steps to abolish it. (An hon. Member: ‘It is hearsay.’) If they spoke from hearsay and if they were saying so, I also say I speak from hearsay. They are now taking steps to abolish it. Whatever it may be, it is admitted on all hands without a single exception that it is an evil and therefore, the sooner we put an end to it the better it will be.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ The House is anxious to hear the Hon. the Leader of the House, Dr. Subbarayan.”

MR. SPEAKER:—“ If the Hon. Minister wishes to speak, I have no objection.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“ On a point of information. The Hon. Minister for Finance said that the Hon.

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the Home Minister will introduce a Bill to abolish betting and racing. May I know when that Bill will be brought before the House? ”

(There was no reply.)

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

(2) THE MADRAS ABKARI (AMENDMENT) BILL, 1947.

THE HON. MR. DANIEL THOMAS:—“ Mr. Speaker, I beg to introduce the Madras Abkari (Amendment) Bill, 1947,* and move that the Bill be taken into consideration at once.

“ This is a very simple measure and is purely non-controversial. Under the Madras Abkari Act as it stands power is vested in Government to restrict the possession by a person of toddy, arrack, ganja or opium and such other intoxicants but unfortunately, there is no power vested in Government so far as foreign liquor is concerned. Clause 2 of the proviso to section 13 of the Madras Abkari Act of 1886 says that nothing contained in this section shall apply to foreign liquor other than denatured spirit kept by any person for private consumption. Under the guise of private consumption, any person in any of the non-prohibition districts can hold any unlimited quantity of foreign liquor in his possession. Such a thing has brought in certain difficulties in the administration of certain measures. Hon. Members may be aware that one firka in each taluk of each district has been chosen for intensive rural development and orders have been passed closing all toddy, ganja, opium and arrack shops except certain foreign liquor shops meant for medicinal purposes. It has been found that people living in those selected firkas go into neighbouring wet areas and bring large quantities of foreign liquor and allow it to be disposed of to people for drink purposes. It has been found that this defeats the purpose for which a closure of abkari and opium shops in these areas was ordered and for the purpose of remedying that position, the Bill has been brought in. It is a very simple Bill. When power is vested in Government to restrict the possession of toddy, much more is it necessary to restrict the possession of foreign liquor as well. It is only a temporary measure and to meet a temporary situation. I hope that the time is not far off when the whole Province will go dry and the question of the existence of selected firkas in that area will not arise and this provision will then become unnecessary and will not be resorted to. This provision as I have explained is absolutely necessary for the administration of intensive rural development scheme in certain selected firkas. I hope the House will accept the Bill and pass it.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Mr. Speaker, after having opposed the previous Bill, it gives me the greatest pleasure to support this measure before the House.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"I do not wish to take up much time. I wish to ask the Hon. Minister to what extent Christians, especially Catholics, will be affected by this measure. Will it prevent the possession by them of the required quantity of liquor for their religious purposes. I shall be thankful if the Hon. Minister would tell me definitely that this will not affect them at all."

THE HON. MR. DANIEL THOMAS:—"I would draw the attention of the hon. Member to the specific provision in the Prohibition Act under which under the authority issued to Ecclesiastical authorities, they would be enabled to keep in possession the required quantity of wine for religious purposes. The Abkari (Amendment) Act will not in any way affect their position."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. MR. DANIEL THOMAS:—"I move—

'that the Bill be passed into law.'

"Mr. Speaker, Sir, I am glad that this legislative measure has been carried in record time in this Assembly."

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

(3) THE MADRAS PROHIBITION (AMENDMENT) BILL, 1947.

3.50 p.m. THE HON. MR. DANIEL THOMAS:—"Sir, I beg to introduce the Bill further to amend the Madras Prohibition Act, 1937 and move that the Bill be taken into consideration at once.

"Sir, hon. Members know that the Madras Prohibition Act was passed in 1937 and the Congress Ministry which was in power then introduced this beneficial measure of prohibition in certain districts of the Province. Later on it was given up during the Advisers' regime and we again resumed it in October 1946. In October 1946, eight districts were made dry and on the 1st of October 1947 eight more districts went dry. Hon. Members of this House, I believe, are aware of the great and tremendous enthusiasm and the great exhilaration they showed and how it was welcomed in each village, in each hamlet and in each street in all the eight districts in which this measure was introduced. There were of course certain defects in the working of the Act in the sixteen districts and primarily in the eight districts in which the Act was introduced in October 1946. Friends belonging to certain districts of this Province in which this measure was introduced in October 1946 are aware of the difficulties which they experienced. I have heard what unenviable notoriety which certain districts have gained. Trains from Coimbatore to Palghat, trains from Erode to Karur and trains from Madura to Tiruppuvanam are

* Published in the Fort St. George Gazette, dated 21st October 1947.

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known to be toddy trains 'Kallu Vandi.' I have also reliable information to say that no decent man, no woman or child, can travel in these trains when people return from their places of rendezvous. Under the existing Prohibition Act, section 4 deals with penal provisions. Under clause (a) of that section, whoever consumes or buys liquor or an intoxicating drug is liable to the penalty under the Prohibition Act and under clause (i) whoever sells liquor or intoxicating drug is also liable to the same penalty. The trouble is, though at the time of actual purchase or actual consumption the offence is punishable, after drinking if a man is found drunk in any place, there is no provision under which he can be tried and punished and even the enforcement of the charges is also made difficult. For example, if a man is found drunk and is not liable to be proceeded against nothing can be done to him and there is no possibility of the man being arrested and prosecuted and thereby further information being made available as to the source wherefrom the drink was made available so as to follow up detection. So, I submit this measure is beneficial in two ways. It prohibits people from the dry areas to go into wet areas and come back in a drunken and unfit condition—they are not at all creditable members of society but anti-social elements brought into dry areas. It will also enable the authorities to follow up cases of drink. If a man is found drunk in a dry area it means he has some sources of illicit drink and taking action against such a person will lead to valuable clues and indicate the circumstances which will enable the authorities to follow up actual manufacture of illicit liquor. The trouble about illicit distillation is they are mostly carried out in solitary and remote parts of villages and particularly during night times so that detection of the crime becomes difficult. Apart from this, these crimes are committed in border areas and this measure deals with such cases also. I therefore submit from both the points of view and also in pursuance of the general policy of prohibition whereby we are trying to make all people in the dry areas to be free from the evil of drink, this measure will be a valuable piece of legislation.

"I would like to mention one other point before I conclude. Hon. Members will find there are two classes of offences in this and the first of it is being found drunk in any public place. That applies both to permit-holders and non-permit-holders and with due deference to my hon. Friend, Mr. Natesan, I must say that having introduced the Act, we are not able to prevent drinking of liquor at all. In certain cases we have to issue permits, particularly to non-domiciled Europeans and also to domiciled people of this Province who require drink for medicinal purposes above a certain age. But, in the case of persons found in a state of intoxication in any public place, it does not matter whether he is a permit-holder or a non-permit-holder, he shall be punishable under this provision. Again, whoever not having been permitted to consume liquor or intoxicating drug in pursuance of this Act is found in a state of intoxication in any private place, he is also liable to punishment. Of course, if he is a permit-holder he can drink because he has exemption to do so, provided he confines

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himself to his own house. But, if he is a non-permit-holder he becomes the subject-matter of further investigation. I would therefore, submit through you, Sir, that the provisions of this Bill are necessary for implementing and enforcing the prohibition which has been launched for the benefit of the masses of this Province. I hope there will be a unanimous approval of this House for the measure proposed."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, again for the second time in the day I have got great pleasure in supporting the motion brought forward by the Government. Such a provision ought to have been incorporated in the Prohibition Act even when it was originally brought forward. I am glad that now at least the Government thought of the lacuna and have brought forward this measure which will really implement the Prohibition Scheme and will make it a success. In America, Sir, ^{4 p.m.} the failure of prohibition was mainly due to the absence of such a measure as this. Drunkenness itself was left alone by the American Government and their failure to a very large measure was due to this fact and now I think our Government have thought it fit to stop that gap by bringing forward this measure of penalizing drunkenness wherever it may be, whether in a public place or private place. I think drunkenness itself is penalized according to the provision. Therefore it is a very welcome measure and it has my very hearty support."

* **SRI K. RAGHAVAN:**—"Mr. Speaker, Sir, I congratulate the Hon. Minister for Prohibition for his attempt to put down drinking from our Province. Sir, this is to punish a man found in a drunken state. As far as Malabar is concerned, I must say, the Government is not going to succeed. There are many temples in Malabar where permission is granted for the keeping of liquor for the so-called purpose of worship. There is one temple in North Malabar named Parsinikadave temple which is allowed to tap one coconut palm and to use further one bottle of arrack per day. If a drunkard is caught in the neighbourhood of any of these temples he can escape by saying that he is a devotee coming after worship and so he will not be punished. If this kind of laxity to the temples is allowed how can Government succeed? So, Sir, I would support this amendment provided the Hon. Minister gives us an assurance that he will cancel all permits granted in Malabar for liquor."

* **SRI P. NATESAN:**—"Sir, I am afraid I have got to oppose this Bill for the simple reason the Congress Ministry which was in power for so many years in this Province and the previous Congress Premier did not think it necessary to bring in this legislation. I can understand the need for this provision and I can understand the trouble which the present Minister has in enforcing prohibition. That is no reason for bringing an Act like this which is likely to harass the poor people. The Hon. Minister for Prohibition says that there is a 'Kallu' train going up and down Erode; this only proves that people would like to have some

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drinks somewhere but, Sir, I cannot understand the Hon. Minister saying that it is just what he wants to prevent. In trying to prevent this I am afraid Sir, that these Prohibition officers will simply harass these poor people and this Congress Government which is talking of the poor is going to give a punishment of imprisonment which may extend to six months and Rs. 1,000 as fine in the case of these people. It may be that a poor man may have one or more pots of toddy and he is going to be fined Rs. 30 and Rs. 40 for this offence. I know that Rs. 1,000 is the maximum and it will be imposed if a rich man gets intoxicated. If this poor man gets intoxicated in spite of himself you are going to punish him. You must understand that the man works so hard and has much strain on his nerves and as he wants some excitement he just goes to have some drink. In having his drink he probably oversteps himself and probably has a little more than what is good for him and when you find him intoxicated you want to take him to the police station and police officer or the Prohibition officer will have his own way of harassing these poor people. What will the illiterate man do in these circumstances? He will say, 'Here is eight annas, please let me go.' That is what he will say to the petty officer. Do you think this is going to work? I may say, Sir, the man who takes whisky and who gets intoxicated will not get probably into trouble even without his knowledge. Against the poor man this provision will be used as a handle and there will be lot of harassment. Mr. Ranga in his opening speech said that this Government officials are all corrupt now. With this Ministry that is the position and even good officers are certain to abuse these powers. I can understand, Sir, that the Congress Ministry wants to introduce prohibition. I am not saying anything against prohibition but I am against the curtailment of the liberty of the individual. The intoxicated state has got to be defined. They have committed already one blunder with regard to raising the tax on racing. The same thing also here. After all the man who is drunk is not able to speak properly and for some small mistake he will excite the policeman or Prohibition Officer and half a dozen people will be marched to the Police station and there will thus be harassment of the poor. This harassment of the poor will put some money in the hands of the Prohibition officers. That is a very important thing. There is the Madras Town Nuisances Act. The statement of objects and reasons says that they cannot be punished under section 3 (2) of the Madras Town Nuisances Act, 1889, or under section 510 of the Indian Penal Code. If you cannot make use of these why do you come forward with a Bill of this nature? All I wish to say is that when the previous Congress Ministers in the previous regime did not think of this the present Ministry in its anxiety to show that prohibition is a success simply keeps on adding all these inconvenient clauses. You are probably doing this because you have the power to do so. Somebody has got to protect those innocent people. These people must be protected from the harassment of the man who is going to be in charge of prohibition. With these words, Sir, I reluctantly oppose this Bill."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, there ought to be a limit to the power of any Government to bring forward any legislation for consideration by a democratic House. I am a believer in prohibition and I want complete prohibition. I want prohibition throughout the country and throughout the world but I cannot understand the Government raising its hands and saying 'We have failed in our efforts.' (A voice from the Treasury Bench: 'No, no, we did not say like that') This Bill is an acceptance on the part of the Government that they have failed. (No, no, from the Treasury Benches.)

"I must frankly state this Bill is a confession of failure. Because they could not prevent the evil effectively in this Province they have come forward with this Bill. I cannot think of any Government trying to curtail civil liberties. When I say that civil liberties are being curtailed, I do not mean the civil liberty of drinking. I am not asking for the protection of the civil liberty with regard to drink. The drinker is a bad person. I am not pleading for him. I merely plead, Sir, for the liberty of a man who does not drink. The Hon. the Leader of the House says that if he does not drink, his liberties will not be curtailed. I have known how when the Public Safety Act was in the stage of a Bill, the same assurance was given to the people that it will be only used in cases where it will be absolutely necessary to use and, that measure would be used carefully and they would not be misused. I will not give power in the hands of the executive to misuse it and arrest innocent people. Now, I am very anxious to avoid any further power being given in the hands of the executive as provided in this Bill. Sir, after all, this measure does not affect the man who behaves badly in a public place only. It affects even the man who is having a drink in his own house. He is not even free there from being caught hold of and punished.

"I believe, Sir, that this is a measure which should have been considered by a select committee very carefully. Of course, it is true that the Bill is not very lengthy. I am opposed to the effect of this Bill and not to its words. The scope of the Bill is very wide. It affects a very large number of people and people who may not indulge in drinks at all. Any officer having a grudge against anyone who does not drink at all, can enter a private house and arrest him saying that he is in a drunken condition. This is a very dangerous measure. I cannot very safely empower the executive with an additional power to deal with people and take away civil liberties. I, therefore, Sir, oppose this Bill. I am opposing it not because it is a measure to give effect to prohibition in this Province, not because it is sought to help to complete prohibition but because it is a dangerous measure which is likely to be misused in the hands of the officers and it may affect the people unnecessarily and it will be tantamount to harassment. I am afraid that unless it is referred to a select committee and the Minister comes forward with a resolution to that effect, we cannot accept this measure. I do not think I can support this measure now."

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* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, one fundamental defect in the existing Prohibition Act is the absence of any provision to punish the drinker. Now, in a Province like this which has borders all round under the jurisdiction of either Indian States or other sister provinces, the persons who want to drink, go to the border villages and there indulge in drink and come back drunk.

"There is nothing in the law to punish them. It is very difficult to close shops within a few miles from the borders of our prohibition districts. The absence of this provision has for long been felt. It is wrong to say that in the first Congress Ministry which introduced prohibition in four districts, this was not felt. Before anything could be done, it had to resign. Now, I am glad that our present Minister for Prohibition has brought forward a very important and necessary provision like this in the Prohibition Act. We are prohibiting the selling of toddy, drawing of toddy and preparation of liquor and all such things. If executive officers can be trusted to be fair and not to harass the poor people in all these matters, why not we trust them in this matter also? There is nothing now that is being added. There are the officials. If they want to foist cases, they can bring about a small panchayatnama and say that these men possessed so much liquor or these men were preparing liquor. Therefore, the argument that officials will harass the people is no good. That is a *mamul* argument, and I was astonished that a gentleman like Mr. Hameed Khan, who is a wholehearted supporter of prohibition, should come forward to oppose this Bill. I can understand if my hon. Friend Mr. Natesan who is a supporter of drink (laughter), betting on races, prostitution, and everything else (loud laughter), should come and oppose this Bill."

4-15 p.m.

THE HON. DR. P. SUBBARAYAN:—"On a point of order, Sir. I think it is very unreasonable of the hon. Member to refer to another hon. Member in the terms he has used, especially when he is not present to defend himself. I would request him not to do so."

MR. SPEAKER:—"The hon. Member will withdraw his words."

SRI A. KALESWARA RAO:—"If the Hon. Speaker considers it unparliamentary, I withdraw, Sir. I wondered why Mr. Hameed Khan should have come forward to oppose this Bill. It is a necessary thing. If we want to make the areas dry, if we want to teach people not to drink, if we are to remove all temptations from the poor people who are ruined by this bad habit of drinking, this very important and necessary provision should be introduced in the Act. I am, therefore, glad that the Hon. Minister is introducing such a good and salutary provision in the Bill. I support the Bill."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, let it be known to Mr. Kaleswara Rao that we support prohibition. But this House cannot tolerate this kind of legislation that

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is going on day in and day out. We had the Hon. the Finance Minister bringing some amendment to the betting tax without knowing what betting is and what racing is. He in his reply to the debate has accepted that he has not seen . . .

THE HON. DR. P. SUBBARAYAN:—"On a point of order, Sir. I would like to know what that has to do with the present Bill."

MR. SPEAKER:—"The hon. Member is accusing the Government of not knowing what they are bringing forward."

"The Hon. Minister has told us that he and the Leader of the Opposition visited the race course on some day."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I heard you, Sir, say that the Hon. Minister and the Hon. the Leader of the Opposition visited the race course, and, therefore, they are presumed to know everything about races. I make it clear that I know nothing about it. There were some blocks of buildings and machinery. (Laughter.) That is all I could see."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, should it be necessary on the part of any individual Member of the House to know actually the proposals he brings forward? For instance, we want to agitate against prostitution. Is it necessary that we should know what prostitution is before we abolish it?"

SRI T. S. PATTABHIRAMAN:—"Is it necessary on the part of the Government to know what drunkenness is and what drinking is before they introduce the Prohibition Bill?"

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Many Members of this House have misunderstood me. My point was that amendments were being introduced without the Ministers knowing the implications of the law which they wanted to have. The hon. Mr. Kaleswara Rao has said that Mr. Hameed Khan has opposed this Bill. No; we have stated that before Government come forward with any legislation, they should know the implications thereof. Why, I ask, have not the Government taken care to define some of these very complicating things. Am I, as a lawyer, to ask another lawyer, the Hon. Minister for Prohibition, whether he can at this moment define what he means by a state of intoxication. Can he do it on the spot? If he is not capable of defining what he means by a state of intoxication, which he wants to punish with a very heavy sentence of one thousand rupees and six months, imprisonment, why has he not taken care to add another clause and say 'state of intoxication means and shall be . . .'. We know courts of law. He as a lawyer of 20 years' experience must know how this is going to be misused. Why has he not defined what he means? What does he mean by 'intoxication in a private place'? What does a private place mean? Is veranda a private place or public place? Is street a private place or public place? I am only asking a few questions. The Hon. Minister has used the word 'private place.' Intoxication in a private place is to be punished. What is a

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private place? Has he defined it? Is he aware of all the consequences and the way in which this private place will be defined by courts and lawyers? Is it possible that such hasty and undigested Acts of this House are likely to be misused, and therefore it is necessary that the Government, before they come forward with such legislation, should define carefully, lest it should be used against innocent persons for party purposes. It is but proper that the Hon. Minister himself must come forward with a clear Bill in this matter."

SRI T. S. PATTABHIRAMAN:—"Sir, I move for closure."

SRI N. M. R. SUBBARAMAN:—"I second it, Sir."*

KUMARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Sir, it will be an abuse of the privileges of hon. Members to move for closure now."

MR. SPEAKER:—"I want to know how many more members wish to speak. (About four or five members stood in their seats.) I am not accepting the motion for closure."

SRI V. I. MUNISWAMI PILLAI:—"Sir, I rise to support the amending Bill of the Madras Prohibition Act, 1937. While doing so, I feel that this measure is necessary if prohibition is to be successfully carried out in all the districts that will go dry just now. From experience, Sir, I say that when the partial Prohibition Act was introduced in the Nilgiris, certain communities were not allowed to use drink. But due to the defects in the law, it was not possible to implement the provisions of the then Act known as the partial Prohibition Act. As time went on, it was possible for the Government to find out what was lacking, and during the previous Congress regime—1937-39—they were trying to find out a way as to how to bring or rather rope in those people who got drunk from unauthorized places. I am glad, Sir, my Hon. friend, Mr. Daniel Thomas, was able to find out what was lacking in the Prohibition Act and was also able to find out ways to implement the provisions of the Prohibition Act. Some of the Members who preceded me have pointed out that we are interfering with the personal liberties of individuals. But, I do not believe in such a pleading. Having brought in the Prohibition Act for the good of the people and to keep people sane without drink, it would be a sad thing if Government have not tried all the ways that can go for the successful working of prohibition in the districts that are brought under prohibition. Another important factor which I would like to bring to the notice of the Hon. Minister is that we have to be very careful in the choice of officers and servants for prohibition work in the districts in which prohibition has been brought into force. They must be treated on the same lines as an ordinary individual wherever and whenever they get drunk. Because, in my humble experience, I have seen some of the officers who have been drafted for prohibition work have been themselves indulging in drink. The Government have been very strong, morally strong, in bringing a provision of this nature to show to this Province and to the world that Madras

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Province with a Congress Ministry can successfully bring in prohibition in this Province. It has been brought to our notice how prohibition failed in America. But I may tell my friends that America is quite different from India."

MR. SPEAKER:—"The hon. Member should confine himself to the clauses of the Bill under discussion."

SRI V. I. MUNISWAMI PILLAI:—"My only reason was to point out how this clause in this amending Bill is useful in making prohibition a thorough success in this Province. Having said that, I am sure the Hon. Minister will take note of what I said about the officers."

THE HON. MR. DANIEL THOMAS:—"Sir, I am glad I have had an opportunity of replying to the various comments that have been made from different sides of the House. I am really grateful to hon. Members who really understood the import of the provisions of the present measure and have given their wholehearted support. So far as friends who raised their voice of criticism and comment, I would submit that they are under a misapprehension. So far as my friend Mr. Natesan is concerned he concedes that these drunkards do not know what they are doing; they forget what they are doing, and they take more liquor than it is good for themselves. At the same time, if I understand him aright, he wants that state of things to continue. Let people get drunk; let people do harm to themselves; let people not know what they are talking; and let them do acts which do harm to their health and self-respect. That exactly is the point that I want to controvert. We know that children have to be disciplined to know the ways of life. Therefore drunkards have to be disciplined, and the cause of temptation for drinks is to be taken away from them."

"I know, Sir, there is a passage in the Tamil classics, in Tirukkural, which says 'to argue with a drunken man is like going with a lit candle into a tent.' So, Sir, a drunken man is incapable of understanding what he is told and also of what he is saying. Therefore it is, law has to intervene and say to him, 'Thou shall not drink.' So, it is up to the Members of this House to see that necessary safeguards are provided for the proper working of the Prohibition Act."

"Mr. Abdul Hameed Khan said—and I think he was not well-informed when he said that—that because prohibition is a failure and so to cover it up we have brought forward this measure. Far from that; because we found in the actual working of the Act certain more powers have to be taken to make it fool-proof, so that the Act can be worked completely successful, we have brought this amending Bill. We want to see that every man, every woman and every child does not get into the evil habit of drink, we want them to be saved from that evil habit to make them citizens of a better society. Mr. Hameed Khan also said, 'here is a law which is capable of being abused.' I would request him to refer to section 4 of the Prohibition Act which lays down 11 or 12 cases where people will be punished. Every section of

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that Act is being administered by Prohibition officials and the courts. The hon. Member forgets the fact that for a man to be punished under the Act; first a charge has to be framed and then evidence let in and without proper proof before a Court of law no man can be punished. Simply because a provision of law is liable to be abused, it is no reason to oppose that. The Indian Penal Code contains 511 sections and all of them are administered by the Police. As per his argument, as they are liable to be abused by the Police, none of those 511 sections should find a place in the Statute book! It is no argument at all, and there is no end to such kind of criticism."

"Mr. Salam asked, 'what is the definition of "drunkenness" and "intoxication"?' I may submit to him I have been much longer in the bar than Mr. Salam. Mr. Salam should know there is an Act called General Clauses Act which defines the legal meaning of certain English words. Besides that, there is in every Act a section defining the meaning of the terms in each particular Act. As regards other words not found in any of these Acts, they retain the ordinary, plain, English, commonsense meaning. So there is no point in what Mr. Salam said. I may also say, Sir, on the whole a provision like the one under discussion will be a wholesale deterrent to prevent drunkenness. After all we are honest people. We do not travel without tickets in railways. Still the fact that there is a ticket examiner will act as a deterrent from people travelling without tickets. Even so, the purpose of this amending Bill."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, the English expression 'drunkenness' does not mean the state of a person who has taken to drink. If the Hon. Minister wants that nobody should drink at all, the word 'drunkenness or state of intoxication' does not serve the purpose. 'Drunkenness' in plain English language means 'drink taken in excess'. If the purpose of the Hon. Minister is to see that nobody drinks at all . . ."

MR. SPEAKER:—"Is the hon. Member making a speech, or raising a point of explanation?" (Laughter.)

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, my friend said if the expression are not defined in the General Clauses Act, the ordinary English dictionary meaning would apply. I am asking him the question, 'is the aim of the measure to prohibit altogether drunkenness; that is, nobody should drink even a drop', then I submit, this measure will not help him."

THE HON. MR. DANIEL THOMAS:—"I think the hon. Member has entirely misunderstood what I have said. I said where words are not defined in the General Clauses Act or in the particular Acts, they should be construed in the plain English commonsense meaning. The word 'intoxication' means the

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ordinary meaning, as it is popularly understood. If necessary he may refer to the Oxford Dictionary, as was said by the hon. Member the other day, or if necessary the Legal Dictionary. Therefore all that the Bill seeks to do is to make intoxication an offence.

" Mr. Hameed Khan referred to the possibility of drunkenness in a private house. I referred to this in my opening remarks. I said in a dry area where manufacture of liquor is not allowed, it may be necessary to enter into private houses where illicit distillation may be going. And where illicit distillation is done and a man is drunk, such cases should be detected and to provide for that this thing is done. Further this is not a thing peculiar to this amending bill. It is not as if this thing is newly imported into this measure. Section 4 contains this power already. Every law, every enactment, every human agency entrusted with power to administer an enactment is liable to be abused; and the fact that that is liable to be abused is no reason at all to be levelled against it.

" The benefits accruing from this measure are there; and there is no reason why there should be any opposition to it. Only two things more, I wish to mention. Mr. V. I. Muniswami Pillai very ably brought out the necessity for a law of this character. He also said that there are certain Prohibition officers who are already addicted to drink, and to whom we have entrusted the working of this Act. It is a pity we are not able to create a new agency to do this. Every precaution is being taken to put in only sober people as Prohibition officers. And where lapses are found in these officers, deterrent punishment will be meted out to them, as also severe departmental action. My hon. Friend from Malabar referred to the issue of licence to retain liquor for worship in temples in Malabar. That question is being examined by Government now. Every man, Hindu or Muslim or Christian is entitled to worship his own God in his own way. There are certain Gods like Muthappan in Malabar for whose worship some toddy is necessary by ancient custom. In the course of my tour in Malabar recently I came to know that this licence is being abused. So every care and safeguard is taken to see in issuing licence, not to leave room for abuse. I have asked the Board of Revenue to examine this question, and pending that, to hold up issue of fresh licences. Finally, Sir, I submit the provision now proposed in the amending Bill is a wholesome provision and there should be no opposition to it."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—" On a point of information, Sir. What about persons who do not drink but yet are found in a state of intoxication due to power?" (Laughter.)

THE HON. MR. DANIEL THOMAS:—" I would request the hon. Member to bring a non-official Bill for that. (Laughter.)

" Sir, I move—

that the Bill be passed into law."

* K. M. SEETHI SAHIB BAHADUR:—" Mr. Speaker, Sir, I support the Bill. I congratulate the Ministry in having brought a Bill of this nature, which fully illustrates the fact that the Ministry is really earnest about enforcing successfully prohibition. It shows they have introduced prohibition with no intention of playing to the gallery or for popular support. I do not agree with Mr. Hameed Khan, that this is an illustration of the failure of Prohibition policy. (Laughter and cries of hear, hear from Ministerial Benches.) In fact, it is anything but that. It simply shows that Prohibition is a success and to ensure its perfect success certain amendments of the law have become necessary. In fact only those who are not earnest and enthusiastic about prohibition can oppose this measure. (Hear, hear from Government Block.) I have found the several ways in which the Act is being evaded by certain persons in dry areas by going into neighbouring areas which are wet. It is only to deal with such persons that this amending measure is now brought."

" I know instances where people in Tellicherry go to the neighbouring places and get drunk and they thus defeat the object of prohibition and they escape the penalty imposed by law. In supporting this measure, I have to bring to the notice of the Hon. Minister for Prohibition that if his purpose is to put a stop to drink itself that purpose will not be completely served by the proposed amendment. It is not the state of intoxication that should be penalized but it is the very act of drinking that should be penalized." 4-45 p.m.

THE HON. MR. DANIEL THOMAS:—" On a point of information, Sir. I may inform the hon. Member that under the original Prohibition Act drinking in dry areas is made an offence."

K. M. SEETHI SAHIB BAHADUR:—" What about drinking in wet areas? A man can drink in a wet area and come to a dry area. This legislation will not cover such cases and I therefore respectfully submit that drinking whether it is in a dry area or a wet area should be penalized. It is only then that the purpose of prohibition will be served. With these words, Sir, I support the measure."

THE HON. MR. DANIEL THOMAS:—" I have nothing to add to what I have already stated, Sir."

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

[4th November 1947]

(4) THE MADRAS NON-POWER FACTORIES BILL, 1947
(L.A. BILL NO. 16 OF 1947)

THE HON. SRI H. SITARAMA REDDI:—“ I present, Sir, the Report of the Select Committee on the Madras Non-Power Factories Bill, 1947 (L.A. Bill No. 16 of 1947) and move that the Bill be as reported by the Select Committee be taken into consideration.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ On a point of information, Sir. I wish to know whether it is a fact that there is a change of portfolio from one Hon. Minister to another without the House knowing it. Is it a fact, Sir, that the Labour portfolio has been changed over from Dr. Rajan to Mr. Sitharama Reddi? ”

THE HON. DR. P. SUBBARAYAN:—“ I have promised hon. Members of this House, Sir, that when changes in portfolios take place they will be announced in this House. This question is rather premature. (Interruption.) What is published in the papers need not be taken as authoritative. My Hon. Friend, the Minister for Labour, is away in Delhi. That is why my Hon. Friend is taking it up on the present occasion.”

SRI K. T. KOSALRAM:—“ Mr. Speaker, Sir. இப்பொழுது கனம் தொழில் மந்திரி அவர்கள் நம் முன்னால் பிரேரேபித்திருக்கும் Non-Power Factory Bill-ல் பல முக்கியமான மாறுதல்கள் இருக்கின்றன என்பதை ஒப்புக்கொள்ளவேண்டும். இதுவரை இருந்த சர்க்கார் முகலாவிகளுக்கு வேண்டிய எத்தனை விகிதமான சலுகைகள் வேண்டுமோ அத்தனை விதமான சலுகைகளும் சட்டபூர்வமான பாதுகாப்பும் அளித்து வந்தது. ஆனால், இன்றைய காங்கிரஸ் அரசாங்கம் தொழிலாளிகளுக்கு என்னென்ன சட்ட பூர்வமான வசதிகளும் தேவைகளும் வேண்டுமோ அந்த வசதிகளையும் தேவைகளையும் அளிப்பதற்கு இப்படிப்பட்ட சட்டங்கள் கொண்டு வந்திருக்கிறது. ஆனால் இதில் ஒன்றை ஒன்று சொல்லிக்கொள்ளவேண்டும். Select Committee-ல் 15 நாட்கள் casual leave-ம், 15 நாட்கள் sick leave-ம், 15 நாட்கள் privilege leave-ம் ஆக 45 நாட்கள் கொடுக்கவேண்டும் என்று தீர்மானித்திருக்கிறது. ஆனால் அதற்கு மாறாக இப்பொழுது கனம் மந்திரி டாக்டர் ராஜன் அவர்கள் ஒரு amendment கொடுத்திருக்கிறார்கள். அதுவும் 12 நாட்கள் வீதம் கொடுக்கவேண்டுமென்று கொடுத்திருக்கிறார்கள். ஆனால் இந்த amendment-ஐ தாற்காலிகமாக அவர்கள் கொடுத்தாலும் Select Committee-யால் ஏகமனதாக தீர்மானித்த 15 நாட்கள் வீதமுள்ள லீவுகளை கட்டாயம் அவர்களுக்கு கொடுத்துத்தான் ஆகவேண்டும். கனம் மந்திரி அவர்களும் இது விஷயத்தை கொஞ்சம் ஆலோசனை செய்வார்களென்று நம்புகிறேன். முக்கியமானதாக ஒரு விஷயம் Select Committee-க்கு பின்னால் வந்திருக்கிறது. ஒரு ஆயிரக்கணக்கான ஜனங்கள் வெய்யிலிலும் வெட்ட வெளிச்சத்திலும் நின்று இப்பொழுது உப்பு உற்பத்தி செய்து வருகிறார்கள். அவர்களுக்கு எவ்விதமான சலுகையும் சட்ட பூர்வமான பாதுகாப்பும் இல்லாதிருந்து இப்பொழுது அந்த தொழிலாளிகளுக்கு இதில் ஒரு பாதுகாப்பு ஏற்பட்டிருக்கிறது. இதை நம்முன் கொண்டு வந்த அரசாங்கத்தை யாராலும் பாராட்டாமலிருக்கமுடியாது. இந்த மசோதாவில் இன்னும் பல மாறுதல்கள் செய்யவேண்டும். அந்த மாறுதல்களை இப்பொழுதே திடீரென்று கொண்டுவந்துவிடவேண்டாம். கொஞ்சம் கொஞ்சமாக கொண்டுவந்து கட்டாயம் செய்துவிடலாம் என்று டாக்டர் ராஜன் அவர்கள் Select Committee-ல் சொல்லியுள்ளார். இந்த நிலைமையில் இந்த பில்லில் இப்பொழுது கொண்டு வந்திருக்கும் சலுகை

[4th November 1947] [Sri K. T. Kosalram]

களையும் எல்லா விதிகளையும் எல்லாவிதமான factory-க்கும் அமுல் நடத்த உடனடியாகச் செய்யவேண்டும். இதையும் சர்க்கார் அவர்கள் உடனடியாகச் செய்வார்களென்று நினைக்கிறேன். இவைகளை உடனடியாக நடத்த வேண்டுமென்று கேட்டுக்கொண்டு இந்த மசோதாவை ஆதரிக்கிறேன்.”

SRI PILLALAMARRI VENKATESWARLU:—“ Mr. Speaker, I rise to speak on the Bill which has been passed by the Select Committee. This Bill affects really most of the toiling millions in our Province. Previously there was the Factories Act but most of those unorganized labour received no benefits from the Factories Legislation. There is therefore a great cry for such a piece of legislation. Of course this demand is there since about 1937 when the Congress Ministry were in office last time. But in those days they could not do anything. Recently as soon as the Congress came into power once again notice has been given of the Non-Power Factories Bill after a period of six or seven months and now we are discussing the Bill, in its final stage. There is an amendment to the Factories Act under which certain provisions of the Factories Act can be made applicable to some of these industries mentioned in the schedule. But the working of the amendment is very defective. That is why most of the benefits that were enjoyed by labour under the Factories Act were not enjoyed by the ordinary labourers who are brought under the Non-Power Factories Bill. Therefore there is greater need for this piece of legislation. In this connexion I wish to bring to the notice of the House the horrible condition in which this unorganized labour are continuing. In our Province there are about 90,000 people working in the beedi industry. The condition of the workers there is horrible. The Madras Government has appointed an Enquiry Committee and it has submitted its report. I should like the Hon. Minister in charge of the Bill to carefully go through the report. In that report a clear indication is made how the legislation should be framed. In that report certain defects in the Non-Power Factories Bill were also pointed out. Therefore we have to judge the report of the Select Committee on the basis of these factories and we have to take into consideration the existing living conditions and the existing service conditions of these unorganized labour and subject to the criticism of the Enquiry Committee appointed by the Government itself. If they go through the report of the Committee they will come to conclusion that even this Bill which has emerged from the Select Committee is not at all satisfactory. By merely passing this piece of legislation we are not going to solve the problem facing the labourers. If we go through the report we will know the very horrible state of affairs in which the labourers are with regard to wages, service conditions, working hours and everything.

“ We find in the Select Committee's report that there is no mention of wages. The question of wages is the most vital thing. Unless we decide the question and what is the minimum living wage that a man should get we cannot deal with the labour problem, and bring peace in industries. But unfortunately the

[Sri Pillalamarri Venkateswarlu] [4th November 1947]

Congress Ministry, in spite of the fact that there was greater demand for it, has not taken up that question to-day. Of course it is true that in the Factories Act it has not been taken up. But does it mean that we the elected representatives of the people could not take up the question of wages in framing legislations in the interests of the people? It is the most important and vital demand of the labourers. Therefore we must take up this question into our serious consideration. That is why I say that in a piece of legislation to-day when it is going to be passed in 1947 we must make some provision regarding minimum wage. To fix the minimum no separate Bill is needed. That can be done in each and every piece of legislation which we are bringing before the House. But our Ministry did not take that view and they have definitely omitted that piece of legislation which is most important and vital.

"Apart from that, regarding working hours it is just like the provision in the Factories Act. The Factories Amending Act has provided a 48-hour week and 8-hour day. The same thing is being copied here as has been done in the Shop Assistants' Bill. Now the demand is not for 48-hour week. It is too old a demand. Now the demand is for a 40-hour week. How are the Government going to meet the demand? At least they should meet the demand half-way. Unless the Government are prepared to come forward and meet the demand of the labourers, at least half-way, how is it that they expect to satisfy labour? As a matter of fact most of the industrialists have agreed to work 48 hours. The International Labour Organization Convention are passing resolution after resolution demanding a 40-hour week. What is the stand that the Government are going to take in this respect? I pause for a definite answer. Of course they have brought in a legislation fixing a 48-hour week. What is their attitude regarding the 40-hour week? Representatives of the National Government are taking part in the I.L.O. Asiatic Regional Conference and they are there making wide promises that everything is going to be effected. Is this the way in which they are going to effect social legislations? In the I.L.O. Conference it has been accepted that there should be only a maximum of 40 hours.

"Mr. Speaker, I want some more time. It is already 5 o'clock and I cannot finish to-day if we are rising at 5 o'clock."

MR. SPEAKER:—"The hon. Member can continue his speech to-morrow. I announced to the House the other day that the House would sit till to-morrow, that is Wednesday and then it would adjourn *sine die*. But I now understand from the Hon. Ministers that most of them would be in Madras before the 25th of this month. Therefore I have to inform the House that after meeting to-morrow we will not adjourn *sine die* but we will meet on the 26th November 1947.

"I now adjourn the House to meet again to-morrow at eleven of the clock."

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APPENDIX.

[Vide item 11 (4) at page 490 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Non-Power Factories Bill, 1947 (L.A. Bill No. 16 of 1947), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated 14th January 1947.

3. The Committee was appointed on 24th April 1947.

4. The Committee met in the Legislative Council Chamber, Fort St. George, at 11 a.m. on Wednesday, the 23rd July 1947, and considered the provisions of the Bill and submit the following report.

5. The following are the more important changes made by the Select Committee:—

Clause 2.—The Committee accepted the suggestion of Mr. Kader Kutti that business where all work was done by members of one family should be exempted from the operation of this Act and an additional proviso was accordingly added to the definition of "non-power factory." It was also felt that the term "wages" should be defined and a definition of "wages" was inserted under this clause.

Clause 20.—The Committee decided that the periods of work should not spread over more than 10 hours in any day and sub-clause (3) was amended accordingly.

Clause 26.—This new clause was inserted on the lines of clause 41 of the Madras Shops and Establishments Bill, 1947, so as to provide for notice of dismissal, except for casual or temporary labour, and also for an appeal when an employer dispenses with the services of an employee under this clause. The subsequent clauses were renumbered, including internal references.

Clause 27.—The Committee decided that an employee should get 15 days holidays with pay of which at least 10 days shall be consecutive, 15 days casual leave and 15 days sick leave with pay and that the holidays with pay may be accumulated up to a maximum period of 30 days. It was also agreed that in seasonal factories working for not less than 6 months in each year, workers should be given proportionate leave. The clause was redrafted accordingly.

Clause 47.—This new clause was inserted so as not to affect any rights or privileges of workers under any other law, custom or contract or usage applicable to them if such rights or privileges were more favourable to them than those admissible under this enactment.

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The Schedule.—The Committee accepted Sri Kosalram's proposal that "Salt Manufacture" should be added to the items in the Schedule.

6. The Select Committee decided that it was not necessary to republish the Bill.

7. A copy of the Bill, as amended by the Select Committee, is annexed.

FORT ST. GEORGE,
2nd August 1947.

T. S. S. RAJAN,
Chairman.

ANNEXURE.

[Note.—The changes made by the Select Committee are shown in Clarendon type.]

L.A. BILL No. 16 OF 1947.

A Bill to regulate the conditions of labour and to make provision for its welfare in places and premises to which the Factories Act, 1934, does not apply, in the Province of Madras.

Central
Act XXV
of 1934.

WHEREAS it is expedient to regulate the conditions of labour, and to make provision for its welfare, in places and premises to which the Factories Act, 1934, does not apply; It is hereby enacted as follows:—

Central
Act XXV
of 1934.

CHAPTER I.

PRELIMINARY.

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Madras Non-Power Factories Act, 1947.

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

(3) This section shall come into force at once; and the Government may, from time to time, by notification, apply the remaining provisions of this Act to the whole or any portion of the Province of Madras from such date as may be specified in the notification.

Definitions.

2. (1) In this Act, unless there is anything repugnant in the subject or context—

(a) "Chief Inspector" means the Chief Inspector appointed under sub-section (2) of section 5;

(b) "child" means a person who has not completed his fourteenth year;

(c) "day" means a period of twenty-four hours beginning at midnight;

(d) "Government" means the Provincial Government;

(e) "Inspector" means an Inspector appointed under sub-section (1) of section 5;

[4th November 1947]

(f) "manufacturing process" means any process for or incidental to, making, altering, repairing, ornamenting, finishing or packing, or otherwise treating any article or substance with a view to its use, sale, transport, delivery or disposal;

(g) "non-power factory" means any place or premises including the precincts thereof wherein ten or more workers are working or were working on any one day of the preceding twelve months and to which the Factories Act, 1934, does not apply and wherein one or more of the industries or handicrafts specified in the Schedule is or are being carried on;

Central
Act XXV
of 1934.

Provided that the Government may, by notification, add to or omit from the Schedule any industry or handicraft:

Provided also that no such place or premises shall be deemed to be a non-power factory if all the workers therein are members of the occupier's family living with him;

(h) "notification" means a notification in the Fort St. George Gazette;

(i) "occupier" of a non-power factory means the person who has ultimate control over the affairs of the factory and includes a managing agent or any other person authorized to represent the occupier;

(j) "prescribed" means prescribed by rules made under this Act;

(k) "Wages" means all remuneration capable of being expressed in terms of money, which would, if the terms of the contract of employment, express or implied, were fulfilled, be payable whether conditionally upon the regular attendance, good work or conduct or other behaviour of the person employed, or otherwise, to a person employed in respect of his employment or of work done in such employment, and includes any bonus or other additional remuneration of the nature aforesaid which would be so payable and any sum payable to such person by reason of the termination of his employment, but does not include—

(a) the value of any house-accommodation, supply of light, water, medical attendance or other amenity, or of any service excluded by general or special order of the Provincial Government;

(b) any contribution paid by the employer to any pension fund or provident fund;

(c) any travelling allowance or the value of any travelling concession;

(d) any sum paid to the person employed to defray special expenses entailed on him by the nature of his employment; or

(e) any gratuity payable on discharge;

[4th November 1947]

(l) "week" means a period of seven days beginning at midnight on Saturday night;

(m) "worker" means a person employed, whether for wages or not, in any manufacturing process or handicraft or in cleaning any part of the machinery, place or premises used for a manufacturing process or handicraft or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft or connected with the subject of the manufacturing process or handicraft, but does not include any person solely employed in a clerical capacity in any room or place where no manufacturing process or handicraft is being carried on;

(n) "young person" means a person who is not a child and has not completed his seventeenth year.

(2) References to time of day in this Act are references to Indian Standard Time which is five and a half hours ahead of Greenwich Mean Time.

Power of Government to declare certain premises to be non-power factories.

3. (1) The Government may, by notification, declare that all or any of the provisions of this Act shall apply to any place or premises wherein an industry or handicraft specified in the Schedule is being carried on or is ordinarily carried on although the number of workers working in such place or premises is less than ten:

Provided that no such notification shall be issued in respect of any place or premises to which the Factories Act, 1934, applies.

Central Act XXV of 1934.

(2) A notification under sub-section (1) may be made in respect of any one such place or premises or in respect of any class thereof or generally in respect of all such places or premises.

(3) Any place or premises to which all or any of the provisions of this Act are, for the time being, applicable in pursuance of a declaration under sub-section (1) shall, to the extent to which such provisions are so made applicable, be deemed to be a non-power factory.

CHAPTER II.

LICENCES FOR NON-POWER FACTORIES.

Licences.

4. (1) The occupier of every non-power factory shall, within thirty days of the date on which this Act is made applicable to such factory, make an application in the prescribed form to the Chief Inspector for a licence for carrying on work in such factory. The Chief Inspector shall, as soon as may be, after receipt of such application—

(a) grant a licence subject to such conditions as he thinks fit to impose, on payment of such fees as may be prescribed; or

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(b) refuse to grant a licence, if he is of opinion that the premises or place is unsuitable for carrying on the industry or handicraft.

(2) Where a licence is refused under sub-section (1), the place or premises for which the licence was applied shall not be used as a non-power factory from the date on which the order refusing the grant of a licence is received by the applicant for the licence.

(3) Except in cases falling under sub-section (1), no person shall use any place or premises as a non-power factory, unless he has been granted a licence by the Chief Inspector.

(4) Every licence granted under this section shall expire at the end of the calendar year for which it is granted.

(5) A licence may be renewed on an application made and disposed of, as if it were an application for a licence.

(6) (a) The Chief Inspector may suspend or cancel any licence granted under this section for a breach of any of the conditions thereof.

(b) The Chief Inspector may, at any time, modify the conditions of a licence if, in his opinion, such modification is necessary.

(7) (a) The Chief Inspector may, by an order in writing, authorize any officer subordinate to him to exercise the powers conferred on him by this section.

(b) The exercise of any powers delegated under clause (a) shall be subject to such restrictions and conditions as may be specified in the order and also to control and revision by the Chief Inspector.

CHAPTER III.

INSPECTORS AND CERTIFYING SURGEONS.

5. (1) The Government may, by notification, appoint such persons as they think fit to be Inspectors for the purposes of this Act, within such local limits as may be specified in the notification.

(2) The Government may, by notification, appoint any person to be a Chief Inspector who shall, in addition to the powers conferred on a Chief Inspector under this Act, exercise the powers of an Inspector throughout the Province.

(3) Every Chief Inspector and Inspector shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.

Central Act, XLV of 1860.

6. Subject to any rules made in this behalf, an Inspector may, within the local limits for which he is appointed—

Power of Inspector.

(a) enter, with such assistants, if any, being persons in the service of the Crown or of any local authority, as he

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thinks fit, any place or premises which is, or which he has reason to believe to be, used as a non-power factory or capable of being declared to be a non-power factory under the provisions of section 3;

(b) make such examination of the place or premises, plant and machinery and of any prescribed registers, and take on the spot or otherwise such evidence of any persons as he may deem necessary for carrying out the purposes of this Act;

(c) exercise such other powers as may be necessary for carrying out the purposes of this Act:

Provided that no person shall be required under this section to answer any question or give any evidence tending to criminate himself.

Certifying
surgeons..

7. (1) The Government may appoint such registered medical practitioners as they think fit, to be certifying surgeons for the purposes of this Act, within such local limits as the Government may specify.

(2) A certifying surgeon appointed under sub-section (1) shall exercise such powers of an Inspector under section 6 as may be necessary for the discharge of his duties under this Act.

Explanation.—For the purposes of this section, the expression “registered medical practitioner” shall have the same meaning as in the Madras Medical Registration Act, 1914.

Madras
Act IV
of 1914.

Certificates
of fitness.

8. (1) A certifying surgeon shall, on the application of any young person who wishes to work in a non-power factory situated within the local limits for which he is appointed, or of the parent or guardian of such young person, or of the manager of the non-power factory in which such young person wishes to work, examine such young person and, if he is fit for employment in the whole or any specified part of, or in any specified manufacturing process or work in a non-power factory, grant him a certificate in the prescribed form stating his age as nearly as it can be ascertained from such examination and that he is fit for such employment.

(2) A certifying surgeon may revoke any certificate granted to a young person under sub-section (1) if, in his opinion, the holder of it is no longer fit to work in the capacity stated therein in a non-power factory.

(3) Where a certifying surgeon refuses to grant a certificate or a certificate of the kind requested or revokes a certificate, he shall, if so requested by any person who could have applied for the certificate, state in writing his reasons for so doing.

9. Where an Inspector is of opinion—

(a) that any person working without a certificate of fitness is a young person, or

Power to
require
medical
examination.

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(b) that a young person working in a non-power factory with a certificate is no longer fit to work in the capacity stated therein,

he may serve on the manager of the non-power factory an order in writing requiring that such young person shall be examined by a certifying surgeon and such person shall not, if the Inspector so directs, be allowed to work in the factory until he has been so examined and has been granted a certificate of fitness or a fresh certificate of fitness, as the case may be.

CHAPTER IV. .

HEALTH AND SAFETY.

10. Every non-power factory shall be kept clean and free from effluvia arising from any drain, privy or other nuisance. *Cleanliness.*

11. (1) Every non-power factory shall be ventilated in accordance with such standards and by such methods, as may be prescribed. *Ventilation*

(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers.

12. In order that no room in a non-power factory shall be crowded during working hours to a dangerous extent or to an extent which may be injurious to the health of the workers, the proportion which the number of cubic feet of space in a room and the number of superficial feet of its floor area bears to the number of workers working at any time therein shall not be less than such standards as may be prescribed either generally or for the particular class of work carried on in the room. *Overcrowding.*

13. (1) Every non-power factory shall be sufficiently lighted during all working hours. *Lighting.*

(2) If it appears to the Inspector that any non-power factory is not sufficiently lighted, he may serve on the manager of the non-power factory an order in writing specifying the measures which, in his opinion, should be adopted for the attainment of a sufficient standard of lighting and requiring him to carry them out before a specified date.

(3) The Government may make rules requiring that all non-power factories of specified classes shall be lighted in accordance with prescribed standards.

14. In every non-power factory sufficient spittoons, latrines and urinals according to the prescribed standards shall be provided for male and female workers separately and shall be kept in a clean and sanitary condition. *Provision of spittoons, latrines and urinals.*

15. (1) In every non-power factory a sufficient supply of water fit for drinking shall be provided at suitable places for the use of the workers. *Water.*

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(2) The supply required by sub-section (1) shall comply with such standards as may be prescribed.

(3) In every non-power factory a sufficient supply of water suitable for washing shall be provided for the use of workers, at suitable places and with suitable facilities for its use, according to such standards as may be prescribed.

Precautions
against fire.

16. In every non-power factory such precautions against fire shall be taken as may be prescribed.

Means of
escape.

17. (1) Every non-power factory shall be provided with such means of escape in case of fire as may be prescribed.

(2) If it appears to the Inspector that any non-power factory is not so provided, he may serve on the manager of the non-power factory an order in writing specifying the measures which in his opinion should be adopted, and requiring him to carry them out before a specified date.

(3) The means of escape shall not be obstructed while any work is being carried on in the non-power factory.

Safety of
buildings.

18. If it appears to the Inspector—

(1) that any building or part of a building or any part of the ways, machinery or plant in a non-power factory is in such a condition as to be dangerous to human life or safety, or

(2) that any part of the manufacturing process is conducted in such a way as to cause danger to human life or safety,

he may serve on the manager of the non-power factory an order in writing specifying the measures which, in his opinion, should be adopted for removing the danger and requiring him to carry them out before a specified date.

Appeals.

19. (1) The manager of a non-power factory on whom an order in writing has been served under the provisions of this Chapter, or the occupier of the non-power factory, may, within thirty days of the service of the order, appeal against it to the Government or to such authority as the Government may appoint in that behalf and the Government or the authority, as the case may be, may confirm, modify or reverse the order.

(2) The appellate authority may suspend the order appealed against pending the decision of the appeal, subject, however, to such conditions as to partial compliance or the adoption of temporary measures as it may think fit to impose in any case.

CHAPTER V.

HOURS OF EMPLOYMENT AND HOLIDAYS.

Daily and
weekly hours
of work.

20. (1) Subject to the provisions of this Chapter, no worker shall be allowed to work in a non-power factory for more than nine hours in any day or for more than forty-eight hours in any week.

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(2) The periods of work for workers during each day shall be so fixed that no period shall exceed five hours and that no worker shall work for more than five hours before he has had an interval for rest of at least one hour.

(3) The periods of work of a worker in a non-power factory shall be so arranged that, along with his intervals for rest, they shall not spread over more than ten hours any day, save with the permission of the Government and subject to such conditions as they may impose, either generally or in the case of any particular non-power factory.

21. (1) No worker shall be allowed to work in any non-power factory for more than six consecutive days without day. Weekly holiday for a whole day.

(2) No deduction shall be made from the wages of any worker on account of any holiday allowed in accordance with this section and if he is employed on the basis that he would not ordinarily receive wages for such holiday, he shall none the less be paid for such holiday the wages he would have drawn had he not been allowed the holiday.

22. No person shall be allowed to work in any non-power factory on any day on which he has already been working in any other factory.

Prohibition
of employ-
ment in
more than
one factory
on the same
day.

23. No child shall be allowed to work in any non-power factory.

Prohibition
of employ-
ment of
children.

24. No young person shall be allowed to work in any non-power factory unless—

Employment
of young
persons.

(a) a certificate of fitness granted to him under section 8 is in the custody of the manager of the non-power factory, and

(b) he carries while he is at work, a token giving a reference to such certificate.

25. No woman shall be allowed to work in any non-power factory before 6 a.m. and after 7 p.m.

Employment
of women.

26. (1) No occupier shall dispense with the services of a worker working continuously in a non-power factory for a period of not less than six months except for a reasonable cause and without giving such worker at least one month's notice or wages in lieu of such notice, provided, however, that such notice shall not be necessary where the services of such worker are dispensed with on a charge of misconduct supported by satisfactory evidence recorded at an enquiry held for the purpose.

Notice of
dismissal.

(2) The worker shall have a right to appeal to such authority and within such time as may be prescribed either on

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the ground that there was no reasonable cause for dispensing with his services or on the ground that he had not been guilty of misconduct as held by the occupier.

(3) The decision of the appellate authority shall be final and binding on both the occupier and the worker.

CHAPTER VI.

HOLIDAYS WITH PAY.

Holidays,
sick leave,
etc.

27. (1) Every worker who has completed a period of twelve months' continuous service in a non-power factory shall be allowed, during the subsequent period of twelve months, holidays with pay for a period of not less than fifteen days, of which at least ten shall be consecutive, inclusive of the day or days, if any, on which he is entitled to a holiday under section 21:

Provided that such holidays with pay may be accumulated up to a maximum period of thirty days.

Explanation—For the purposes of this sub-section, any continuous period of service preceding the date on which this Act applies to any non-power factory shall also count, subject to a maximum period of twelve months.

(2) Every worker shall also be entitled, during his first twelve months of continuous service after the commencement of this Act, and during every subsequent twelve months of such service—

(a) to leave with pay for a period not exceeding fifteen days, on the ground of any sickness incurred or accident sustained by him; and

(b) to casual leave with pay for a period not exceeding fifteen days, on any other reasonable ground.

(3) If a worker entitled to any holidays under sub-section (1) is discharged by the occupier before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the occupier shall pay him the amount payable under this Act in respect of the holidays.

(4) If a person entitled to any leave under sub-section (2) clause (a), is discharged by the occupier when he is sick or suffering from the result of an accident, the occupier shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled under that clause at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A worker shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section, notwithstanding any interruption in service during those twelve months brought about (i) by sickness,

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accident or authorized leave (including authorized holidays), not exceeding ninety days in the aggregate for all three; or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and authorized leave shall be deemed not to include any weekly holiday allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) In the case of a non-power factory which is a seasonal factory working for a period of not less than six months in each year, every worker shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period in which the work was carried on by the worker continuously in the previous year in the factory, or to the period in which work will be carried on by him continuously in the factory in the current year, as the case may be; and all references to periods of holidays or of leave in sub-sections (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The provincial Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case.

28. Without prejudice to the conditions governing the day or days, if any, on which the worker is entitled to a holiday under section 21, the worker shall for the remaining days of the holidays or of the leave allowed to him under section 27 be paid at a rate equivalent to the daily average of his wages for the days on which he actually worked during the preceding three months, exclusive of any earnings in respect of overtime.

29. A worker who has been allowed holidays under sub-section (1) of section 27 or under sub-section (6) of that section read with sub-section (1) thereof, shall, before his holidays begin, be paid half the total pay due for the period of holidays.

30. Any Inspector may institute proceedings on behalf of any worker to recover any sum required to be paid under this Chapter by an employer which the employer has not paid.

CHAPTER VII.

NOTICES AND REGISTERS.

31. (1) The occupier of every non-power factory to which this Act is made applicable shall within fifteen days of the date on which it is made applicable and every person

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intending to use any place or premises as a non-power factory shall before work is begun, send to the Inspector a written notice containing—

- (i) the name of the non-power factory and the place where it is situated;
- (ii) the address to which communications relating to such non-power factory shall be sent;
- (iii) the nature of the work in such non-power factory;
- (iv) the name of the person who shall be the manager of the non-power factory for the purposes of this Act;
- (v) such other particulars as may be prescribed.

(2) Whenever there is a change in the person appointed as manager, the occupier shall send to the Inspector a written notice of the change within seven days from the date on which the new manager assumed charge.

(3) During any period for which no person has been designated as manager of a non-power factory under this section, or during which the person designated does not manage such factory, any person found acting as manager or if no such person is found, the occupier himself, shall be deemed to be the manager of the non-power factory for the purposes of this Act.

Register of
workers.

32. The manager of every non-power factory shall maintain in the prescribed form a register of workers showing the names of all the workers in such factory, their hours of work, the nature of the work and such other particulars as may be prescribed:

Provided that where in the opinion of the Inspector, a muster roll or register kept in a non-power factory gives the particulars required under this section, he may, by order in writing, direct that such muster roll or register shall be kept in the place of the register required to be maintained under this section and such muster roll or register shall thereupon, for all the purposes of this Act, be treated as the register of workers in that factory:

Provided further that where the Government are satisfied that the conditions of work in any non-power factory or class of non-power factories are such that there is no appreciable risk of contravention of the provisions of Chapter V, the Government may, by notification, exempt, on such conditions as they may impose, that factory or all factories of that class, as the case may be, from the provisions of this section.

Affixing of
abstracts.

33. There shall be displayed in some conspicuous place near the main entrance of every non-power factory in English and in the language of the majority of the workers in such factory, the prescribed abstracts of this Act and the rules made thereunder in clean and legible form.

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CHAPTER VIII.

PENALTIES AND PROCEDURE.

34. (1) Whoever uses any place or premises as a non-power factory without obtaining a licence, shall be punishable with fine which may extend to five hundred rupees. Penalty for contravention of certain provisions.

(2) If in any non-power factory—

(a) there is any contravention of or non-compliance with—

(i) any of the provisions of sections 10 to 17 inclusive, 20 to 29 inclusive and 31 to 33 inclusive; or

(ii) any order under sections 9, 13 (2), 17 (2) and 18; or

(iii) any of the provisions of the rules made under this Act; or

(iv) any conditions imposed by a licence under section 4 or imposed under section 20 (3) or the second proviso to section 32; or

(b) if the register required by section 32 is not kept up to date, the manager and occupier shall each be punishable with fine which may extend to two hundred rupees:

Provided that if both the manager and the occupier are convicted, the aggregate of the fines inflicted in respect of the same contravention or non-compliance shall not exceed this amount.

35. Whoever wilfully obstructs an Inspector in the exercise of any power conferred on him by section 6 or any person lawfully assisting an Inspector in the exercise of such power or fails to produce on demand by an Inspector any registers or other documents in his custody kept in pursuance of this Act or any of the rules made thereunder or conceals or prevents any worker in a non-power factory from appearing before or being examined by an Inspector shall be punishable with fine which may extend to two hundred rupees. Penalty for obstructing Inspector.

36. Whoever knowingly uses or attempts to use, as a certificate granted to him under section 8, a certificate granted to another person under that section, or who, having procured such a certificate knowingly allows another person to use it or attempt to use it as aforesaid, shall be punishable with fine which may extend to twenty rupees. Penalty for using false certificates.

37. (1) Where the occupier of a non-power factory is a firm or other association of individuals, any one of the individual partners or members thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the non-power factory is punishable: Determination of occupier.

Provided that the firm or association may give notice to the Inspector that it has nominated one of its members

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who is resident in the Province of Madras to be the occupier of the non-power factory for the purposes of this Chapter, and such individual shall, so long as he is so resident, be deemed to be the occupier for the purposes of this Chapter, until further notice cancelling his nomination is received by the Inspector or until he ceases to be a partner or member of the firm or association.

(2) Where the occupier of a non-power factory is a company, any one of the directors thereof, or in the case of a private company, any one of the shareholders thereof may be prosecuted and punished under this Chapter for any offence for which the occupier of the non-power factory is punishable:

Provided that the company may give notice to the Inspector that it has nominated a director, or, in the case of a private company, a shareholder, who is resident in either case in the Province of Madras, to be the occupier of the non-power factory for the purposes of this Chapter and such director or shareholder shall, so long as he is so resident, be deemed to be the occupier of the non-power factory for the purposes of this Chapter until further notice cancelling his nomination is received by the Inspector or until he ceases to be a director or shareholder.

Exemption
of occupier
or manager
from
liability in
certain
cases.

38. (1) Where the occupier or manager of a non-power factory is charged with an offence against this Act, he shall be entitled upon complaint duly made by him, to have any other person whom he charges as the actual offender brought before the Court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier or manager of the non-power factory proves to the satisfaction of the court—

(a) that he has used due diligence to enforce the execution of this Act; and

(b) that the said other person committed the offence in question without his knowledge, consent or connivance; that other person shall be convicted of the offence and shall be liable to the like fine as if he were the occupier or manager and the occupier or manager shall be discharged from any liability under this Act.

(2) When it is made to appear to the satisfaction of the Inspector at any time prior to the institution of the proceedings—

(a) that the occupier or manager of the non-power factory has used all due diligence to enforce the execution of this Act;

(b) by what person the offence has been committed; and

(c) that it has been committed without the knowledge, consent or connivance of the occupier or manager and in contravention of his orders;

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the Inspector shall proceed against the person whom he believes to be the actual offender without first proceeding against the occupier or manager of the non-power factory, and such person shall be liable to the like fine as if he were the occupier or manager.

39. If a young person works in any non-power factory on any day on which he has already been working in any other non-power factory, the parent or guardian of the young person or the person having custody of or control over him or obtaining any direct benefit from his wages, shall be punishable with fine which may extend to twenty rupees, unless it appears to the court that the young person so worked without the consent, connivance or wilful default of such parent, guardian or person. Penalty on guardian for permitting double employment of a young person.

40. If a child over the age of six years is found inside any part of a non-power factory in which young persons are working, he shall, until the contrary is proved, be deemed to be working in such factory. Presumption as to employment.

41. (1) When an act or omission would if a person were under or over a certain age be an offence punishable under this Act and such person is, in the opinion of the court, apparently under or over such age, the burden shall be on the accused to prove that such person is not under or over such age. Evidence as to age.

(2) A declaration in writing by a certifying surgeon relating to a worker that he has personally examined him and believes him to be under or over the age set forth in such declaration shall, for the purposes of this Act, be admissible as evidence of the age of that worker.

42. (1) No prosecution under this Act shall be instituted except by or with the previous sanction of the Chief Inspector or such other officer as the Government may appoint in that behalf. Cognizance of offences.

(2) No Court inferior to that of a Presidency Magistrate or a Magistrate of the second-class shall try any offence against this Act or any rule or order made thereunder.

43. No Court shall take cognizance of any offence under this Act or any rule or order made thereunder, other than an offence under section 31, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed. Limitation of prosecutions.

44. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act. Protection to persons acting under this Act.

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CHAPTER IX.

MISCELLANEOUS.

Exemption.

45. The Government may, by notification, exempt any non-power factory or class of non-power factories from all or any of the provisions of this Act either permanently or for such period or periods as they may think fit.

Power to make rules.

43. (1) The Government may make rules to carry out all or any of the purposes of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, they may make rules—

(a) with reference to all matters expressly required or allowed by the Act to be prescribed;

(b) in regard to the duties to be performed by certifying surgeons;

(c) for the issue of duplicates of certificates granted under section 8 and the fee to be charged therefor;

(d) requiring the occupiers and managers of non-power factories to maintain adequate first-aid appliances;

(e) requiring that in any specified non-power factory wherein fifty or more workers are ordinarily employed an adequate shelter shall be provided for the use of workers during periods of rest according to such standards as may be specified;

(f) requiring that in any specified non-power factory wherein ten or more women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women and prescribing standards for such rooms; and the nature of the supervision to be exercised over the children therein;

(g) requiring occupiers or managers of non-power factories to furnish such returns as may be required for the purposes of this Act;

(h) the procedure to be followed in appeals under section 19;

(i) the manner of service of orders upon occupiers or managers of non-power factories.

(3) All rules made under this Act shall be subject to the condition of previous publication and the date to be specified in accordance with clause (c) of section 7 of the Madras General Clauses Act, 1891, shall not be less than three months from the date on which the draft of the proposed rules was published.

(4) All such rules shall be published in the *Fort St. George Gazette* and shall, unless some later date is appointed, come into force on the date of such publication.

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47. Nothing contained in this Act shall affect any rights or privileges which any worker working in any non-power factory is entitled to, on the date on which this Act comes into operation in respect of such non-power factory, under any other law, contract, custom or usage applicable to such non-power factory, if such rights or privileges are more favourable to him than those to which he would be entitled under this Act. Rights and privileges under other law, etc., not affected.

THE SCHEDULE.

[See section 2 (1) (g).]

1 Match factory.	17 Brick and tile works.
2 Confectionery.	18 Metal vessels manufacture.
3 Printing and binding.	19 Iron safes and trunks works.
4 Type casting.	20 Jewelstone polishing.
5 Engineering and blacksmithy.	21 Carpet weaving.
6 Tanning of skins and hides.	22 Tapes, laces and wicks manufacture.
7 Wool cleaning.	23 Embroidery of cloth.
8 Cashewnut works.	24 Knitting of banians.
9 Coffee garbling.	25 Breaking of grams into dhal.
10 Beedi manufacture.	26 Splitting and cutting of mica.
11 Cigar manufacture.	27 Aerated water works.
12 Tobacco curing.	28 Cloth printing.
13 Carpet y.	29 Tailoring.
14 Handloom weaving.	30 Fibre manufacture.
15 Dyeing.	31 Salt manufacture.
16 Oil extraction.	

THE MADRAS LEGISLATIVE ASSEMBLY. JAN 1943

Wednesday, the 5th November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

MR. SPEAKER:—"I wish to inform the House that so far I have admitted 1,065 questions. I have been able to place only about 400 questions before the House. A number of supplementary questions are put. I have not been able to place more questions before the Assembly. No doubt it lies in my power to cut short supplementary questions. But I want to leave it to the House to restrict the number of supplementary questions. If this is done I will be able to place all questions before the House."

SRI V. C. PALANISWAMI GOUNDER:—"Sir, there may be some important questions and Members will be anxious to put supplementary questions."

MR. SPEAKER:—"I do not want to prevent Members from putting supplementary questions, but if hon. Members restrict the number of supplementary questions, I will be able to place all the questions before the House during the present session itself."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I suggest, Sir, that with the consent of the Hon. the Leader of the House the question time may be extended to one and a half hours."

MR. SPEAKER:—"No, there is the rule."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The rule may be amended as we have been amending the rules hitherto. It is not an impossibility. Secondly, Sir, I wish to suggest that these answers may be printed in advance."

MR. SPEAKER:—"Then they will not be oral questions and answers."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I understand there was some such practice in 1937. Even if there is no precedent for it, I say, Sir, it will save some time of the House if these answers are printed. I would request you to consider these two suggestions."

MR. SPEAKER:—"Then I will have to change the very wording. They will not be oral questions and answers. It is not possible."

THE HON. DR. P. SUBBARAYAN:—"I would mention for your consideration, Sir, with regard to what the Hon. the Leader of the Opposition has said, that even in Parliament where there are 615 members the question hour is only one hour and hon. Members are allowed to star their questions only when they feel that some information is to be elicited from the Government. Generally

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what is done is, hon. Members put unstarred questions and answers are printed and given to them. If these answers are not satisfactory, then they put starred questions. Instead of that almost every question is starred here and if you have 1,000 questions, it is neither your fault nor that of the Government, but of the hon. Members who put the questions. I feel, Sir, that hon. Members should pick and choose as to what they want by way of information. Then there will be more satisfactory progress. I would deprecate the idea of having more than one hour for questions. You know, Sir, how slow the business has been progressing in this House. The Government have got on the anvil plenty of legislative business and if they are to get through it and carry out their policy, it will be impossible for them to do this unless the time that is available is placed at the disposal of the Members of the Treasury Bench. In fact, I want to give a due warning to hon. Members of the House that next time when we meet we may have to move a motion, as is customary in Parliament, that all the days that are available during the next session should be taken up for official business."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, with regard to the slowness with which the House is supposed to have done its business so far, I beg to differ. Take yesterday, Sir. We have finished three Bills in one single day. (Laughter.) Our complaint has always been that business is being rushed upon us and we are not given sufficient time to pay due consideration to the measures which are being placed before the House. Sir, the Hon. the Leader of the House referred to the British House of Commons. If we want to adopt the procedure of Parliament, we must adopt all the desirable aspects of that Parliament. We should not simply pick and choose and follow one part of it where it pleases us and then where it does not please us, say that we are not bound by precedent, especially of the Mother of Parliaments. For example, Sir, it is the practice, whatever may be the rule, of the British Parliament that only a very few number of members of the Government Party will speak on any question coming before the House, only 3 or 4 members out of 300 to 400 members belonging to the Government Party. But that is not the procedure that is adopted here. That is one of the reasons why the proceedings are slower than it could have been."

MR. SPEAKER:—"Apart from that, I have already told the House some time ago that the House of Commons sits for about 200 days in the year, whereas we here sit only for 50 to 60 days."

AN HON. MEMBER:—"We have already sat for 60 days."

MR. SPEAKER:—"Another thing is that these questions are called oral questions. How can we alter the procedure when we call them 'oral' question? The word should have a different meaning in the dictionary itself. If hon. Members want written answers, let their questions be unstarred."

"Secondly, the House also should to a certain extent help the Chair. Usually in all Legislatures the whips on both sides of the

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House meet together and settle how many should speak on this side and how many on the other side. If that procedure is adopted here, it will help me considerably."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, you said that these are oral questions, but I find Hon. Members on the Treasury Benches reading out their answers. In view of that, how can you call them oral questions?" (Laughter.)

SRI B. S. MALLIKARJUNA RAO:—"I should like to place before you a practical difficulty which, I think, every Member of this House is feeling. When a question is asked by any hon. Member and answered the hon. Member should be given an opportunity to pursue the answers by supplementary questions."

MR. SPEAKER:—"Then it becomes more argument and cross-examination. I may tell the hon. Member that I allow one or two supplementary questions to the hon. Member who put the main question, but not all supplementary questions. If I allow the Member who put the question to put all supplementary questions then it would become almost cross-examination."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"With reference to your statement that the Assembly is sitting for less number of days than Parliament and with reference to the warning of the Hon. the Leader of the House that he may be forced to ask the House to devote all the days of the next session for official business thus depriving the Members of their non-official days, might I make a suggestion to you, Sir, and to the Leader of the House, that you may consider the possibility of increasing the number of days on which the Assembly should sit instead of curtailing non-official days?"

MR. SPEAKER:—"I am not going to allow further discussion on this question. We shall take up Questions and Answers."

STARRED QUESTIONS.

Poramboke lands in the Chingleput district.

* 411 Q.—SRI O. CHENGAM PILLAI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether the Government propose to assign the poramboke lands in the Chingleput district to the poor Harijans for cultivation;

(b) whether it is a fact that those poramboke lands have already been cultivated in anticipation of assignment; and

(c) if so, whether the Government propose to issue pattas to the cultivators of those lands?

THE HON. SRI KALA VENKATA RAO:—" (a) to (c) Under the 'Grow More Food' Scheme all waste lands at the disposal of Government have been thrown open for temporary cultivation and in the matter of these temporary grants

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preference is shown to the landless poor of whom an appreciable number will be Harijans. The question of permanent assignment of lands to the 'Grow More Food' and other temporary grantees as well as to ex-service men, Harijans, political sufferers, etc., is under the consideration of the Government."

11-15 p.m. SRI O. CHENGAM PILLAI:—"கனம் தலைவர்களே, செங்கல்பட்டு ஜில்லாவிலுள்ள கிராமங்களில் நீ பிடிப்பு உள்ள புரம்போக்கு நிலங்களுக்கு நீர் இல்லாமல் ஏழை மக்களுக்கு டஞ்சம் வந்து கஷ்டமான நிலமையிலிருப்பதால் அந்த கஷ்டமான நிலைமை தீரும்படி அங்கே ஏராளிலுள்ள ஜலத்தைப் பாய்ச்சிக்கொள்ள வசதி செய்யும்படி ரிவின்யூ மந்திரி ஒரு Order செய்வாரா?"

THE HON. SRI KALA VENKATA RAO:—"I cannot give any promise. If these lands are in catchment areas or under the tank level, they cannot be given. But if they are above the tank level, the matter will be considered."

SRI O. CHENGAM PILLAI:—"மேற்படி ஏழைமக்கள் கவர்ண்மெண்டு புரம்போக்குகளை உத்தரவு இல்லாமல் பயி செய்திருக்கிறார்கள். அந்த ஏழை மக்களுக்கு நஷ்டமடையாமலிருக்க ரிவின்யூ மந்திரி அந்த Order ஐ confirm செய்வாரா?"

THE HON. SRI KALA VENKATA RAO:—"The Government are examining the question of the permanent assignment of these lands. As I said, they will be assigned to the landless Harijans, backward classes and primarily to political sufferers."

SRI O. CHENGAM PILLAI:—"தயவுசெய்து இதை தமிழில் சொல்ல வேண்டும்."

MR. SPEAKER:—"வசதி செய்கொடுக்கும் விஷயமாக கவர்ண்மெண்டார் பரிசீலனை செய்து வருகிறார்கள். அதை பரிசீலனை செய்தபிறகு ஹரிஜனங்களுக்கும் ஏழைகளுக்கும் கொடுப்பார்கள் என்று சொல்லுகிறார்கள்."

SRI V. C. PALANISWAMI GOUNDER:—"In the assignment of poramboke lands, will the Government see that communal lands, tank-beds and irrigation sources are reserved for the community?"

THE HON. SRI KALA VENKATA RAO:—"I may say straightway that no communal lands, which are of use to the village public, will ever be assigned."

SRI B. S. MURTHI:—"May I know whether the Government are aware that in many places the lands given to Harijans under the 'Grow More Food' campaign have been taken away and given to demobilised soldiers?"

THE HON. SRI KALA VENKATA RAO:—"I have no information. But if my hon. Friend gives any information, I will look into the matter."

SRI V. RAGHAVAYYA:—"In view of the fact in several places disputes have arisen between cultivators resulting even in the forcible destruction of crops by the Government, will the

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Government declare that tanks which are unfit for storage of water as fit for cultivation and avoid future troubles in this respect?"

THE HON. SRI KALA VENKATA RAO:—"Nobody has got any right to go and cultivate upon Government land without permission. If anybody has trespassed upon Government land, action for eviction will be taken. There cannot be lawlessness in this province over that."

SRI P. KANDASWAMI PILLAI:—"Will the Government consider the assignment of communal lands, which are not required by the villagers or the people living near by, for any public purpose when people come forward with definite plans?"

THE HON. SRI KALA VENKATA RAO:—"Whenever anything is asked for a public purpose, it will always have precedence over a private purpose."

SRI K. BRAHMANANDAM REDDI:—"May I know the steps that are being taken to implement the Government's proposal for allotting lands to the poor?"

THE HON. SRI KALA VENKATA RAO:—"The question of assigning lands is at present being considered by the Government and orders will be issued very soon."

SRI V. M. RAMASWAMI MUDALIAR:—"May I know whether the proposals for allotment of lands to political sufferers have been finalized, because a large number of political sufferers are looking forward?"

THE HON. SRI KALA VENKATA RAO:—"They are about to be finalized, Sir."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In view of the considerable agitation among the Members of this House for the assignment of lands, will the Hon. Minister be pleased to lay down the poramboke policy of his Government?" (Laughter.)

THE HON. SRI KALA VENKATA RAO:—"The poramboke policy is to make every poramboke land cultivable land and see that this province is happy and contented."

SRI K. ANANDAN NAMBIYAR:—"May I know whether the Hon. Minister will assign the porambokes in North Malabar

MR. SPEAKER:—"This questions deals with poramboke lands in the Chingleput district only."

SRI B. S. MURTHI:—"May I know whether the Government are considering the necessity for granting these lands on a collective basis?"

THE HON. SRI KALA VENKATA RAO:—"I have already said previously in reply to a question that whenever a proposal is made for co-operative or collective farming, the matter will be considered."

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MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" May I enquire whether there is sufficient response to the appeal that there should be as less of supplementary questions as possible? "

(No answer.)

SRI S. NAGAPPA:—" In view of the answer of the Hon. Minister that landless Harijans will be preferred, may I know what percentage of the lands will be given to Harijans? "

THE HON. SRI KALA VENKATA RAO:—" It is hard for me to make calculations on the floor of the House."

The Tirumangalam Panchayat Board.

* 412 Q.—SRI K. RAJARAM NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Panchayat Board of Tirumangalam (Madura district) proposed to prepare a drainage scheme at their expense as early as 1940 and requested the Government to give half grant towards the cost of execution;

(b) if so, what action the Government have taken regarding the scheme; and

(c) if no action has been taken, why?

THE HON. SRI A. B. SHETTY:—" (a) to (c) The Panchayat Board, Tirumangalam, sanctioned in May 1941 the amount needed for the investigation of a drainage scheme but in February 1942 resolved to defer the question for the duration of war."

SRI K. RAJARAM NAYUDU:—" May I know whether the Government will now issue orders to prepare a drainage scheme for the town and ask the panchayat board and the district board to begin work immediately? "

THE HON. SRI A. B. SHETTY:—" I shall have the matter examined."

SRI M. S. PATTABIRAMIAH:—" Are the Government aware that many other panchayat boards getting an annual income of Rs. 30,000 to Rs. 40,000 are in great need of drainage schemes and that Sholavandan is one where, for want of drainage, cholera has occurred very recently in that place? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir. The Government are aware that drainage schemes are quite essential for improving the health of people in many panchayat areas."

College of Indian Medicine.

* 413 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Public Health be pleased to state whether the Government have provided adequate staff to take up the first-year classes of the College of Indian Medicine according to the recommendation of the Board of Studies?

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THE HON. SRI A. B. SHETTY:—" The Board of Studies in Indian Medicine did not prescribe the strength of staff to be sanctioned for the College of Indian Medicine. Staff considered by the Government to be adequate for the purposes has been sanctioned for the College."

BEGUM SULTAN MIR AMIRUDDIN:—" May I know what the present strength of the staff is for the first-year classes of the College? "

THE HON. SRI A. B. SHETTY:—" There are twelve members on the staff."

SRI U. PADMANABHA MALLAYYA:—" May I know whether the Government consider that the present qualification prescribed for teaching in the College is satisfactory or whether a higher qualification is necessary? "

THE HON. SRI A. B. SHETTY:—" The matter is under consideration."

DR. M. J. SAMUEL:—" May I know whether it is a fact that there is only one student in the Unani section of the College and if so, whether it is not waste of public funds to run a section for the sake of one student? "

THE HON. SRI A. B. SHETTY:—" In the College, there are two Unani students."

DR. M. J. SAMUEL:—" Is it not also a waste of public funds to run a section for the sake of two students only? "

THE HON. SRI A. B. SHETTY:—" It is a matter of opinion. More students may come in future years."

SRI PILLALAMARRI VENKATESWARLU:—" May I know on what basis the Government came to the conclusion that the staff sanctioned by them is enough? "

THE HON. SRI A. B. SHETTY:—" I have already said that the question has been examined and that for the present it was considered that twelve members would be sufficient."

ABDUL HAMEED KHAN SAHIB BAHADUR:—" Apart from the number of students in the Unani section, may I know whether it is not the policy of the Government to keep the Unani section as long as there is need for teaching the Unani system of medicine in the College? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir. All the three sections, Ayurveda, Siddha and Unani, are maintained."

Harijan hostels for boys and girls.

* 414 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state—

(a) the number of Harijan hostels for boys and girls that were started by the Labour Department; and

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(b) how many Harijan hostels for boys and girls started by Harijan Sevak Sangh or by individuals for the last three years have been recognized and grants-in-aid given?

THE HON. SRI V. KURMAYYA:—“(a) Seven hostels for boys and two hostels for girls.

“(b) The number of hostels run by the Harijan Sevak Sangh or by individuals for the benefit of Harijan boys and girls which were subsidized by the Labour Department for the last three years is as follows:—

Year.	Number of hostels.
1944-45	62
1945-46	66
1946-47	72

11.30 a.m. SRI S. NAGAPPA:—“Arising out of the answer to clauses (a) and (b) that only seven hostels are run by the Labour Department and that only very few hostels are run by the Harijan Sevak Sangh, will the Government consider the desirability of admitting Harijan boys who are studying in high schools and colleges in common hostels and see that their requirements are met by the Government?”

THE HON. SRI V. KURMAYYA:—“Sir, admissions in private hostels is left to the management of the hostels concerned. Under the provisions of the Civil Disabilities Act, Harijans cannot be refused admission by any private body.”

SRI S. NAGAPPA:—“As there are common hostels also run by the Government, may I ask the Government whether they are prepared to admit Harijan boys into them and meet all the expenditure incurred by the Harijans from out of Government funds?”

THE HON. SRI V. KURMAYYA:—“It is impossible for any Government to meet all the expenses of the common hostel, Sir. I do not exactly understand what Mr. Nagappa means by common hostel. Common hostels are maintained and run by private managements attached to colleges and schools.”

SRI B. S. MURTHI:—“May I know, Sir, whether the Government is contemplating to take over all the hostels run by the Harijan Sevak Sangh and private individuals, inasmuch as 75 per cent of the expenditure is met by the Government?”

THE HON. SRI V. KURMAYYA:—“If all the four linguistic Provincial Harijan Sevak Sanghs apply to the Government, the Government will consider the question, Sir.”

SRI V. RAGHAVAYYA:—“Is it a fact, Sir, that those students who fail once are liable to lose their scholarships in these hostels, and in view of the fact that even Minister's sons are liable to fail in the examinations, will the Government see its way to continue the scholarships in spite of failures of deserving students at least?”

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THE HON. SRI V. KURMAYYA:—“The present rules are, that when students once fail, their scholarships cannot be renewed, Sir.”

SRI P. KAKKAN:—“Is it a fact, Sir, that most of the Harijan hostels are housed in rented buildings and if so, will the Government consider the question of giving building grants to these hostels?”

THE HON. SRI V. KURMAYYA:—“When applications come, they will be considered by the Government, Sir.”

SRI S. C. BALAKRISHNAN:—“May I know, Sir, whether any special privileges are given to hostels affiliated to Harijan Sevak Sanghs?”

THE HON. SRI V. KURMAYYA:—“No special privileges are extended to hostels run by the Harijan Sevak Sanghs, Sir.”

SRI B. S. MURTHI:—“Is it not a fact, Sir, that the previous Government were giving scholarships for those boys who could not succeed in the first year, if they were recommended by the headmasters, and if so, will the present Government also be pleased to consider the desirability of adopting the same policy, Sir?”

THE HON. SRI V. KURMAYYA:—“The Government will consider the question when special cases are recommended by the headmasters, Sir.”

SRI A. VEDARATNAM PILLAI:—“How many students are there in those hostels, and out of them how many are boys and how many girls, Sir?”

THE HON. SRI V. KURMAYYA:—“Notice, Sir.”

SRI N. M. R. SUBBARAMAN:—“May I know, Sir, what is the total amount that has been given as grants to these hostels?”

THE HON. SRI V. KURMAYYA:—“Notice, Sir.”

SRI S. NAGAPPA:—“May I ask the Government to grant the Harijan boys residential scholarships, if they are not able to get admission either in common hostels or in Harijan hostels, Sir?”

THE HON. SRI V. KURMAYYA:—“It is in the interests of the boys, Sir, that they should join in any of the recognized hostels and study under the disciplinary rules. If the Harijan students live elsewhere, no scholarships will be given to them under the present rules, Sir.”

SRI S. C. BALAKRISHNAN:—“Is it a fact, Sir, that boarding grants are not given to some of the hostels which are being managed by private individuals?”

THE HON. SRI V. KURMAYYA:—“Notice, Sir.”

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Prevalence of plague and cholera in Dharapuram.

* 414-A Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that plague and cholera are prevalent in Dharapuram town (Dharapuram taluk, Coimbatore district) for the last two months;

(b) if so, the number of deaths due to plague and cholera; and

(c) what action the Government have taken to prevent the spread of the above epidemic?

THE HON. SRI A. B. SHETTY:—“(a) & (b) *Plague*.—The first case of plague in the municipality in the present outbreak occurred on 3rd July 1947. Thirty-seven deaths have been recorded so far from the disease, of which two deaths occurred among the plague patients from villages outside the municipality.

“*Cholera*.—The epidemic started in the municipality on 25th September 1947. Fifty-one deaths have been recorded from the disease so far, of which four deaths were amongst imported cases.

“(c) Anti-plague inoculations, Cyanogas fumigation and disinfection are the important control measures against plague and anti-cholera inoculations, chlorination of water-supplies and disinfection are the important measures against cholera. All these measures have been adopted.

“Additional staff has been employed to cope with the epidemic situation. Additional staff has also been appointed to the Infectious Diseases wards attached to the Taluk Headquarters Hospital.

“The Director of Public Health inspected the municipality twice—in July 1947 and in October 1947.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I ask, Sir, whether any special hospital has been opened for the treatment of plague cases?”

THE HON. SRI A. B. SHETTY:—“No, Sir.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Is it not desirable, Sir, to open a special hospital for such cases in order to arrest the spread of the disease?”

THE HON. SRI A. B. SHETTY:—“It is not considered necessary, Sir.”

Prevalence of cholera in Sattur.

* 414-B Q.—SRI R. S. MANICKAM: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that there have been too many deaths due to the prevalence of cholera at Sattur, Ramnad district;

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(b) if so, the number of deaths which have occurred so far;

(c) what immediate steps the Government propose to take in the matter; and

(d) the reason, why cholera was prevalent in the first instance in the Harijan quarters?

THE HON. SRI A. B. SHETTY:—“(a) & (b) Cholera has broken out in Sattur Panchayat on 19th October 1947. Up to 1st November 1947 there were 37 attacks and 16 deaths.

“(c) Seven hundred and six inoculations have been done. A special staff has been appointed to deal with the cholera situation.

“(d) There seems to be no special reason.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Is the Hon. Minister able to give information in what places in the Province is this disease in an epidemic form?”

THE HON. SRI A. B. SHETTY:—“In some of the districts Sir.”

SRI R. S. MANICKAM:—“May I ask, Sir, why cholera always breaks out in the Harijan quarters, in Sattur, and whether it is not due to lack of proper attention to the sanitary requirements of those localities?”

THE HON. SRI A. B. SHETTY:—“I take the information from the hon. Member.”

SRI B. S. MURTHI:—“May I know what the Government propose to do in order that cholera may be prevented from breaking out in Harijan quarters?”

THE HON. SRI A. B. SHETTY:—“Cholera epidemic is not confined to Harijan cheris. It appears in other places also.”

SRI R. S. MANICKAM:—“In this connexion, Sir, one Mr. Ramachandran and 28 others of Sattur sent a petition to the District Health Officer, the Executive Officer and to the Minister concerned, but no reply has been received at all and no action has been taken.”

THE HON. SRI A. B. SHETTY:—“May I know, Sir, what is the petition about?”

SRI R. S. MANICKAM:—“Regarding the prevalence of cholera.

THE HON. SRI A. B. SHETTY:—“I shall call for a report. I have no information, Sir.”

SRI S. NAGAPPA:—“Having taken the information from the hon. Member Mr. R. S. Manickam what steps are Government going to take to check the disease? Are they going to instruct the Department concerned to attend to the sanitary condition of the cheris?”

THE HON. SRI A. B. SHETTY:—“All necessary steps are being taken, Sir.”

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H. S. HUSSAIN SAHIB BAHADUR:—"Is it not a fact that the outbreak of this disease in municipal areas is due to lack of proper water-supply and drainage and, if so, will the Government be pleased to take immediate steps to remedy these defects in such municipal areas?"

THE HON. SRI A. B. SHETTY:—"Lack of protected water-supply is the most important cause for the outbreak of cholera. Government have recently constituted a committee to go into this question of water-supply and drainage. The report of that committee has been received. It will be considered by the Government soon and necessary action will have to be taken in the matter."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know from the Hon. Minister whether the increase in the incidence of cholera in recent months is due to malnutrition?"

THE HON. SRI A. B. SHETTY:—"Malnutrition may make people more susceptible to cholera infection by lowering bodily vitality and resistance."

Increased share for the Province from the Central Revenues.

* 415 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Finance Minister be pleased to state—

(a) whether the Government has made any representations to the Central Government in recent times for increased share for the Province from the Central Revenues; and

(b) if so, the result of such representation on our financial position during the current year?

THE HON. SRI B. GOPALA REDDI:—" (a) With effect from 1944-45 the Government of India pay an annual contribution of Rs. 22 lakhs from the proceeds of the Excise duty on tobacco levied by them, as compensation for the loss of revenue sustained by the Madras Government on account of the repeal of the Madras Tobacco (Taxation of Sales and Licensing) Act, 1939, which provided for the levy of a tax on the sale of tobacco and the licensing of trade therein within this Province. In June 1947, this Government requested the Government of India either to increase the compensation to Rs. 150 lakhs a year (which is the amount of revenue likely to be obtained by this Government if all transactions in tobacco in the Province were brought within the scope of the Madras General Sales Tax Act, 1939, and taxed at a special rate 10 per cent on the turnover) or to assign to this Government 50 per cent of the net proceeds from the Central Excise duty on tobacco collected in this Province. The Government of India refused to comply with this request. This Government are pressing them to reconsider the matter.

"The Finance Minister of the Madras Government gave notice of amendments to the Federal Legislative List proposed by

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the Union Powers Committee that would have added provisos to items 73 and 77 in the list, viz., Corporation-tax and Income-tax, requiring that at least 50 per cent of the net proceeds should be distributed to the Units in which the taxes were levied. He also gave notice of amendments deleting item 72 in the proposed Federal Legislative list and amending item 41 in the proposed Provincial Legislative list, so as to make all excise duties Provincial. A copy of the notice regarding these amendments is furnished in the annexure^a. These amendments were not reached during the last session of the Constituent Assembly. The matter will no doubt be considered further at the next session.

"(b) The financial position of this Province in the current year will not be affected by any changes in the allocation of sources of revenue between the Union of India and the Units under the new Constitution for the Union of India, as the new constitution will not come into force during the current financial year.

"If the Government of India agree to pay enhanced compensation to this Government in respect of tobacco taxation with effect from a date in the current year, the financial position of the Province in the current year will improve to a corresponding extent."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"Sir, in view of the anticipated surplus amount from the Government of India, will the Madras Government be able to adjust their finances in such a way as to give some tax relief to the tax-payers of this Province?"

THE HON. SRI B. GOPALA REDDI:—"It is too early to say whether the Government of India are going to accede to our requests or not, Sir."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know from the Hon. Minister, whether he would give an opportunity to the Members of this House to discuss the Central, Provincial and Concurrent Lists before they are finalized by the Constituent Assembly, Sir?"

THE HON. SRI B. GOPALA REDDI:—"I cannot give any definite assurance, Sir, but it will be considered."

BEGUM SULTAN MIR AMIRUDDIN:—"Is the Hon. Minister aware that some time ago the Bengal Legislative Assembly passed a resolution to the effect that the Central Government should allot to that Province three-fourths of the revenues collected from it? In view of that, will the Hon. Minister amend his resolution before the Constituent Assembly and instead of 50 per cent ask for 75 per cent of the revenues collected out of income-tax from this Province to be refunded to it?"

THE HON. SRI B. GOPALA REDDI:—"I am not aware of the Bengal resolution, Sir, but I must say that on certain

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items, we have asked for 60 per cent of the receipts which are collected in this Province and in certain others at the rate of 50:50."

BEGUM SULTAN MIR AMIRUDDIN:—"My suggestion, Sir, is that 75 per cent instead of 50 per cent should be demanded by the Provincial Government. (No answer.)"

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"May I know from the Hon. Minister for Finance, what proportion of the tax collected by the Central Government from this Province is returned to this Province, Sir?"

THE HON. SRI B. GOPALA REDDI:—"So far the Central Excise Duty is concerned, it is not common to both the Governments and so the Central Government are not giving us anything, but as regards income-tax, our share of refund is 50:50, Sir."

SRI C. M. KOTHARI:—"May I know from the Hon. Finance Minister, that if the representations that were made are acceded by the Central Government, what will be the extra income to this Province?"

THE HON. SRI B. GOPALA REDDI:—"It is not possible to give an answer definitely, Sir. Under the tobacco-tax, it may come to about 15 to 22 lakhs and under the Excise duty, it may come to another few lakhs of rupees more."

SRI B. S. MURTHI:—"May I know, Sir, whether the proportion of tax shared between the Central Government and the Provincial Governments is the same for all the Provinces?"

THE HON. SRI B. GOPALA REDDI:—"Under the Neimeyer's award it varies from Province to Province and our Province gets 15 per cent out of the divisible pool."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, when the Madras Government surrendered its right of the tobacco-tax to the Central Government, so as to affect the revenues of this Province?"

THE HON. SRI B. GOPALA REDDI:—"From 1944-45, it was surrendered to the Central Government for a compensation of Rs. 22 lakhs, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether at that time the Government considered that that compensation of Rs. 22 lakhs was adequate, in view of the large amount of revenue that was collected from the tobacco-tax?"

THE HON. SRI B. GOPALA REDDI:—"It is exactly for the reason that we are not satisfied with the Rs. 22 lakhs compensation that we have asked the Central Government to reconsider the whole matter, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know Sir, who consented to that surrender, and what is the reason therefor?"

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THE HON. SRI B. GOPALA REDDI:—"I am not aware of it, Sir, and I was not in the Treasury Bench at that time."

SRI B. S. MURTHI:—"Is it not a fact, Sir, that the revenue receipts from the Madras Province are much more than from other Provinces and will the Government see that the Central Government is pressed for many more concessions?"

THE HON. SRI B. GOPALA REDDI:—"The taxes collected from this Province are not much more than the taxes collected from Bombay and certain other Provinces. The whole question was gone into at the time when the Neimeyer Award was given and under that award this Province gets 15 per cent of the divisible pool."

H. S. HUSSAIN SAHIB BAHADUR:—"Will the Government consider the desirability of pressing the Central Government to hand over all the revenues collected from this Province, in view of the large deficit anticipated in our Budget on account of Prohibition as a special case?"

THE HON. SRI B. GOPALA REDDI:—"I am not prepared to do that, Sir, because I know the difficulties of the Government of India; they are now in need of money for their defence and other security purposes. If we make any unreasonable demands, they will be turned down by the Central Government."

SRI D. V. RAMASWAMI:—"May I know, Sir, whether the division of India into two dominions has adversely affected the quantum of share that is receivable by this Province?"

THE HON. SRI B. GOPALA REDDI:—"I don't think so, Sir, because the Panjab and other Provinces which have seceded from Indian Union were not contributing anything special to the Indian Union."

Transfers of District Superintendents of Police in the Cuddapah district.

* 416 Q.—SHAH ALAM KHAN SAVOI SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state—

(a) how many transfers of District Superintendents of Police have been effected during the last two years in the Cuddapah district; and

(b) the period during which each of these officers was allowed to remain in this district?

THE HON. DR. P. SUBBARAYAN:—" (a) Four transfers of District Superintendents of Police have been effected during the last two years in the Cuddapah district.

" (b) A statement^a showing the periods during which each of the officers served as District Superintendent of Police, Cuddapah is placed on the table of the House."

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SHAH ALAM KHAN SAVOI SAHIB BAHADUR:—"Is there not a rule, Sir, that Government officers should be allowed to remain in a district for a period of at least three years, and if so, why this rule has not been applied in the case of these officers?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of any definite period of any officer. Everything depends on the exigencies of service and transfers are made to suit the necessity that may arise from time to time."

SHAH ALAM KHAN SAVOI SAHIB BAHADUR:—"May I know, Sir, how much amount of travelling allowance would have been spent on the transfers of these officers?"

THE HON. DR. P. SUBBARAYAN:—"When transfers are made, travelling allowances have got to be given and the Government understand their responsibility."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, whether the police officers who were dismissed for political reasons were restored now?"

THE HON. DR. P. SUBBARAYAN:—"I do not think that this question arises out of the main question, Sir. The hon. Member may put a separate question."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know, Sir, why transfers of officials have become too frequent after the coming in of the present Ministry?"

THE HON. DR. P. SUBBARAYAN:—"It is not a question of the coming of the present Ministry or of the past Ministry. There has been a dislocation because of the retirement of officers of the Secretary of States services and therefore we have had to fit in people in the various districts and constant transfers are therefore necessary."

[* 417 Q.—

MR. SPEAKER:—"The hon. Member who put the question is not in his seat and so the answer will be printed in the a.m. proceedings."]

War service candidates for Judicial Service.

* 417 Q.—SRI A. KAMESWARA RAO: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that war service candidates interviewed for Judicial Service (District Munsifs) by the Madras Service Commission were told that their war service does not count for seniority in service or for increase of pay; and

(b) if so, whether it is a contravention of the promises made to them and also the statements published in the pamphlets (reserved vacancies for war service candidates)?

THE HON. DR. P. SUBBARAYAN:—" (a) The Madras Service Commission did not inform the candidates as suggested.

" (b) Does not arise."

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Number of Inspectors of Police, etc., in Tiruppattur taluk.

* 418 Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Home Minister be pleased to state—

(a) the number of Inspectors of Police, Sub-Inspectors of Police, head constables and constables in Tiruppattur taluk, Ramnad district, on 31st March 1942 and 31st March 1947;

(b) the number of Police stations and outposts in the same taluk on the above dates;

(c) the number of grave crimes reported in the taluk on the 31st March of 1945, 1946 and 1947; and

(d) whether the Hon. Minister is aware that the grave crimes in this taluk have recently increased in spite of the increased strength of the Police force in recent years?

THE HON. DR. P. SUBBARAYAN:—" (a) The numbers of Inspectors, Sub-Inspectors, head constables and constables in the Tiruppattur taluk on the dates referred are given below:—

On 31st March 1942.

Inspector of Police	...	...	...	...	1
Sub-Inspectors of Police	...	...	...	...	5
Head constables	...	...	...	...	13
Police constables	...	...	...	...	101

On 31st March 1947.

Inspectors of Police	...	...	...	...	3
Sub-Inspectors of Police	...	...	...	...	10
Head constables	...	...	...	...	23
Police constables	...	...	...	...	209

" (b) The numbers of police stations and outposts in that taluk on the same dates were as follows:—

On 31st March 1942.

Five police stations and four outposts.

On 31st March 1947.

Nine police stations and four outposts.

" (c) The numbers of grave crimes reported in the taluk on the 31st March of each of the years 1945, 1946 and 1947 were nine, fourteen and twenty-one respectively.

" (d) The grave crimes in the Tiruppattur taluk have gradually increased in spite of the increased strength of the police force in that area from 15th December 1945. This is to a certain extent due to the fact that the activities of the bad characters are now better exposed and the occurrences are freely brought on to record. Detection has also increased correspondingly."

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SRI R. V. SWAMINATHAN:—"Is it not a fact, Sir, that the increase in the crimes is due to the fact that the Police are inefficient?"

THE HON. DR. P. SUBBARAYAN:—"Certainly not, Sir. The crime if properly found out only shows the efficiency of the Police."

SRI R. V. SWAMINATHAN:—"In Tiruppur taluk and in other taluks in Ramnad district instead of taking steps to put down the crime, is it not a fact that the Police officials are arresting Kisan workers and Socialist workers as they were doing in Abhiramam in Ramnad district?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I have no information on this subject. If the matter is brought to my notice it will be considered."

System of rationing in the surplus districts.

* 419 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the present system of rationing in the surplus districts entails great responsibility on the part of the Government for maintaining a huge stock of foodgrains;

(b) if so, whether the Government propose to take steps to restrict the area of rationing to the deficit places only;

(c) whether the Government have received any representations that the present system of procurement of foodgrains on the advice of the Food Committees (village, taluk and district) is unsatisfactory; and

(d) if so, what steps the Government propose to take to remedy the matters?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Dr. T. S. S. RAJAN):—" (a) Yes; as it does in the case of deficit districts too.

"(b) The Government have not come to a final decision in the matter. However, in the present emergency feeding non-producers and insufficient producers in the surplus districts is as much the responsibility of the Government as feeding similar people in deficit districts and Government will keep this consideration too in mind when coming to a final decision on the question.

"(c) Several complaints from non-officials and also reports from officials have been received that the Food Committees have not been co-operating with the Government in making the procurement scheme a success.

"(d) The Government have issued instructions to the Collectors that the decisions of the Food Committees need not always be taken as binding on them and that they can override those decisions wherever necessary in the interests of efficiency of food administration, if they have sufficient grounds for doing so."

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M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"In view of the fact that the Government have admitted the fact that the Committees are not working satisfactorily will they abolish all taluk and district committees as they have already abolished the village committees?"

THE HON. DR. P. SUBBARAYAN:—"I have already answered that the matter will finally be decided later on. The matter is now under the consideration of the Government."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"Sir, if their decisions are not binding on the Government why not they abolish these Committees as they are superfluous?"

THE HON. DR. P. SUBBARAYAN:—"I do not grant the hon. Gentleman's premises. What I said was that they are not always binding but non-official opinion may be of value in coming to conclusions."

BEGUM SULTAN MIR AMIRUDDIN:—"Are the Government aware that if rationing is abolished in surplus areas the poor starve and will not be able to get even their eight ounces ration at controlled price?"

THE HON. DR. P. SUBBARAYAN:—"It is because of that feeling the Government have got to be very careful before they decide their policy in this regard."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is it not the policy of the Government not to make any difference so far as rationing is concerned between surplus district and deficit district?"

THE HON. DR. P. SUBBARAYAN:—"I would refer the hon. Gentleman to what I said in answer to (b) of the question."

SRI K. BRAHMANANDAM REDDI:—"May I know when the Government are likely to come to a decision with regard to restricting rationing to deficit places only?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, this matter is under the consideration of the Government. I am only deputising for the Food Minister who is not here and I shall carry to him what the hon. Member has to say."

SRI V. C. PALANISWAMI GOUNDER:—"Arising out of the answer given by the Hon. Minister to (c) may I ask this Government whether it is not a fact that very many taluk and district committees have done very admirable work in helping the Government and giving useful advice to the Collectors? On that score will the Government make some exceptions in the matter of retaining taluk and district committees?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, the whole question is under consideration. I cannot give any undertaking. It will depend upon the policy of the Government."

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Paddy harvested for the last fasli in the Tanjore district.

* 420 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state—

(a) the estimated amount of paddy harvested for the last fasli ending 30th June 1947 in Tanjore district;

(b) the estimated quantity required for internal consumption in that district for the fasli;

(c) the estimate of exportable surplus for the district for the fasli; and

(d) the actual quantity of rice and paddy exported outside the district in the fasli?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Dr. T. S. S. Rajan):—“(a) 587,000 tons in terms of rice.

“(b) 401,000 tons in terms of rice.

“(c) 186,000 tons of rice.

“(d) 194,388 tons of rice.”

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—“Will the Government realise that the quantity exported from Tanjore district to outside places is more than the usual quota allotted to that district?”

THE HON. DR. P. SUBBARAYAN:—“Well, Sir, the Government are very obliged to the Tanjore district for having come to the rescue of other places at a very critical period of the food rationing.”

SRI V. RAGHAVAYYA:—“In view of the very unequivocal appeal made by Mahatmaji in yesterday's papers and the special appeal to the Ministers of all provinces, will not this Government heed to his words and abolish rationing of food articles altogether?”

THE HON. DR. P. SUBBARAYAN:—“That is a very difficult matter to answer at the present time. It depends on the Food Member of the Government of India and the Food Ministers of other provinces. They have got to take into consideration what would exactly happen if rationing is taken out.”

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—“Will the Government assure us that they will have rationing till they have plenty of supplies?”

THE HON. DR. P. SUBBARAYAN:—“Well, Sir, I will not give an undertaking.”

SRI K. ANANDAN NAMBIYAR:—“Is the Minister aware, Sir, that there is still hoarded stock in Tanjore district which can be exported to other places?”

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THE HON. DR. P. SUBBARAYAN:—“I am afraid the Government do not agree that the premises of the hon. Member is correct.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Is it not a fact, Sir, that all these points pertaining to the food policy in this Province has been fully discussed in the recent food debate on the floor of this House?”

THE HON. DR. P. SUBBARAYAN:—“I am obliged to the hon. Member for his leading question.”

Collection of korambo in certain parts of the Chicacole taluk.

* 421 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal to discontinue collecting korambo from the people of the villages under the ayacut of Bhayiri-Singupum channel of Chicacole taluk towards the repairs of the same every year when there is water scarcity; and

(b) whether there is any proposal to permanently repair the channel?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) No; but the general question of discontinuance of collection of korambo in the Vizagapatam district, is under consideration.

“(b) There was a petition from the ryots of the Gara firka of the Chicacole taluk in the Vizagapatam district, requesting that permanent measure might be taken by the Government to rectify the defects in the Bhayiri channel. The question is under consideration.”

SRI G. KUMARASWAMI:—“Is it not a fact, Sir, that if the ayacut of Bhayiri-Singupum channel is shifted up by about two to three miles of the river Vamshadara there is no necessity of collecting korambo at all from the people?”

THE HON. SRI M. BHAKTAVATSALAM:—“Further consideration of that proposal is deferred till the Vamsadhara project is investigated.”

SRI A. VEDARATNAM PILLAI:—“What is meant by ‘Korambo’?”

THE HON. SRI M. BHAKTAVATSALAM:—“Korambo is a very familiar word even in Tanjore and also the Ramnad district.”

Prohibition offences in North Arcot, 1946-47.

* 422 Q.—SRI V. PONNUSWAMI GOUNDER: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of Prohibition offences in North Arcot during 1946-47 and during 1947 up to date;

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(b) in how many cases the offenders were punished and how many ended in acquittal; and

(c) whether there is any proposal before the Government to amend the Prohibition Act so as to make the provisions more stringent?

THE HON. MR. DANIEL THOMAS:—“(a) The number of Prohibition offenders in North Arcot district was as follows:—

October 1946 to March 1947	—	1,797
April to September 1947 ..	..	2,896
Total ..		4,693

“(b) Out of the 4,693 cases, 3,524 cases ended in conviction and 121 cases in acquittal. The others are either pending or have been treated as undetectable.

“(c) Yes.”

SRI V. PONNUSWAMI GOUNDER:—“சட்டத்தில் இப்பொழுது அமலில் இருக்கிற பிரகாரம் குற்றவாளிகளை குற்றத்திலிருந்து விடுவிக்கிறதாக இருக்கிறது. அது இல்லாமல் கூட்டு அபராதம் சொத்து பரி முதல் முதலியவைகளை விதிப்பதற்கு ஏதாவது ஏற்பாடு செய்யமுடியுமா?”

THE HON. MR. DANIEL THOMAS:—“இப்பொழுது இருக்கும் ஷரத்துக்கள் விவரப்படி குற்றவாளிகளை விடுதலை பண்ணுவதற்கு இல்லை. குற்றவாளிகளுக்கு தண்டனை அளிப்பதாக இருக்கிறது. இன்னும் திருத்தங்கள் செய்வதாக சர்க்கார் உத்தேசித்துக்கொண்டிருக்கிறார்கள்.”

SRI V. PONNUSWAMI GOUNDER:—“அந்த திருத்தங்களில் கூட்டு அபராதம் குற்றவாளிகளின் சொத்துக்கள் பரிமுதல் போன்றவைகள் இருக்குமா என்பதை மந்திரி அவர்கள் தெரிவிப்பார்களா?”

THE HON. MR. DANIEL THOMAS:—“கூட்டு அபராதம் என்னும் விஷயமும் கவனிக்கப்படும்.”

SRI B. S. MURTHI:—“May I know Sir why there is an increase of these offences since April?”

THE HON. MR. DANIEL THOMAS:—“It is due to the greater vigilance of the prohibition staff, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“With reference to (c) Sir, is the Hon. Minister aware that the lacuna which he intended to fill up by his amending Bill yesterday has not been completely rectified in view of the fact that persons who are now liable to punishment are only those who are found in a state of intoxication and not those who are drunk. Is the Minister aware that there are many who can drink hard and yet do not get intoxicated? May I know what is to be done with such cases?”

THE HON. MR. DANIEL THOMAS:—“I am not aware of the subtle distinction which the hon. Lady has drawn. I

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believe Sir, those people who are not in a state of intoxication are not the people who are sought to be punished in yesterday's legislation. Anyhow, the position would be rectified when the whole Province goes dry.”

SRI K. ANANDAN NAMBIYAR:—“சிலர் காரணமாக எல்லோருக்கும் கூட்டு அபராதம் போடுவது என்பது தவறு என்றும் தப்பு என்றும் அப்படி செய்யாமல் இருக்கமுடியுமா என்று கேட்கிறேன்.”

THE HON. MR. DANIEL THOMAS:—“அந்த விஷயமும் கவனிக்கப்படும்.”

Qualifications for District Industries Officers.

* 423 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Industries be pleased to state what qualifications the Government are insisting on for the appointment of District Industries Officers so far?

THE HON. SRI H. SITARAMA REDDI:—“The qualifications prescribed for the post of District Industries Officers are—

(a) For direct recruitment to the post, a candidate must not have completed 32 years of age on the 1st July of the year in which the selection is made.

(b) Must possess a Degree of a University in one of the following subjects: Chemical Engineering, Industrial Chemistry, Applied Chemistry, or Geology, Electrical, Mechanical or Automobile Engineering, Economics or Science.

A candidate appointed by direct recruitment has to undergo, to the satisfaction of the Director of Industries and Commerce, a special course of training in the Department of Industries and Commerce for a period of not less than four months.

In the case of persons appointed to the post by transfer one should have put in an approved service for not less than five years in the Department of Industries and Commerce and be in receipt of a salary of not less than Rs. 150 per month at the time of inclusion of one's name in the list of candidates considered suitable for appointment by transfer.”

SRI N. M. R. SUBBARAMAN:—“May I know, Sir, whether the Industries Officers have got all the technical qualifications 12 noon which are mentioned just now by the Hon. Minister?”

THE HON. SRI H. SITARAMA REDDI:—“I have informed the House that the qualifications are necessary and the officers must have possessed the qualifications before they are appointed.”

MR. SPEAKER:—“I will take ten minutes more and finish the rest of the questions.”

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Reorganization of the Department of Industries.

* 424 Q.—**MOHAMED ABDUL SALAM SAHIB BAHADUR**: Will the Hon. the Minister for Industries be pleased to state whether the Government have considered the advisability of reorganizing the Department of Industries in view of the recommendation of the Industrial Planning Committee in its recent report?

THE HON. SRI H. SITARAMA REDDI:—"The matter is under consideration."

M. S. ABDUL MAJID SAHIB BAHADUR:—"In view of the usefulness of these Industries Officers to the districts, will the Hon. Minister give us an assurance that he will appoint more Industries Officers in every district?"

THE HON. SRI H. SITARAMA REDDI:—"We are now in question No. 424 and not in question No. 423."

Disposal of the stocks of iron held by Mr. D. Guruswamy, Iron Merchant, Nellore.

* 425 Q.—**SRI V. RAGHAVAYYA**: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that Mr. D. Guruswamy, Iron merchant, Nellore, has stocks of iron of 80 cwt. of g. $1\frac{1}{4}$ M.S. squares from 18th July 1946;

(b) what is the quantity released from this stock from the merchant by the Government permits;

(c) whether it is a fact that this merchant has sustained a loss of interest of Rs. 66 on this investment as against a profit of annas 6 during the past one year;

(d) whether it is a fact that the said merchant asked for permission to sell away the remaining stock; and

(e) whether it is a fact that in return he was threatened with legal proceedings by the Director of Industries in turn?

THE HON. SRI H. SITARAMA REDDI:—" (a) Sri D. Guruswami, Iron and Steel Merchant, Nellore, has been holding a stock of 81 cwt. of $1\frac{1}{4}$ inch M.S. squares from the date of transfer of control of iron and steel to the Industries Department from September 1946.

" (b) No permits have so far been issued on this merchant as there has been no demand for the M.S. square $1\frac{1}{4}$ inch size which materials alone he has been holding in stock.

" (c) Government are not aware of the profit earned or loss sustained by the merchant.

" (d) & (e) No records are available in the office of the Director of Industries and Commerce to support these statements."

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SRI V. RAGHAVAYYA:—"In view of the fact that under the rules these merchants are obliged to keep stocks even when permits are not issued against them, will the Government consider reimbursing them by permitting them to collect interest from future purchasers or devise some other method by which they would be enabled to pay this loss?"

THE HON. SRI H. SITARAMA REDDI:—"Government cannot undertake to reimburse the loss sustained by private merchants in the course of their normal business."

Delivery of iron materials.

* 426 Q.—**SRI V. RAGHAVAYYA**: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that A. Ramana Reddy of Allur, Nellore district, has been asked to take delivery of Rs. 13 worth of iron materials from Tuticorin in July 1947;

(b) whether P. A. G. Mudaliar of Perambur was given permit for Rs. 13 worth of iron on a Nellore merchant on 5th August 1947;

(c) whether Abdul Karim and Meera Sahib of North Arcot have been given a permit on Nellore for Rs. 100 worth of iron on 17th July 1947;

(d) whether Molagala Lakshmiah of Guntur district, K. V. Subbiah of Nidadavole, E. V. Kuppuswamy Ayyar of Wandiwash, T. Manikyam Mudaliyar of Sholingur, Venkatrama Nayudu of Vellore, N. Gopal Rao of Thiruppur and Collector of Central Excise, Madras, have been asked to take delivery of iron materials even for small quantities from an iron merchant at Nellore;

(e) whether the said merchants have taken delivery in fact from Nellore;

(f) if not, what happened to the stocks;

(g) whether any inconvenience and loss has resulted from the same; and

(h) what steps the Government propose to take to rectify these defects?

THE HON. SRI H. SITARAMA REDDI:—" (a) No, Sir.

" (b) Yes, Sir.

" (c) Janab Abdul Kareem Sahib of Melvisharam, North Arcot district, was given a permit for 10 cwt. of M.S. rounds (valued at about Rs. 130) on a Nellore merchant on 17th July 1947. No permit was issued to Janab Meera Sahib of North Arcot district on 17th July 1947.

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"(d) Permits were issued to the following persons on a Nellore merchant in July 1947 for the quantities mentioned against each:—

	Tons.	Cwt.	Qr.	Lb.
(1) Sri Molagala Lakshmiah of Guntur.	1	0	0	0
(2) Sri K. V. Subbiah of Nidadavole.	1	5	0	0
(3) Sri E. V. Kuppuswamy Ayyar of Wandiwash.	0	4	0	0
(4) Sri T. Manikyam Mudaliyar of Sholingur.	0	4	0	0
(5) Sri Venkataram Nayudu of Vellore.	0	4	0	0
(6) Sri Gopal Rao of Tiruppur.	0	7	0	0

No permit was issued to the Collector of Central Excise in July 1947.

"(e) The stock returns received from the stockholders up to 31st August 1947 show that all the consumers referred to above except Messrs. Venkatarama Nayudu of Vellore and Gopal Rao of Tiruppur have taken delivery of the materials released.

"(f) The materials for which permits were issued, but were not taken delivery of, remain with the merchants on whom the permits were issued.

"(g) No complaint has been received in any of the above cases.

"(h) Permits are issued by the Director of Industries and Commerce on the nearest merchants possessing the categories of materials asked for. The Government have also issued instructions to that effect."

SRI V. RAGHAVAYYA:—"In view of the fact that merchants from very long distances have been asked to release stocks and the stocks have to be purchased from long distances causing so much inconvenience and loss of money to the public, will the Government try to verify, when issuing these permits, whether stocks are or are not available in the places where the purchasers are living?"

THE HON. SRI H. SITARAMA REDDI:—"If the difficulties experienced are brought to the notice of the department when issuing permits every effort will be made to see that the public do not suffer any hardship; but sometimes in the case of materials such as steel, the Steel Officer is compelled to give permits to places distant from the place where the permit holder is resident."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is the Hon. the Minister aware that in regard to the distribution of this

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material to persons to whom the permits are issued, even for small articles, the permit holders have to go from one place to a distant place and they have to return disappointed. In view of that fact, will the Government see that they do not make mistakes in giving permits to places far away from the places where the purchasers are residing?"

THE HON. SRI H. SITARAMA REDDI:—"The question has already been answered."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"May I know from you, Sir, how this House is interested in these trivial questions which are not at all of public importance?"

MR. SPEAKER:—"It is for me to judge and it is not for the House to judge whether a question is of public importance or not."

Teaching of Telugu language in the schools in the Chingleput district.

* 427 Q.—SRI R. SUBBA IYER: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government propose to abolish the teaching of Telugu language in the schools in the Chingleput district; if so, what the reasons are; and

(b) whether it is a fact that Telugu as medium of instruction has been abolished in the High schools in Ponneri and Tiruvallur taluks; if so, why?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"(a) No.

"(b) No."

Colleges of Homeopathy in the Province.

* 428 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there are any colleges of Homeopathy in this Province; and

(b) if so, whether any such college has been recognized by the Government; if not, why not?

THE HON. SRI A. B. SHETTY:—" (a) As far as Government are aware there are two Homeopathic colleges in the Province: (1) The Madras Homeopathic College, Madras; (2) the Andhra Provincial Homeopathic Medical College and Hospital, Gudivada.

"(b) Government have not recognized either of the above two institutions. The policy of the Government in the matter of Homeopathy is under consideration."

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Conversion of the Local Fund Hospital, Tirumangalam, into a Government Hospital.

* 429 Q.—SRI K. RAJARAM NAYUDU: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there is a proposal to convert the Local Fund Hospital, Tirumangalam, into a Government Hospital;

(b) if so, when; and

(c) whether there is a proposal to provide a Lady Doctor for the Hospital?

THE HON. SRI A. B. SHETTY:—“(a) to (c) There is no such proposal.”

Non-medical man as organizer of Indian Medicine.

* 430 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government has been pleased to continue the services of a non-medical man as organizer of the Indian Medicine;

(b) if so, the reason for appointing him; and

(c) whether it is a fact that the Government has authorized such a man to be the final authority to advise the Government in matters of Indian Medicine including Homeopathy?

THE HON. SRI A. B. SHETTY:—“(a) The answer is in the affirmative.

“(b) Because he has had administrative experience as the head of the department of Indian Medicine in the Mysore State.

“(c) He is consulted by the Government regarding the matters relating to the reorganization of the department of Indian Medicine only and not on matters regarding Homeopathy.”

Grant to the Madanapalle Mission Sanatorium.

* 431 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government are giving an yearly grant of Rs. 1 lakh to the Madanapalle Mission Sanatorium;

(b) how many free cases they had admitted in that sanatorium in the year 1946; and

(c) whether it is a fact that they refused to admit poor patients free of charge?

THE HON. SRI A. B. SHETTY:—“(a) The Government are giving an annual maintenance grant of Rs. 55,000 to the Union Mission Tuberculosis Sanatorium, Madanapalle. During 1946-48, they increased this grant of Rs. 20,000 per year.

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“(b) 286 poor patients were treated free in the sanatorium for the period from 1st April 1946 to 31st March 1947.

“(c) No patient has been refused admission on account of his inability to pay.”

Number of wells in the Province sunk for Harijans.

* 432 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Rural Development be pleased to state the total number of wells sunk for Harijans throughout the Province, districtwar?

THE HON. SRI V. KURMAYYA:—“A statement* showing the number of wells constructed and repaired by the Labour Department during the year 1946-47 is placed on the Table.”

SRI S. NAGAPPA:—“In view of the fact that the sinking of wells is very difficult in the Rayalaseema, will the Government consider the desirability of appointing an agency to see that the existing wells are thrown open to these Harijans?”

THE HON. SRI V. KURMAYYA:—“All the public wells have already been thrown open under the Civil Disabilities Removal Act.”

SRI S. NAGAPPA:—“May I ask the Hon. Minister whether it is not the practice especially in villages, not to throw open these wells to Harijans even after the Assembly has passed the Civil Disabilities Removal Bill and so, what steps the Government will take to see that these wells are thrown open to the Harijans?”

THE HON. SRI V. KURMAYYA:—“If any complaint from any Member as regards refusal to allow Harijans to draw water from the well is received, the Government will take necessary action under the Act. There are also District Magistrates and other officials who will take action under the provisions of the Civil Disabilities Removal Act.”

MR. SPEAKER:—“When question 417 was reached, the hon. Member, Mr. Kameswara Rao, was not in his place. He has now told me that on account of some trouble in the bus, he had to come late. The hon. Member requests the Hon. Minister to read the answer for that question as it may take more than a month to reach him if it is printed in the proceedings.”

(The Hon. Dr. P. Subbarayan then read the answer for question No. 417.)

UNSTARRED QUESTIONS.*Import of cashewnuts from Africa.*

35 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that great harm is caused to the producers and the dealers in cashewnuts in Malabar by the unrestricted import of the same from Africa; and

(b) if so, what action the Government propose to take to set right the matter?

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A.—(a) The Government are aware that imports of cashewnuts into this Province from abroad which were comparatively low during the war period have increased after the cessation of hostilities and that imports are now being received mainly from South Africa. Unrestricted imports may affect to a certain extent the prices of and demand for local cashewnuts.

(b) The question of taking necessary steps to foster the local cashewnut industry is engaging the attention of the Government. They have made certain suggestions to the Government of India in this regard which are still under the consideration of the Central Government.

Subvention from Central Government for development of roads.

36 Q.—SRI MANIKOTH KUMARAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether any subvention has been received from the Central Government for development of roads in this Province;

(b) if so, what portion of it is available for development of village roads; and

(c) whether this House will be consulted in distributing the grant among the various parts of the Province?

A.—(a) Yes. The Central Government's subvention is received from two sources, viz.—

(i) Central Road Development Fund.

(ii) Central grant for post-war development schemes.

The amounts received in 1946-47 and those expected to be received in 1947-48 from these two sources are as shown below:—

	1946-47.	1947-48.
	RUPEES IN LAKHS.	RUPEES IN LAKHS.
Central Road Fund	10.96	19.79
Central grant for post-war development schemes	32.55 *	†

(b) (i) *Central Road Fund.*—No part of the subvention from this fund is earmarked for works relating to village roads.

(ii) *Central grant for post-war development schemes.*—The grant received in respect of road works

* The grant was received in 1946-47 in recoupment of the full expenditure incurred by this Government in 1945-46 and 1946-47 on road works treated as post-war development schemes.

† The cost of the road works included in the programme of post-war schemes for 1947-48 is Rs. 140 lakhs. The Central Government have sanctioned a block grant of Rs. 625 lakhs towards unproductive expenditure on all post-war schemes, grow more food schemes, etc., whose total cost is estimated at about Rs. 100 crores. As the term 'block grant' implies, it is not intended to be allocated among the various post-war development schemes, grow more food schemes, etc.

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which are included in the Public Works Development programme and which were executed in 1945-46 and 1946-47 was in recoupment of the full expenditure incurred on the works. The amount of grant relating to village roads is Rs. 11,348.

As regards post-war development road works to be executed in 1947-48, the block grant of Rs. 625 lakhs sanctioned by the Government of India for all post-war schemes of that year including Grow More Food schemes, etc., is not susceptible of allocation among individual schemes. It is not, therefore, possible to say what grant will be received from Central Government for works relating to village roads to be executed in 1947-48.

(c) The legislature is being consulted in regard to the distribution of these grants in the manner explained below:—

Works executed by the Government.—Ordinarily the names of all major works on roads under the control of the Government to be taken up each year and the provision made for them in the budget are given in the annual budget presented to the legislature. If any new scheme for which provision is not made in the budget has to be introduced urgently during the course of the year, the sanction of the legislature to a supplementary statement of expenditure is obtained whenever the expenditure is on a new service, i.e., when the estimated cost exceeds Rs. 30,000. This procedure has been followed in the case of works financed from the Central Road Fund. As regards the post-war development grant, the road programme was under revision at the time of framing the current year's budget and the list of works to be taken up during the course of the current year could not be fixed then. Hence a lump sum allotment was made in the budget for this year and the individual schemes are being sanctioned on receipt of proposals from the Chief Engineer (Highways). Post approval of the legislature is sought by including a token demand in the supplementary estimates in respect of all new schemes, the expenditure on which will be on a "new service". As regards 1948-49 and future years the procedure indicated earlier in this paragraph will be followed.

Works executed by local bodies.—In regard to grants paid to local bodies it is not practicable to consult the House before the grants are distributed

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among the local bodies in different parts of the Province. Grants are sanctioned as and when applications are received. The total sum so distributed to the various local bodies is limited to the amount voted by the legislature in the budget and in the supplementary estimates, if any.

Complaints against the Executive Officer of Arkonam Panchayat Board.

37 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Minister for Local Administration be pleased to state whether the Government have received any complaints against the Panchayat Board Executive Officer, Mr. C. Manavala Nayudu of Arkonam, from Netaji Youths' League and whether any action has been taken in the matter and if not, why not?

A.—No complaint was received by Government from Netaji Youths' League against Sri Manavala Nayudu, formerly Executive Officer, Arkonam; but a copy of the petition, dated 6th February 1947, from the Secretary, Netaji Youths' Association, Arkonam, addressed to the Inspector of Municipal Councils and Local Boards, was received. The matter was duly enquired into and it was found that the petitioner was not able to substantiate the allegations.

Search in mill cloth shops of Tirukoilur.

38 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that a few mill cloth shops in Tirukoilur (South Arcot district) were searched in the middle of last year by the then District Textile Control Officer, along with the local M.L.A.;

(b) what action was taken against the merchants in those shops for their misbehaviour;

(c) how many cases of black-marketing of yarn were detected in the district and what action was taken in the matter; and

(d) whether the Government propose to take any action on the officers for the delay in taking action against the black-marketeers so far detected?

A.—(a) According to the records available in the Collector's office, the Police and not the Textile Control Officer conducted in July 1946 a search in six shops dealing in mill cloth in Tirukoilur and three hon. Members of this House were present during the search conducted in one of these six shops:

(b) Out of the six cases, licences of the dealers were cancelled in five cases and in addition prosecution has

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been launched in two of the five cases. Action in the remaining one case was dropped as investigation revealed no clear offence.

(c) There were about 12 cases of contravention of yarn control orders such as smuggling of yarn to French territories, illicit sale of yarn, sale in excess of ceiling prices fixed and sale without a licence. Licences were cancelled in four cases, yarn was confiscated in four other cases and the remaining four cases are still pending. The Collector has been asked to dispose of the pending cases quickly.

(d) The Collector has been asked to take suitable action against the persons responsible for the delay and to report the action taken to the Government.

Aerodromes in the Province.

39 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of aerodromes in the Province and the area occupied by each;

(b) how many of them are transferred from the Central Government to the Provincial Government and in what way they propose to utilize the sites;

(c) whether the Government paid necessary compensation to the landholders who gave their lands for the said aerodromes; and

(d) whether the Government received any representations from the land owners of Ulundurpet aerodrome, Tirukkoyilur taluk, South Arcot district, requesting compensation for the lands and if so, what action has been taken in the matter?

A.—(a) to (c) Answers cannot be given to these clauses for reasons of security.

(d) Yes. Only one representation has been received from one Sri Krishna Ayyangar of Sengurichi village of Tirukkoyilur taluk, South Arcot district. With regard to this petition, the Collector of South Arcot has since passed orders sanctioning the payment of the compensation amount due to him and releasing his lands for cultivation.

Representation from Harijan students of the Panruti High School.

40 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Minister for Education be pleased to state whether the Government have received any representation from the Harijan students of the Panruti High School in South Arcot district requesting to be supplied with midday meals; and, if so, what the Government propose to do in the matter?

A.—No.

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Admissions into the Engineering Colleges of this Province.

41 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) the total number of admissions made in all the Engineering Colleges in this Province this year;

(b) the number of seats secured by the various communities; and

(c) how they compare with the admissions of last year?

A.—(a) The total number of seats in the various Engineering Colleges is 365.

(b) The number of seats secured by various communities are—

Non-Brahmans	116
Non-Brahmans (Backward) ...	60
Brahmans	66
Muslims	30
Christians and others	39
Harijans	10

Total ... 321

(These figures do not include candidates selected from States and other Provinces and from ex-service personnel as the first two are selected by the respective Governments and the last irrespective of communal and linguistic considerations.)

(c) The figures for 1946 are as follows:—

Non-Brahmans	120
Non-Brahmans (Backward) ...	67
Brahmans	83
Muslims	32
Christians and others	32
Harijans	8

Total ... 342

Number of new colleges opened.

42 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state the number of new colleges opened this year and the provision for extra accommodation made by Government to meet the increased need for seats?

A.—The following colleges were newly opened this year in the Province:—

(1) Osmania College, Kurnool (for men).

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(2) Dr. Alagappa Chettiar College, Karaikudi (for men).

(3) Raja Doraisingam Memorial College, Sivaganga (for men).

(4) Sethukumara Nadar College, Virudunagar (for men).

(5) P.S.G. Arts College, Peelamedu (for men).

(6) Stella Maris College, Mylapore (for men).

None of the Colleges has sought Government's help for providing extra accommodation to meet the increased need for seats.

Admissions into the Engineering Colleges.

43 Q.—SRI D. KADIRAPPA: Will the Hon. the Minister for Education be pleased to state the number of applications received for admission into the Engineering Colleges, how many among them were from Rayalaseema and how many have been admitted from each district?

A.—The total number of applications received for admission into the Engineering Colleges in 1947–48 was 1,857.

Of these, 114 were from the Rayalaseema students. The number of students selected from Rayalaseema districts is as follows:—

Anantapur district	6
Bellary district	8
Cuddapah district	5
Kurnool district	9

Forcible labour.

44 Q.—SRI K. LINGA RAJU: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that forcible labour is extracted from Koyas in East Godavari Agency by the Forest department for work in Teak Plantations;

(b) if so, whether this practice is in vogue only in the Upper Godavari Agency; and

(c) whether the Government propose to take steps to abolish this system?

A.—(a) No. Forcible labour was never extracted from Koyas in East Godavari Agency by the Forest department.

(b) & (c) The questions do not arise.

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Compulsory collections for a farewell dinner to late Surgeon-General, Madras.

45 Q.—SRI K. LINGA RAJU: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that compulsory collections were made from subordinates by highly placed medical officers to give a farewell dinner to the late Surgeon-General, Major-General Huban; and

(b) whether a circular was issued to all the subordinates by the Personal Assistant to the Surgeon-General in this connection?

A.—(a) No compulsory collections were made from subordinates to give a farewell dinner to the late Surgeon-General, Major-General Huban on the eve of his proceeding on leave preparatory to retirement.

(b) Yes. A circular was issued by the Personal Assistant to the Surgeon-General on behalf of the Committee represented by the various services, viz., the Indian Medical Service, the Madras Medical Service and the Honorary Medical Service.

Appointment of Geography Assistants in Schools.

46 Q.—SRI K. LINGA RAJU: Will the Hon. the Minister for Education be pleased to state—

(a) whether any Geography Assistants were appointed in Government Schools in Telugu areas;

(b) whether a B.A. degree in Geography is insisted upon for the appointment;

(c) whether it is a fact that Geography is not taught in the Andhra University area in B.A. class;

(d) whether insistence upon such a qualification has resulted in the elimination of Andhra University men from the above appointments; and

(e) if so, whether the Government proposed to select men with Geography qualifications in B.Ed. for the above posts?

A.—(a) Yes. One.

(b) No.

(c) Yes.

(d) Does not arise in view of the answer to (b) above.

(e) If and when Geography B.Eds. are needed they will be selected.

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Complaints against the food supplied to in-patients in General Hospital.

47 Q.—DR. D. S. RAMACHANDRA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any complaints have been received by the Government that the food supplied to the in-patients in the general wards of the General Hospital in Madras is not sufficient; and

(b) whether steps will be taken to remedy the evil in the near future?

A.—(a) The answer is in the negative.

(b) The question does not arise.

Lecturers in Horticulture and Kitchen Gardening.

48 Q.—DR. D. S. RAMACHANDRA RAO: Will the Hon. the Minister for Agriculture be pleased to state whether the Government propose to have public demonstrations and lectures in Horticulture and Kitchen Gardening to stimulate fruit culture and vegetable growing in these days of food scarcity?

A.—There is a special staff of four Agricultural Demonstrators now working in Madras City and its surroundings for demonstrating the proper method of vegetable and fruit growing to the residents and kitchen gardeners. There is a vegetable seed depot located at Mount Road for stocking and selling different varieties of vegetable seeds. A vegetable farm has been started in the Government House Compound, Mount Road, for demonstrating the methods of raising vegetable seedlings and planting vegetable crops and fruit trees. The Agricultural staff in the mufassal districts is also engaged in demonstrating to the public the correct method of raising nurseries and cultivation of vegetables and fruit trees. Seeds of various kinds are also stocked in the Agricultural Demonstrators' depots for supply to cultivators and others interested in vegetable and fruit growing. Vegetable seeds are also multiplied on the various Agricultural Research Stations in the Province to supplement the seeds obtained and stocked from reputed seedsmen and nurserymen. Control of pests and diseases of vegetables and fruit trees is also being undertaken by the departmental staff. Fruit plants of different kinds including seedlings, grafts and budded plants are supplied mainly from the Fruit Research Stations, Kodur, Coonoor, Burliar, Kallar and Taliparamba. The Government have also recently instituted a diploma course in Horticulture at Kodur. As regards lectures on Horticulture, they were arranged in Madras City last year. The Government have no information as

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regards mufassal centres. The Government will be glad to arrange for lectures if requests are forthcoming from any particular centres.

Recurring grant of one lakh for Annamalai University.

49 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Education be pleased to state—

(a) whether a recurring grant of rupees one lakh was sanctioned for the Annamalai University from the financial year 1946-47;

(b) whether the amount was intended to be spent during the course of every year towards the raising of the salaries of teachers of the University;

(c) whether in 1946-47, the amount was spent for the purpose for which it was intended; and

(d) whether the Government have taken steps to satisfy itself that it was done; and, if so, how much was spent towards the raising of the salaries?

A.—(a) Yes.

(b) The grant was for the purpose of raising the scales of pay of the teaching staff of the University.

(c) The grant was sanctioned as a recurring block grant; it was left to the University to adjust its scales with reference to the grant. The University has adjusted the grant towards the revision of the scales of pay and towards the conversion and addition of certain posts. The extra expenditure incurred on the revision of scales is estimated at rupees 60,481. The extra expenditure including the additional teaching staff employed in the University is Rs. 1,03,548.

(d) The Government is in correspondence with the University about the matter.

Delay in the disposal of route licences by Regional Transport Officer, Cuddapah.

50 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Prohibition be pleased to state—

(a) why the Regional Transport Officer, Cuddapah, has not disposed of the route licences in Nellore district, till now;

(b) when they were disposed of in other districts of the Province;

(c) whether there are any special reasons for this delay;

(d) how many times the officer summoned the applicants to Nellore for disposing of their applications; and

(e) whether any of the applications were disposed of till now; and if not, why not?

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A.—(a) There was some delay in the disposal of applications relating to Nellore district owing to the fact that the Regional Transport Officer, Cuddapah, misinterpreted the instructions issued by the Central Road Traffic Board on the subject. All applications have since been disposed of.

(b) Applications in the districts under the jurisdiction of other Regional Transport Officers, which were ripe for consideration, were disposed of by the concerned Regional Transport authorities each month beginning from June 1947.

(c) Please see answer to clause (a) above.

(d) The Regional Transport Officer, Cuddapah, summoned the applicants thrice.

(e) All applications have since been disposed of.

Iron and steel for agricultural purposes.

51 Q.—SRI B. VENKATANARAYANA REDDI: Will the Hon. the Minister for Industries be pleased to state—

(a) the quantity and quality of the iron and steel articles useful for agricultural purposes allotted and delivered to our Province during the year 1946-47 by the Central Government;

(b) out of this quantity how much was given through private merchants, and the Agricultural department;

(c) whether any distribution list was sent to Government from the merchants;

(d) the quantity that was given to Nellore district and to other districts (districtwar); and

(e) how much was given to the Nellore district in the month of September through the merchants and department, and how much will be given before the end of September?

A.—(a) A quantity of 9,850 tons was allotted during 1946-47 and 12,071 tons of standard steel and 961 tons of non-standard steel were delivered including allotments made prior to April 1946.

(b) 11,594 tons were given through the Agricultural department and 1,175 tons through private merchants.

(c) No, Sir.

(d) A statement showing the standard and non-standard steel supplied to the various districts including Nellore is placed on the table of the House.

(e) Permits for 13-11-1-7 tons for agricultural purposes and for 9-0-2-6 tons for general consumers were issued to the Nellore district from 1st to 25th September 1947. The Director of Industries and Commerce has also proposed to issue permits for a further quantity of 6 tons of cart tyres for the Nellore district during the first week of October.

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Notice before adverse remarks in confidential records of an officer.

52 Q.—SRI P. KANDASWAMI PILLAI: Will the Hon. the Premier be pleased to state whether there is any rule requiring heads of departments to give clear notice of any ground they propose to urge against an officer for barring his prospects and promotion to enable him to show cause against it before it is put down against him in confidential records and used against his prospects and whether this rule is strictly observed?

A.—The answer is in the negative.

Grievances of Depot-keepers of the Cocanada Producers-cum-Consumers Co-operative Society, Limited.

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

(a) whether the Government have received any representation from the Depot-keepers of the Cocanada Producers-cum-Consumers Co-operative Society, Limited, c/o Clerks' Union, Cocanada;

(b) if so, what are their grievances;

(c) what action the Government have taken to redress their grievances so far; and when; and

(d) if not, why not?

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

(b) The Depot-keepers have represented that their services were dispensed with on 23rd August 1947 by the Directorate of the Cocanada Producers-cum-Consumers Co-operative Society and have requested that they may be reinstated.

(c) & (d) The Board of Directors of the Society are fully competent to act in the matter and the Government do not propose to interfere.

Number of villages without schools.

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

(a) the total number of villages in which there are no schools at all, talukwar and districtwar; and

(b) when the Government propose to start schools in these villages?

A.—(a) The statistics of the number of villages, talukwar and districtwar which are not provided with schools are not readily available. The collection and compilation of these statistics will mean much time and labour.

(b) It is the policy of Government to encourage District Boards and private bodies to open schools in villages or group of hamlets which are not provided with

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schools. Under the scheme of compulsory elementary education now being introduced in rural areas gradually it is expected that schools will be opened in all the villages in the districts in course of time.

Elementary school teachers not allowed to contest elections in local bodies.

55 Q.—SRI D. DURAIRAJA PANDIAN: Will the Hon. the Minister for Education be pleased to state whether it is a fact that elementary school teachers are not allowed to contest elections in local bodies, and if so, why?

A.—Yes. It is considered that elementary school teachers standing for elections will dislocate the work at schools and also create factions in the villages and in schools and it will not be in the interests of the schools or children.

Scales of pay of pandits.

56 Q.—SRI ALLURI SATYANARAYANARAJU: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have published the scales of pay of pandits; and

(b) if not, when they propose to publish the same?

A.—(a) & (b) The Government have already fixed the revised scales of pay for three grades of pandits and munshis in secondary schools under all types of management. The question of revising the qualifications and the scales of pay for each grade is under consideration. Orders in this regard will be published as soon as a final decision is reached.

Publication of answers to questionnaire by the Education Minister.

57 Q.—SRI ALLURI SATYANARAYANARAJU: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government propose to publish the answers received by the Government from the public through the questionnaire circulated in the Province by the Education Minister; and

(b) whether the Government propose to publish immediately the scheme of education they are going to introduce in the Province?

A.—(a) No.

(b) The important points in the scheme have already been published in all the newspapers when the matter was put up before the Provincial Advisory Board of Education.

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Bringing waste lands under cultivation.

58 Q.—SRI MANIKOTH KUMARAN: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have passed any order posting a special officer for investigating the possibilities of bringing more waste lands under cultivation in the Nellore district; and, if so, why only in the Nellore district; and

(b) whether it is a fact that there are enormous number of acres still to be brought under the plough in almost all districts, especially in Malabar; and, if so, whether similar steps are proposed to be taken as regards other districts?

A.—(a) Yes; the Government have recently sanctioned the employment of an Agricultural demonstrator on Rs. 100—5—140 E.B.—10—220 per mensem and a messenger on Rs. 12 per mensem for a period of three months from the date of employment to investigate the possibilities of bringing more waste lands under cultivation in Nellore district. The investigation was sanctioned because certain M.L.A.s represented to the Government that large areas of waste lands in Nellore district, which are reasonably flat ground, can be brought under cultivation. The Director of Agriculture also reported that there is an area of about 2,970 acres of assessed dry land in Udayagiri taluk which is suitable for tractor ploughing. The Government have accordingly ordered a survey of waste lands in Nellore district with a view to find out their suitability for cultivation.

(b) Yes; there are considerable areas of waste lands in several districts of this Province but it is not proposed to undertake investigations similar to the one taken up in Nellore district at present. There is, however, a scheme (Scheme No. 115) in the five-year plans for the investigation of waste lands in this Province. The question of revision of the five-year plans in order to reduce the expenditure on some of the post-war plans is separately under consideration and the question of further investigation of waste lands in the Province (Scheme No. 15) is held over pending revision of the five-year plans. As regards Malabar district, the Government have already embarked on a scheme of reclamation and colonization of an area of about 31,000 acres of undeveloped land in Wynaad taluk and the work is in progress. Further, the question of reclaiming large areas in Vandur firka, Ernad taluk and Mudalamada amsam in Palghat taluk is also under consideration.

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Electricity from the Jog project for the use of the South Kanara district.

59 Q.—SRI K. R. KARANTH: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Madras Government have asked from the Government of Mysore supply of electricity from the Jog project for the use of the South Kanara district; and

(b) if so, at what stage the matter now is and when the electricity is likely to be made available?

A.—(a) Yes.

(b) Reply from the Mysore Government is awaited. Subject to Mysore Government agreeing to supply electricity from their Jog power station for distribution in South Kanara district, Mysore power is likely to be available in the area by about 1950.

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

II.—ANNOUNCEMENT BY THE LEADER OF THE HOUSE
RE CHANGE OF PORTFOLIOS AMONG MINISTERS.

THE HON. DR. P. SUBBARAYAN:—“Before we proceed, I want to announce to the House that the Hon. Sri H. Sitarama Reddi is now in charge of Labour in place of the Hon. Dr. T. S. S. Rajan.”

III.—GOVERNMENT MOTION.

AMENDMENTS TO RULE III OF THE MADRAS ASSEMBLY RULES.

MR. SPEAKER:—“The next item on the agenda is the motion that stands in the name of the Hon. the Leader of the House.”

THE HON. DR. P. SUBBARAYAN:—“I beg to present the report of the Select Committee appointed to consider the amendments to Rule III of the Madras Assembly Rules and move that the following amendments be taken into consideration:—

“(a) For the last two lines of sub-rule (1), after the word “Bill”, the following shall be substituted:—

“and such a motion shall state the total number of members of both Houses to be appointed to the Committee.”

(b) At the end of sub-rule (2), the following shall be added:—

“to the appointment of a Joint Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (4).”

(c) For the proviso to sub-rule (3), the following shall be substituted:—

“Provided that the members in charge of the Bill, and the Member of Government in charge of the department to which the Bill relates, shall be nominated as members of the Joint Committee by the House or Houses of which they are members.”

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(d) For sub-rule (4), the following shall be substituted:—

“(4) The total number of members of a Joint Committee shall not exceed 30 and on every Joint Committee, the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2:1.” ”

The motion was put and carried.

THE HON. DR. P. SUBBARAYAN:—“ I now move—
‘ that the amendment be passed.’ ”

The motion was put and carried and the amendments were passed.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS NON-POWER FACTORIES BILL, 1947—cont.

MR. SPEAKER:—“ The hon. Member, Mr. Venkateswarlu, has taken ten minutes yesterday. I hope he will not take more than five minutes to-day.”

* SRI PILLALAMARRI VENKATESWARLU:—“ Mr. Speaker, Sir, I would like to make one submission to you. If I have to deal with this Bill exhaustively, then I will have to take some more time.”

MR. SPEAKER:—“ At the first stage, the hon. Member has taken more than ten minutes. If I allow more time, then the hon. Member will repeat what he has already stated at that time.”

SRI PILLALAMARRI VENKATESWARLU:—“ I will be very careful not to repeat any statement, Sir. At the same time, I want to raise a few points for the benefit of the whole House. First of all, I will deal with the question of the unorganized industries which are going to be affected by this legislation. As regards the beedi industry, about 90,000 workers are employed in this industry, and there is no proper protection for them till to-day. Then, in the cigar industry also, young boys and girls are made to work day and night continuously without any rest in this industry. Madras is the largest cigar manufacturing Province. During the last three years, the consumption of cigar has gone up from 29.72 lakhs to 40.43 lakhs and more than 7,000 workers are employed in this industry. Young boys are predominantly employed in this industry and to-day their wages vary from Rs. 22 to Rs. 35 per month. Again, tanning is another industry which is vitally affected by this Bill. Eighty per cent of the skins and hides produced in this Province are exported to other countries. In this connexion, I may point out that in this industry, both the labour as well as the capital are affected by this Bill.

12-15 P.m. “ Now that the Hon. Minister for Industries is also in charge of the Labour portfolio. I am sure, he will appreciate the difficulties of the tanning industry. To-day hides and skins are being exported outside the country and unless the Provincial Government recommend to the Government of India to ban all exports

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of raw hides and skins, these 20,000 tannery labourers are going to be unemployed. Moreover the industrial development of our Province will be at stake so far as this industry is concerned.

“ Before I conclude, Sir, I would like to refer to one or two other points. The Central Government are going to bring forward a legislation making the Factories Act applicable to establishments employing five persons and above. In this Bill it is stated that a non-power factory means a place wherein ten or more persons are working. I have given notice of an amendment to this clause and I hope the Hon. Minister will consider it favourably. Even though this Bill is based on the Workmen's Compensation Act, the Maternity Benefits Act will not be made applicable to labour under this Bill. I, therefore, request the hon. Members of the Muslim group and also on the Congress Benches to take up this issue because most of the women employed in the non-power factories will not be benefited under this Bill on account of the fact that the provisions of the Maternity Benefits Act cannot be made applicable to them unless this defect is rectified. So also the Workmen's Compensation Act. I hope the Hon. Minister for Labour will give us an assurance that he will see to it that the Maternity Benefits Act and the Workmen's Compensation Act are made applicable to the labour coming under the provisions of this legislation.

“ In regard to the Payment of Wages Act, nothing is said in this Bill and, therefore, I think it is defective to that extent and even at the Select Committee stage these defects were not rectified. I had to congratulate the Government for having accepted in the Select Committee the suggestion to increase the holidays to 45 days. I think they are now bringing forward an amendment to 36 days. Since the whole matter was discussed thoroughly in regard to the other Bill, I hope the Government will not undo what the Select Committee have done. After all 45 days with pay is nothing. My hon. Friend Mr. Anwar explained that after the passing of the Shop Assistants Bill, labour will only work 20 per cent of the total number of days in a year. But I am sorry that even as an officer of an educational institution he has never worked for more than 10 per cent of the working hours in a year. We are expected to work only during the day time and the other 50 per cent of the time is expected to be spent in taking rest, sleep and so on. I do not, therefore, think my hon. Friend Mr. Anwar will expect labour to work 80 per cent of the hours of the day and that is certainly not the intention of any labour legislation. Ever since 1880 the principle of 8 hours' rest, 8 hours' duty and 8 hours for leisure has been accepted and we do not want that to be reduced as otherwise it will impair the efficiency of the worker. Moreover, the facilities granted to labour under the Shop Assistants Bill should not be denied to these people. That is the main intention of all social legislation and it is from that angle we have to view this Bill.

“ In regard to the minimum wage, I must point out that though we put up a fight in the case of the other Bill which has been passed, it was not accepted. The point is that unless we fix up the minimum wage, there cannot be any industrial peace in the

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country. I want that our industries should grow and that is why I am asking that the export of raw skins and hides should be banned so that the industry may grow in our Province and here I am one with my hon. Friend Mr. Majid that exports should be banned. My only request to industrialists is that they should see that their employees are paid sufficiently so that they may lead an honourable life. We must all strive for improving the social welfare of our people which was promised by the popular organization in their election manifesto. Of course, I can anticipate what the answer of the Government will be, namely, because there is no provision for minimum wage, it cannot be raised. But the main point is, when we are dealing with all the service conditions, which include also minimum wages and which has been accepted in most of the adjudicators' awards and the Enquiry Committees—that there should be a minimum wage—how to fix it up and who is to fix it up. If the Hon. Minister can give us an assurance that within a month or two he is going to bring in a legislation, it would be welcome and I need not press the amendment. Fortunately, we have now the Labour Minister who is also the Industries Minister and the previous Minister for Labour, the Hon. Dr. T. S. S. Rajan, did not give that assurance even at the Select Committee or in this House. I hope the new Minister for Labour will give this assurance so that we may not bother much about it. My suggestion is that the Bill should be made applicable to those establishments employing five or more persons because such a legislation is going to be brought forward in the Central Legislature. I hope it is not too much to expect, because after all in the Andhra-desa in most of the non-power establishments the number employed is below 5 and so I would fix the limit at five at least. I do not see any point in denying to our workers what the Central Government are proposing to do. With these few words I commend my suggestion for the acceptance of the House."

SRI B. S. MALLIKARJUNA RAO:—"Mr. Speaker, Sir, this Non-power Factories Bill gives scope for the inclusion of the entire labour in the Province for the purpose of ameliorating their working conditions. That is how I view this present legislation. This Bill is no doubt the first of its kind in the whole of India. It is a Bill based on the factory legislation to those concerns which do not use power or electricity. This is a legislation intended to regulate the conditions of those workmen in concerns like match factory, confectionery, printing and binding, blacksmithy, cashewnut works, coffee garbling, beedi manufacture, tobacco curing, carpentry, handloom-weaving, dyeing, brick and tile works and other items which you find in the schedule. I have read the schedule only to show the nature of labour that will be benefited under this legislation. This legislation is based on the principle that labour anywhere is the same. The working conditions of labour anywhere should not be different from those of labour working in a factory and so it is for that purpose that they want to see that labour will have healthy conditions in those premises where they happen to work, that the hours of work, and the intervals of work are regulated, that they will have sheds for retirement and provision for

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urinals, washing places and other things that are required and that for women who happen to be wage-earners sufficient accommodation is made for creches, etc. This is also intended to regulate the working hours to see that a man is not strained beyond his capacity for the sake of his health, longevity and efficiency. In this Bill we find one peculiar feature and that is nine hours work is provided. I say, Sir, that nine hours is something incompatible with the Factory Act and the legislation we have just now passed, namely, the Shop Assistants Bill where we have agreed to 8 hours for daily work and 48 hours per week. I, therefore, see no reason why in this Bill it should be 9 hours per day. Perhaps it is on the consideration that these people are not over-strained and that the nature of their work is not so hard. I disagree with it if that is the conception of those people who have inserted 9 hours in this Bill. Sir, 48 hours has been accepted in the International Labour Conference and it was accepted even at the recent conference that we had at Delhi and perhaps its deliberations are still going on and then 8 hours will be accepted. So, Sir, I hold that 9 hours per day is wrong and this has also been accepted in the previous Bill. If the number of hours is increased the turn-over will not be satisfactory because 9 hours is too long an hour for the human nerves to work and it will not add to the efficiency of his work. So, Sir, I hope there will be no two opinions in fixing the working hours at 8 in view of the climatic conditions of our country. If hon. Members of the Opposition ask for 7 hours a day it is because they think that 9 hours is too hard. I think it should be modified. I am only making this as a sort of verbal amendment and I hope Government will accept it because that will be in conformity with the Shop Assistants Bill.

"Sir, this Bill also conveniently gives security to labour for which labour has been crying for long. They should not be merely treated as birds of passage but they should have the security which they deserve. The Bill says that if a man is in service continuously for more than six months he should be given fixity of tenure and that he can be removed from service only on a breach of conduct. In respect of dismissal also we have provided for appeal. Such a provision is absolutely necessary in order to safeguard against any abuse of authority on the part of any employer or against victimization of the employee. I would submit that the appellate authority to be constituted has not been made clear in the Bill. I would suggest the Commissioner of Labour to be the appellate authority because he knows the real conditions of labour. An officer who cannot appreciate the conditions of labour is not a person who can appreciate dismissal or discharge of a labourer and how it affects him. So, I would submit that in a matter like this Government have to make rules or amend the rule-making powers in such a way as to see that the interests of labour coming under the scope of the Bill are safeguarded, because merely passing legislation does not give security to the employee, but the whole thing lies in seeing how it is implemented. There may be one thousand and one cases of circumventing any legislation. So, Sir, Government should be careful to see that the legislation

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that they bring forward gives prompt relief and that the Act is implemented promptly and successfully. For this purpose I hope the Government will frame the necessary rules which will give effect to the Statute most effectively and without delay.

"Sir, though at the time of the Select Committee, it was not accepted by the Hon. the Minister for Labour, I am one of those who believe that provision should be made in the Bill for Provident Fund relief to workers. It was felt that this was out of place here."

Mr. SPEAKER:—"It does not come under the scope of the Bill."

12-30 p.m. * SRI B. S. MALLIKARJUNA RAO:—"I am just dealing with it, Sir. It was said that it does not come under the scope of the Bill. I hold a different view. It is not the necessary provident fund rules that have to be inserted here, but only a provision is to be made that a provident fund rule should also be introduced in respect of certain specific concerns notified by the Government. The rules when framed will make it obligatory on the employer to introduce the necessary rules in connection with the fund for the employees. Such a thing is not difficult to be inserted here. It is not outside the scope of the Bill, because we are here making provision for wage earned in respect of work done beyond normal hours of working. We are making provision for the payment of the wage within a particular period after the close of the month; we are making provision to say what are the things that should be deducted out of the wage, such as fines, loans, etc. We are also making provision for meeting the economic condition of the worker and the redress to be given to the worker; when all those things are taken into consideration here, the question of making the employer to provide for a provident fund is something which I hold cannot be outside the scope of the Bill. So, I submit that a provision of that type should be made."

"Another point I want to submit is this: somehow it has come to be included in section 27 that the privilege leave a man can take should be ten days; but it is also said—I do not know how it came to be put in here, as it could not have been suggested by the Select Committee—that the consecutive ten days should also include any holiday to which the man is entitled under section 21. That goes against the very principle on which section 27 was introduced in this Bill. What I say is: it should be exclusive of the holiday to which he is entitled under section 21. Section 21 deals with the rest holiday. The Bill provides only for 15 days holidays out of which ten can be consecutive; and so I think the weekly holiday should be excluded from these ten days. This is a really good ameliorative measure, in the interests of the poor workmen who do not come under the factory legislation. Of course the schedule enumerates a few industries while many others have been left out. Nevertheless under section 2, a provision is made giving power to Government to include in it whatever concerns they may deem as deserving to come within the

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scope of this Act. Under that section, we can include such concerns as dairy, small cottage industries, etc., which are not now in the schedule.

"I would finally submit, Sir, that whatever may be the benefits that we confer on the workers depends mainly upon the enforcement of the benefits, i.e., on how we implement the provisions of this Act and on the way in which the Act is worked. The success of the Act depends on the rules for implementing its provisions, and I would appeal to the Government to see that proper rules are framed under the Act so as to put the Act into force effectively."

* SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I must also join the other hon. Members who have already expressed their feelings, in thanking the Hon. Minister who has brought forward this Bill. We are glad that the unorganized labourers who are not working in any specific industries or big industrial concerns are included in this Bill; this goes a long way to the credit of our Province. On the general principles of the legislation, I have to make certain observations."

"With regard to the point that this will affect only industries where ten or more workers are employed, I agree with my hon. Friend Mr. Venkateswarlu that this number may be brought down to five or six, so that those industries where less number of men work may also be brought under this Act."

"On the provident fund issue, the hon. Speaker has already remarked that provident fund does not come within the scope of this Bill and should not be discussed. But I have to make one submission. If the hon. Speaker will kindly go through clause 2 he will find that under clause 2 (1) (k), item (b), "wages" does not include "any contribution paid by the employer to any pension fund or provident fund". When provident fund is referred to in this section in connection with "wages", I do not know why the hon. Speaker says that there cannot be an additional clause regarding provident fund. Here it is clearly stated that the provident fund amount cannot be included in the "wages"; then why can we not discuss the provident fund, I want to know. The question of provident fund is not a question apart from "wages" or the earnings of a worker. It goes along with it, and so when the question of wages is discussed, the question of provident fund also can be discussed. That is my humble submission."

"Another point which I wish to bring to the notice of the Hon. Minister is this: At page 5 of the Bill, under section 4 (6) (b), 'The Chief Inspector may, at any time, modify the conditions of a licence if, in his opinion, such modification is necessary.' If such modification of the condition of the licence is made in favour of the worker, I can understand it; but the language is ambiguous and the Chief Inspector's modification may go against the worker. In such a case, I do not know how the

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worker's interests will be safeguarded. The spirit of the Bill may of course be in favour of the worker, but still, it is here left to the Chief Inspector to decide. No doubt the labour organization may bring the matter to the notice of the Labour Department or of the Labour Minister, but still, if the language is made much clearer, it will help the workers. That is my humble submission.

"Again, under section 5 (1), 'the Government may, by notification, appoint such persons as they think fit to be Inspectors for the purpose of this Act . . .'. We are very much concerned about the appointment of these labour officers. If the labour inspectors are persons who know the labour problem, are well-versed in that problem, and have got sympathy towards labour, then we may avoid much heart-burning and clashes between labour and the employer. From my own experience, I am saying this: suppose there is a labour inspector who has been appointed for his qualifications, for having passed some test; but he may not know how to deal with the problems as they arise. So, in making the appointments, if men who have got certain leanings towards labour are appointed as inspectors, it will go a long way to help us. When the rules are framed, the Hon. Minister may take this suggestion into consideration. Nowadays we get young men raw from the college, employed as inspectors. I agree that in many cases these men are much better than some old men; but in certain cases, on account of their political views, they become anti-labour. In my own experience with railway problems, I have found some officers, both of this Province and from the Centre, who cannot understand things. Such appointments will simply create trouble in our day-to-day work. So, when rules are framed, provision may be made for the appointment as inspectors of persons who have got a thorough knowledge of labour problems and who have sympathy with labour. That does not mean that throughout the inspector's life, he must work against the interests of the employer; I simply mean he must not be anti-labour by himself. I say this because I know there are some persons like that to-day.

"Then, as regards the Chapter 'Health and Safety', there are factories to our knowledge where people cannot even stand and work; the beedi and cigar workers will have to sit tight on the floor; if they get up, the ceiling is so low that their heads will be broken; they are working in such low huts which are now being used as factories. In some cases, in the mufassal by the roadside where buses are constantly plying, there will be accumulation of dust in the verandas and these beedi workers have to sit or stand there and work. As regards urinals, I may quote the instance of the Government Press where I am told a long queue of people waiting at the latrine to answer calls of nature. At one of the meetings of the Government Press workers, I was ashamed to hear of this situation. If it can happen in the Government Press here in the City, we can imagine what it would be like in the mufassal. This emphasizes the necessity for the labour inspectors to get in touch more and more closely with the workers, to see that their day-to-day needs are attended to.

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"On the question of hours, the hon. Mr. Mallikarjuna Rao has made a good suggestion, and I will support him in asking that nine hours should be brought down to eight hours; otherwise, there will be heart-burning. I think, however, this nine hours has been put in by a mistake of the pen; because our Labour Minister is very sympathetic and the persons who have drafted the Bill all have come from the Labour department, I am sure they would not have allowed nine hours; as I said, it may be by some mistake that this has been put in here and that mistake should be rectified now. As to the spread-over of ten hours, I am satisfied. The spread-over in the other Bill was twelve hours and I wanted ten hours. If the spirit that we find here had been shown in connection with the other Bill, much trouble could have been avoided. Therefore, Sir, we welcome this spread-over of ten hours.

"On the question of dismissal and security of service, clause 26 (1) says 'No occupier shall dispense with the services of a worker working continuously in a non-power factory . . . except for a reasonable cause'. This wording creates in my mind a reasonable doubt of a reasonable calamity happening. This clause will not be in favour of the worker. In respect of every particular mistake committed by the worker, the manager may say 'for reasonable cause I am removing you from service'. This will create much trouble and persons like myself will have to go to the Labour Inspector and say 'this reasonable cause' is not in favour of the worker, 'the dismissal is wrong' and all that. So, if the Hon. Minister can make this language much clearer and remove the ambiguity, it will be very good and the Hon. Minister and the Labour Department will have less of trouble. If this 'reasonable cause' is not properly defined, we will not leave the matter; we will take every case up to the Government and to the Minister and they will have to answer almost everyday as to which is 'reasonable cause' and which is not.

"Forty-five days of leave is now going to be cut to thirty-six. Labour is most unfortunately situated and labourers are the most unfortunate people in this country. The Bill as it emerged from the Select Committee made provision for forty-five days of leave but at the final stage when it is going to become law it is to be reduced to thirty-six. I appeal to the Hon. Minister to withdraw the amendment which he has tabled so that the forty-five days' leave may stand. Merely on the pretext that only twenty-four hours ago thirty-six days' leave was provided in the other Bill, it is not necessary that the same thing should be sought to be introduced here. Even during these twenty-four hours the Government has been marching forward and a march from thirty-six to forty-five can quite well be understood. There are so many factors which have to be taken into consideration in regard to grant of leave for workers in non-power factories, whereas I have already explained they do not even work in commodious premises. It is not a question of going back. If yesterday we gave thirty-six days and to-day we give forty-five, it is all the more credit to the Government. I appeal to the Hon. Minister not to think of going back.

12.45
p.m.

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"The next most important question is the question of minimum wage about which an amendment was given notice of by my hon. friend; but that may not be taken up here. But I am very particular about the recommendation of Mr. Narayanaswami Nayudu. In reply to a question put by me in the Assembly I elicited the answer from the Hon. Minister that Government were not bound to act on his recommendations as they were not bound to enforce his recommendations because the recommendations of industrial tribunals and enquiries were not enforceable by the Law as it stands. I ask whether any legislation is contemplated wherein the recommendations of Mr. Narayanaswami Nayudu would be accepted. We know the Government have appointed a Committee to go into labour conditions, wages of workers, etc., and Government have in their possession the report of impartial men. I ask, Sir, why they cannot see that these recommendations are enforced. They may say that technically that is not possible and legally there is no law to enforce it. If that is so why cannot they bring in legislation to make it possible; they can even bring in ordinance if it is necessary or by means of a communiqué they may say that the recommendations of Mr. Narayanaswami Nayudu must be carried out by the managers and proprietors of factories. The workers on our side are prepared to act on that basis and they accept his recommendations. His recommendations are very fair though Mr. Anwar and others of his way of thinking might say it is unfair to him or to persons whom he represents. I am sure they are very fair recommendations and I appeal to Hon. Minister to accept his recommendations and implement them."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, I am one of those who are really interested in the welfare, happiness and advancement of the workers and I cannot but welcome this measure. Even when I was speaking on this Bill at the introduction stage, I welcomed the principles embodied in this Bill and to-day I express the same view although the Bill has undergone several changes in the Select Committee. I would have wished the Select Committee to have received evidence from the owners of non-power factories so that they could have easily understood their difficulties; but unfortunately that was not done and several new provisions have been introduced which would work a great hardship among the owners of non-power factories. I do not propose to go into every provision of the Bill. My hon. Friend, Mr. Nambiyar, and his friend always accuse my party as members who have no sympathy with the workers. We have every sympathy for them but what we say is this: 'Let us not run away with our sympathies and enthusiasm and bring in any enactment which, instead of helping industrial advancement of this Province, would retard it and serve as a hindrance!' On this occasion, I would like to invite the attention of the House to several of the factories that have been enumerated under the schedule to the Bill. I would invite the attention of the House to clause 3 (1); under this clause Government take power to declare any of these non-power factories as factories and bring them

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within the purview of the Act. I hope the Government would, before they actually issue their orders declaring a particular non-power factory as a factory within the meaning of the Act, also see how that particular industry would be affected. I do not propose to go into every one of the items mentioned in the schedule to the Bill but I shall confine myself to one or two.

"Firstly, I would refer to cashewnut industry. In almost all the districts of this Province, this industry is going on. In my own district, there are small huts where this industry is being carried on. If only the Hon. Minister for Labour could go into these small huts where children are working, he will see that these small youngsters who are engaged in this work will get their fingers badly lacerated after some months of work there. There is no provision in the Bill to see that such industries are not carried on in such a manner as to atrophy and lacerate the limbs of the people engaged in that industry. The Government must come forward with suitable provisions with a view to make the use of machinery compulsory in such works as would impair the limbs of persons employed on it. When going into the question of issuing a declaration that cashewnut work comes under the Non-Power Factory Act, I hope they would also look into the condition of the labourers engaged in that industry.

"Secondly, there is the question of the beedi industry. In 1929, when the Whitley Commission on Labour visited Madras I was one of those who gave evidence before that Commission to show the backward nature of that industry. An amendment was also brought forward in the Legislative Council of those days to amend the existing Factory Act with a view to bring the beedi industry within the purview of the Act. Unfortunately, that amendment was not pushed through and no legislation materialized at the time. But as a result of the agitation carried by the people against the condition of the beedi industry, the factory owners dispersed their industries; the industry which had hitherto been carried on in big buildings where hundreds and thousands worked was dispersed throughout the various part of the City and Province and the result was one or two people in their own household, women and boys and even gosha women carried on the beedi work. If the provisions of this Bill are to apply to these poor people, I am afraid it will affect the very industry. Instead you may ask the beedi owners to bring together all their labourers and workers working in the different parts of the City or the district as the case may be into one factory where you can enforce the provisions of this Bill. Without that endeavour on the part of the Government, if the provisions of this Bill were to be enforced, the poor people who are engaged in this trade will be affected and their daily subsistence will be threatened.

"Coming to the handloom weaver, Government have recently passed orders that master weavers should be abolished and that handloom weavers should be given independent coupons. As a result the institution of master weavers has been almost broken up and weavers are now doing their individual weaving in their own very houses. If the provisions of the Bill are to be enforced upon

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this one-weaver institution, you can readily understand the hardship that will be caused to these poor people. Therefore when the Government issue notifications declaring a particular place as a factory and bring it within the purview of this Act, they should also see how far it will affect the poor people that are working in that trade or industry. If on one morning the Government gets up and says all these non-power factories must come within the purview of this Act, I feel, the several small scale industries, cottage industries that are thriving in this Province, will be hit hard. I would like to bring to the notice of the Hon. Minister that Madras Province is the home of cottage industries and if he is really interested in the advancement of small scale industry, he will see that these provisions are wisely administered. It is my plea that when the Provincial Government notifies and brings all these non-power factories within the scope of this Bill, they will see that all the small points I have raised are considered by them. With these words, I heartily support the measure."

* SRI S. NAGAPPA:—"Mr. Speaker, I support the Bill which has been moved for the consideration of the House by the Hon. Minister for Industries. I express my congratulations to Government on their having brought such a measure for the consideration of the House, especially as the poor labourers are not at all treated as men all these days.

"I come from an area where there are many tanneries and the workers there suffer a lot and I am glad that this Bill will give them some relief. I wish to bring to the notice of the Minister that work in a tannery is not an easy work. Regarding the spread-over of working hours to ten, I think it would have been better considering the hard nature of work there, if it had been reduced to eight hours. Regarding beedi work, I wish to say that poor people of the Harijan community are practically purchased for working in it. They are paid some Rs. 50 or Rs. 60 and when the boys absent themselves, they used to take them bound hand and foot and keep them in the factory. The insanitary condition of the beedi factories is so nasty that work in these factories leaves the boys in a state of under-nourishment and they are rendered cripples. The Act says that children below 14 years of age should be prevented from working and I request that the Government will see to it that this provision is strictly adhered to and followed strictly. The insanitary conditions of these tanneries I am not able to describe. If you enter a tannery, you will feel how nasty and how stinking the smell there is. Government would do well to see that the Inspectors who are going to be appointed under this Bill take special care in looking after these tanneries and these beedi workers. Sir, there is one more thing. In the Schedule I find that 31 classes of people are mentioned. In clause 2 there is provision for Government to add to or omit from the Schedule any industry whenever the Government deem fit to do so, but workers who work in bakeries and dairy farms are not included. These workers also come under the same category as workers now classified in the schedule attached to this Bill. With these few words, Sir, I once again support the Bill."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I also welcome this very necessary legislation at the present juncture. Provision has been made for regulating the work in factories other than non-power factories in various Acts—the Government of India Act, and the Provincial Act. All this time no legislation was enacted to control labour in non-power factories. I am glad, Sir, that this Government have brought forward this legislation to regularise work in these non-power factories. I find that the schedule contains 31 items. I shall not refer to all of them, but I shall refer to only one with which I am acquainted. I refer to the beedi industry in this Province. I do not wish to go back to the days when this industry was conducted in very ancient, ante-diluvian methods, employing children of 4 or 5 years of age, with the result these children had no opportunity to receive any education, and they grew up without any education at all. The conditions in which the work was conducted were certainly far from satisfactory. In a small room a large number of women and children were kept together, not only during the day but also till late in the night. There was no restriction in regard to the number of hours these labourers were expected to work. They would begin rather early in the morning. With a number of intervals now and then, they would continue to work till late in the night with no lighting arrangements whatsoever. These places where this work was carried on were most insanitary. There was no way for free air to enter in those places. Those things are still continuing, because the arrangements made in carrying on this work are so objectionable that the main factory owner does not hold himself responsible for any of the things done or for the wages given to the labourers, or for the number of hours of work during which work should be carried on. He frees himself of all responsibility. There are others who are known as branch managers, who are supposed to purchase materials from the factory owners—leaves, tobacco, etc.,—and who are supposed to take up the responsibility of having a number of beedies manufactured and then returning the made-up beedis to the factory owner at a particular rate. He sells these beedis to the manufacturer. In that way, it is the irresponsible branch manager, who is not a man of any worth whatsoever, who has to undertake the responsibility of carrying on the work, and it is impossible for anybody who wishes to control the work in a beedi factory to hold this man responsible and to expect him to carry out the instructions or the rules that are to be made under this Bill. I therefore would suggest that instead of licensing a beedi factory wherein 10 persons work, the limit may be raised to 20. This is the recommendation of Mr. Narayanaswami Nayudu himself who was appointed to hold an enquiry into the conditions of labour in this Province. His recommendation was quite reasonable, because if we reduce the number from 20 to 10, what happens is that these factories are spread over the City, and it becomes very difficult for the branch managers to adhere to all the requirements under this Bill, and they are not in a position to carry them out satisfactorily. Therefore, it would be very much better if the number is raised to 20. This Bill restricts the number to 10 and more. An

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amendment has been made by the Select Committee to enable a family, whose members are living in a particular house, to carry on rolling of beedies or doing any one of these non-power factories work without coming under the provisions of this Bill. There is a possibility that these persons circumvent the rules that would be made under this Bill. They will, in all probability, engage outsiders and call them as members of their family, and in that way they will reduce the number from ten to even very much less. I hope that the Inspectorate which will be constituted under this Bill will take care to see that the prescribed restriction is not circumvented by these branch managers themselves. I know that the employers will find this legislation hard to give effect to. But times have changed. It is rather too late in the day for an employer to think that he can make money by taking work from a labourer without any limit as regards time, the conditions in which he has to work, and without any responsibility in the matter of wages, holidays, etc., to be granted to these people. These workers cannot go on working all the thirty days in the month without holding the employer responsible for the days on which they have to apply for casual leave or be absent on account of illness. All these are necessary. This is a necessary reform. It is absolutely necessary in order that the labourer should find himself in a better position to work and work under very satisfactory conditions.

"I am sorry that this Bill is a Bill which is intended to cover as many as 31 classes of non-power factories. Inasmuch as this Bill covers all these industries only generally, it has not been possible for the authors of this Bill to legislate with regard to the peculiar requirements of each industry. I am sure that conditions of work vary from industry to industry. Since this is only a general Bill which applies to all the non-power factories that are in this province, the authors of this Bill could not consider the special requirements of each industry. I hope it will not be long before the Hon. Minister comes forward with a Bill which will control each industry separately in this province. For instance, so far as the beedi industry is concerned, this Bill does not go far enough. It does not guarantee a minimum wage that should be given to a man who works for 9 hours, and it does not also guarantee the work that should be given to the beedi labourer for a day. A man may stop giving work for four days in a week. It is not binding . . ."

MR. SPEAKER:—"The hon. Member is speaking as if we are on the first stage of discussion."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am suggesting to Government that for the completion of the work they should come forward with another legislation, when alone we will be able to control the beedi industry in this province satisfactorily. The recommendation of the court of enquiry which was constituted, over which Mr. Narayanaswami Naidu presided, was a very salutary recommendation. If Government bring forward a legislation incorporating all the recommendations that have been made by Mr. Narayanaswami Naidu with regard to beedi

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industry, then alone, I believe, Sir, we will be really helping labour in this industry. With these few words, I support this Bill."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Sir, I do not propose to speak much as I have already discussed the Bill when it was introduced, except for one or two points. In the first place, there is no doubt that we support the main principles of the Bill, for it is a very important social measure; and there is no denying that fact. At the same time, we cannot forget the fact that unfortunately in our country most of these non-power factories have been in a state of disorganization. Therefore, when for the first time we are bringing this legislation, there is no doubt that it would affect some industries. As far as we are concerned, Sir, we are in complete sympathy with labour working in the various non-power factories—mostly in small scale cottage industries. At the same time, while trying to support labour or in trying to be too radical, we should see that we do not kill these industries which really give employment to lakhs of workers. As I have already said, there is no doubt that these non-power factories are in a very disorganized state. I think it is only by slow and progressive legislation these things should be made all right. Well, Sir, a list is given in the Schedule which embodies merely 31 types of industries. They are confectionery, match factory, beedi factory, tanning factory and so on, which employ labour in lakhs and lakhs. Therefore we should be very cautious in the application of this Act. No doubt it can be enforced, in the way, legislation is meant. Some members have remarked, "it is a very unfortunate state of affairs in our Province, that employment of children under 14 years and women obtains." It may be very deplorable; that we do concede. But we cannot ignore the fact that poverty in the country is very acute and people have to make a livelihood and so perforce, children, women and widows have to take to this work. Their own necessity is such they are forced to take up work like beedi work, match making and the sort. So this factor we cannot ignore.

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p.m.

"With regard to the provisions of the Bill as it emerged from the select committee, let me not dilate too much on that. In clause 3 it is said, that even in places where there are less than ten persons employed, Government can take power. I think the Hon. Minister will make the position clear; because there are certain types of industries which are being taken up by women in their houses. Because some poor women, they do not have any other means of livelihood and because they have no other source of income. take up this business in a group of three or four. No doubt the condition of their house is not satisfactory. If Government were to take power under this measure it will work hard on them. I am in agreement with Government in their object. But while it is their anxiety to help labour, at the same time they should see that in the enforcement of the enactment they do not deprive people of their source of livelihood, and also see that most of the match factories are not killed or driven away from our Province to other places.

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" Clause 4 deals with housing, the places where these people are made to work. I really agree with most of those people who said that the housing condition is really horrible. Even from the point of view of owners of factories and from a humanitarian point of view, those people should be given proper amenities like urinal, adequate water-supply, ventilation, etc. But I want to warn the Minister this particular clause will affect these people very much. Because in the city of Madras, where housing condition is very bad, and at least for the next two or three years things may not improve, I am afraid these people will not be able to find alternative houses. So what I would suggest to the Hon. Minister is to instruct the officials to give notice of three months or six months' time before a particular house is condemned as unfit for factory, so that they may have time to find better places.

" I do not want to go into the details of the Bill except to touch on one or two points. As far as the clauses of the Bill are concerned, it was rightly said, and it was rightly apprehended by Mr. Anandan Nambiyar, that though we may pass legislation, much of its success depends upon the officials of the Labour Department. There is no denying the fact, they are doing their duties as best they can, and they are much anxious to see to help labourers. So much depends on their labours.

" Incidentally, I say, our new Labour Minister some time back was holding the portfolio of Public Information and Publicity, and he knows the very purpose of publicity. To-day it is good he has taken Labour portfolio, because we have been always feeling that Labour and Industry should go together. Therefore I am sure our new Labour Minister will see that sufficient publicity is given to this Act. It invariably happens when a labour legislation is passed both factory owners and workers are affected. And so it is necessary that both factory owners and workers should know the implications of this act. I am sure Government will give due publicity to this measure. I do not mean it should be published only in English. Most people know only their regional language, Tamil, Telugu or Malayalam. It is right and proper that workers and labourers should know what their rights are and the proprietors should know what their duties are; and it is our anxiety to see that these new small industries, now in a highly disorganized condition, should not be put to any great trouble. I am more concerned with labour, for if a small industry in one place is to be closed it means depriving at least one hundred labourers of their daily wages and their daily means of livelihood. Hence I support this measure."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—" Mr. Speaker, Sir, I welcome this labour legislation if only it could guarantee industrial peace. I feel pretty confident that this labour legislation will be welcomed in all quarters, as it is a step in the right direction, particularly as it is in keeping with the time-spirit. Let me assure my Communist friends here that we are all here to see that there is as much contentment as possible so that we can have industrial peace in this province. We are not here to oppose any kind of measure that will bring in reform

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for labour. But there are certain things which I would like to bring to the notice of the powers-that-be, before we can implement this labour legislation. Mr. Speaker, Sir, it is true that now Labour is committed to demand for eight-hours-a-day as their indispensable minimum. Let me assure you, Mr. Speaker, we are not so much worried about the hours of work. We would very much like that even the eight-hours they press forward, they would try to do it well to the satisfaction of both the employer and the workers. I am particularly referring to the tanning industry. Let me here bring to the notice of the authorities that to-day we are not actually having as much long a period of labour even as eight hours a day. Here there is provision for nine hours of work. The interest I represent, the owners of tanneries, will be contented even with five hours of work, if it is worked to the fullest satisfaction of the employers. In actual practice, let us not be carried away by slogans of 'eight hours of work a day' or 'nine hours of work a day'. Employers do want that even for the few hours that the labourers are attending to the work they should try to do work to the fullest satisfaction of the employers. Actually we are not having to-day eight or nine hours of work in the tanneries. If only the nine hours of work which this legislation provides for are adhered to and full attendance is given throughout it will go a long way to meet the demands of the employers as a whole. Sir, only recently the Government of India have made an appeal to the leaders of labour that they must not at this hour of crisis insist upon eight-hours a-day-work. In the interests of our production and in the interest of our future it is but necessary that labour must come forward with gestures of goodwill and see that they can accommodate capital as much. It is not merely in the interest of capital, it is in the interest of our very future that we must try to maximise our production, particularly when we are going in the near future to compete with the rest of the world. And that is the reason why I would plead that our friends should exert the utmost influence with labour to see that in the nine-hours of labour which this legislation prescribes, labourers come forward heart and soul to give their co-operation to capital.

" Then, Sir, there are certain industries where we cannot enforce the conditions of this labour legislation. I have got at the back of my mind such industries which are in the countryside like coir-making, mat-weaving, silk spinning, etc. There are certain provisions here which insist on a standard of ventilation. I can't understand how such provisions are going to be applied. In real practice they will work to the detriment of the poor industrialists who are carrying on these industries. Ultimately, if you are insistent on the standard provided for here, vested interests from the north will come and drive out these small industrialists who are eking out their livelihood through these cottage industries.

" Then, Sir, with regard to certain measures which are provided for in this Bill, I am sure they will be implemented by rules framed under this measure. I wish the rules made under this enactment should come up before this House for further discussion, because we see in many of the provisions, very immense powers are given to the powers-that-be. For instance we are told

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that the employers should provide the prescribed standard ventilators and standard measurements regarding conditions of housing. I ask, how is it possible to enforce these conditions? For it is well-known that conditions differ from one industry to another, in fact from factory to factory, and no uniform standard of housing can be possible. I would only appeal to the authorities, while there are prescribed standards for different industries, they do take into account differential conditions that obtain in different industries they should take into their confidence the different sections of this House and see that no such provision is implemented which will ultimately be detrimental to ever so many cottage industries, that are now struggling for their existence.

"Sir, one thing more, and that is with regard to provisions, which I would demand and which our Communist friends have not cared to demand on behalf of labour. I am very glad that I have this opportunity to plead on behalf of labour. It is not merely sufficient that we should be content with this social labour legislation. We must first and foremost provide for social security measures. (Hear, Hear.) We do not want to see that labourers should be thrown out of employment at the fag end of their lives with no resources to fall back upon. I want, this Government should follow it up, in keeping with the time-spirit, and provide guarantee for unemployment insurance, old-age pension and sickness insurance. Sir, when I plead for these provisions it is not as if I am oblivious to the interests of capital. But I do want Capital and Labour should adjust between themselves, if only they should preserve industrial peace. I would appeal to all parties concerned to see that labourers, that vast multitude of humanity, should not be thrown on their slender resources when their life work is over. It is but necessary that they should be provided with old age pension, unemployment insurance and sickness insurance. Sir, certain recommendations have come recently to the notice of the public—I am here referring to the recommendations of the court of inquiry. I am sorry to say this court of inquiry has not taken into account the demands of the Capital as much as it has taken cognizance of the needs of Labour. I am very happy that that great economist of our province, Dr. B. V. Narayanaswami Nayudu has given his best attention to the conditions of labour. I only wish, while implementing his recommendations Government should seek the active co-operation of Capital, particularly of tanneries and institute a committee of representatives of all interests concerned, which will go into the question *de novo*."

MR. SPEAKER:—"I now adjourn the House for lunch till 2-30 p.m."

(After lunch—2-30 p.m.)

*THE HON. SRI H. SITARAMA REDDI:—"I am glad, Sir, that the Bill has been welcomed from all sides of the House. I am also grateful to the hon. Members for their several suggestions about the necessity for being cautious in the administration of the Act in the interests of labour. I may assure them, Sir, that

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the Government will take every care to see that all the provisions of the Act are administered properly. References were made, Sir, to maternity benefit, workmen's compensation, payment of wages and several other matters. I can tell the House that they do not arise in this legislation. There are several Acts for those purposes and they can be applied to this sort of labour also. I think they are not quite relevant for the purpose of this Act.

"A certain criticism was offered by Mr. Mallikarjuna Rao about the nine hours day and he suggested that it should be eight hours as it is in the Shop Assistants' Bill. I can tell him that even under the Factories Act as recently amended it is only nine hours, the maximum of course being 48 hours a week. When that is so, it would not be going beyond the provisions of the Factories Act, when nine hours are put in the Non-Power Factories Act.

"Mr. Raza Khan was very eager to say that the industry in the Province should not suffer by this legislation. I may tell him, Sir, that by this legislation the industry in the Province will only be strengthened if the Act is worked with care, because a satisfied and healthy worker will be an asset to any industry. I therefore hope, Sir, that every industrialist will come forward to help in the administration of this Act. I should think that so far as the industries in the Madras Province are concerned this Act is not going in any way to affect them adversely."

SRI B. S. MURTHI:—"That is a pious hope!"

*THE HON. SRI H. SITARAMA REDDI:—"There are several hopes, Sir, which have been realized to-day, though they were only pious hopes a few years ago. There is nothing wrong in indulging in pious hopes.

"Mr. Majid was speaking and drawing the attention of the Government to the beedi manufacturers and some evils in some trades. I may assure him, Sir, that while administering the Act the Inspectors to be appointed under the Act will see that such malpractices are prevented and that the health of the labourers is kept up properly. That is all I have to say now, Sir. I should like to say more later on during the third reading stage."

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

Clause 2.

Sub-clause (1) (g).

*SRI PILLALAMARRI VENKATESWARLU:—"I move, Sir—

'that in clause 2 (1) (g) for the word "ten" the word "five" shall be substituted.'

"The purpose of the amendment is to make this Act applicable to the largest number of workers possible. In this connexion it is not out of place if I bring to the notice of the House that

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the Central Government is going to amend the Factories Act themselves, making its provisions applicable to factories employing five persons or even a lesser number. When even the Central Government is going ahead with a legislation of this kind I do not find why we should restrict the scope of the Bill. As a matter of fact the provisions of the Factories Act can be made applicable to all factories which employ ten or more workers. I do not know what is the extra benefit these people are going to get and what is the extra number of workers that are going to be brought under such a legislation. That is a factor which we have to take into consideration. Of course, when the Central Government enforce their Act we will also follow it. But I should say that in framing a Bill of this kind it is our job to see that the purpose and aim of the Bill are satisfied. What is the purpose or aim of the Bill? The purpose is to see that the unorganized labour is organized, their working hours are fixed, their social conditions are ameliorated and all that. I say that this Bill will not serve that purpose. At least let them bear in mind in working this Act that these workers also are properly protected. With these words, Sir, I move my amendment."

* **SRI K. ANANDAN NAMBIYAR**:—"In seconding the amendment, Sir, I only want to make clear one thing. We ask for a better definition of 'non-power factory'. Clause 2 (g) says that a non-power factory is such and such. The proviso says:

'Provided that the Government may, by notification, add to or omit from the schedule any industry or handicraft;'

What we want is that the proviso should be:

'Provided that the Government may, by notification, add to the Schedule any industry or handicraft or any other place or premises where manufacturing process is carried on.'

That is all. We do not want anything more. What we say is that this will make clear the definition. Instead of saying 'add to or omit from the Schedule' we say 'Provided that the Government may by notification add to the Schedule any industry . . . or any other place or premises where manufacturing process is carried on.' That is what we ask. There is nothing on principle. It is only about the definition. This may be accepted, Sir. There is no harm in accepting it. I second the amendment, Sir."

* **THE HON. SRI H. SITARAMA REDDI**:—"By means of the proviso the Government takes power by notification to add to or omit from the schedule. It may be necessary sometimes when there is a hard case and when the Government is convinced that for the purpose of promoting a particular class of industries or a particular industry or trade this is necessary. When we have the power to add we must also have the power to omit. It will be placing the Government in a very unenviable position, Sir, in every omission, if they have no power to omit when there is an absolute need for the omission. When the power under this Act is exercised every care will be necessarily taken to see that no industry suffers on

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that account. When there is power to add to the list there must also be power to omit from the list. Sir, I oppose the amendment."

The amendment was put and lost.

MR. SPEAKER:—"Mr. Venkateswarlu may move his next amendment."

* **SRI PILLALAMARRI VENKATESWARLU**:—"Mr. Speaker, the Hon. Minister for Labour has replied to this amendment even without my moving it. Apart from that, Sir, I am moving it. I will not take much of your time. I will explain the importance of my amendment and I will leave it to the Government to accept or reject it. We will not press for a division. My intention in moving this amendment is this. The Government may add any number of small industries to the list and make the provisions of the Act applicable to them, but we refuse to allow the Government to have power to exempt any industry. There is no need to exempt any industry from the operation of this Act, because the provisions here are all very ordinary provisions relating to working hours and so on. I do not know under what circumstances the Government want to utilize their power of exemption in the case of some industries. With these words, Sir, I move the following amendment:—

Clause 2 (1) (g).

'The words "or omit from" occurring in the first proviso shall be omitted.'

At the end of the proviso, the words "or any other place or premises where manufacturing process is carried on" shall be inserted.'

* **SRI K. ANANDA NAMBIYAR**:—"I second the amendment."

* **THE HON. SRI H. SITARAMA REDDI**:—"I oppose the amendment, Sir."

The amendment was put and lost.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I move the following amendment:—

'At the end of the second proviso to item (g) of sub-clause (1) the following words shall be added:—

"their number not exceeding five, of whom not more than two shall be male adults".'

By this amendment, I want to prevent any owner or proprietor of a factory where the number of workers may exceed ten saying that all the workers are members of one and the same family living in one house. I want to prevent the circumvention of this rule regarding ten persons. The person may carry on the work without a licence by calling all the workers the members of his family and by calling it a house. I therefore suggest that the upper limit should be five of whom not more than two shall be made

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adults. There cannot be more than five adults for a family in a house and we are preventing children from working. In the proviso that has been added in the Select Committee there is a loop-hole for circumventing the provisions of the Bill by getting into a house more than ten persons and saying they are all members of the same family carrying on the work there. That, Sir, I wish to avoid and I am sure the Government will have no objection to accept the amendment, because it will help them to see that the new proviso that has been added by the Select Committee does not offend against the provisions of the Bill."

SHAH ALAM KHAN SAVOI SAHIB BAHADUR:—"I second the amendment."

* THE HON. SRI H. SITARAMA REDDI:—"The whole provision is intended to prevent a family carrying on work being declared as a non-power factory. The proviso says—

'Provided also that no such place or premises shall be deemed to be a non-power factory if *all* the workers therein are members of the occupier's family living with him.'

If anybody else works there and he says he is a member of the family, it is easily ascertainable. False statement is punishable. There is no need for the amendment. I oppose the amendment, Sir."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am sorry, Sir, the Hon. Minister has not made an attempt to enter into the spirit of the provisions of the Bill. We have provided that anyone who wishes to run a non-power factory has to take out a licence when the number of persons working in the factory is ten or more. Even this provision can be circumvented by people in many ways. But the Select Committee has given them a handle by adding this proviso and providing a loophole for persons to evade the provisions of the Bill by declaring that *all* the persons working in the house are members of the family. We are not defining what a family is. So everyone can come as a relation of the owner of the house in some way or other. A person may say he is the cousin, another may say he is a brother-in-law and a third may say he is another brother-in-law and there may be 101 brothers-in-law and all of them will become members of the family. You cannot prevent these people from getting into the house and working. They cannot be brought under this Act and they need not take out a licence. The very salutary provision, the very basis of the Bill which limits the number of workers will be circumvented. If the safeguard I am suggesting is not accepted, I am not sure whether the Hon. Minister is really serious about this particular provision of the Bill."

The amendment was put and lost.

MR. SPEAKER:—"The Hon. Minister will move the Government amendment."

* SRI PILLALAMARRI VENKATESWARLU:—"On a point of order, Mr. Speaker, the amendment stands in the name of Dr. Rajan . . ."

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MR. SPEAKER:—"Yes, I anticipated the hon. Member's point of order. Any Member of the Government can move the amendment. It is not Hon. Dr. Rajan who has to move it, but the Hon. Minister for Labour."

* SRI PILLALAMARRI VENKATESWARLU:—"My point is that the amendment is in the name of Hon. Dr. Rajan."

MR. SPEAKER:—"It is a Government amendment."

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I move—
'that in clause 2 (1) (k), in item (a) for the words "*Provincial Government*" the word "*Government*" shall be substituted.'

"This is merely a verbal amendment and does not require any special pleading from me to ask the House to accept it."

The amendment was put and carried.

Clause 2 as amended was put and carried.

Clause 3 (3).

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I move—
'that in clause 3 (3), for the expression "*declaration under sub-section (1)*" the expression "*notification under sub-section (1)*" shall be substituted.'

"This alteration is intended to make the intention of the Act more clear. I hope the House will accept it."

The amendment was put and carried.

Clause 3 as amended was put and carried.

Clauses 4 to 17.

MR. SPEAKER:—"There are no amendments to clauses 4 to 17. Does any hon. Member want to speak on any of the clauses? (After a pause) I will put all these clauses to the House."

Clauses 4 to 17 were put and carried.

Clause 18.

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, I move the following amendment:—

'The following sub-clauses shall be added at the end:—

"(3) In the non-power factory where women are employed, provision shall be made for creches.

(4) Every non-power factory shall be provided with rest-houses and provision shall be made for separate rest-house for women."

Sir, I hope I shall have the support of at least the Lady Members sitting here. (Laughter.) Yesterday, the hon. the Lady Member of the Muslim League complained that we Communists had not taken sufficient interest in women workers. Here I am bringing forward a separate amendment in the interests of women labourers

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and it is the duty of Lady Members sitting here to support the amendment. I am sure the Hon. the Leader of the House and the chief whip of the Party will give them permission to support my amendment, because I know that in their heart of hearts they are for this amendment.

"Coming to the amendment, Sir, it asks for the provision for creches wherever women are employed. Sir, in the mica factories in Gudur, 25 to 40 persons are employed, and half of them are women. There should be provision for creches in these places. They are not small factories, because they are making huge profits. Of course, to torpedo this amendment, it may be asked whether I want the provision of creches even where five or ten or two women workers are employed. My submission is that even there, there should be a provision for a creche. If a woman worker is employed, is it not the duty of the employer to make provision for a creche and provision for separate rest-houses for women? Or else where are they to sit during their leisure? Are they to roam the streets in the hot sun or the heavy rains? This is a very serious matter, Sir, and I request the Hon. Minister for Labour to carefully consider this matter and accept this amendment even if he rejects all the other amendments. This is very vital for the health and safety of women workers. Suppose Government come forward with a provision for the provision of creches where there are 50 or more women workers, what will happen is that the employer will reduce the number by one and then he need not provide a creche or rest-house. How is the Government going to prevent that fraud? I hope the Hon. Minister will accept the amendment. Or else, I will take care to see that next time no woman voter votes for the Congress. I request at least the hon. Lady Member of the Muslim League to support my amendment."

3 p.m. SRI K. ANANDAN NAMBIYAR:—"While seconding the amendment, I do not want to throw any challenge as my hon. Friend has done; I am always for appealing. Provision for creches has been made where there are more than fifty women workers. The same principle may be extended to where there are less than fifty women workers. For instance, in tannery industry, a large number of womenfolk are employed. Suppose there is a factory in which all told there are only fifty employees. The women workers must have facilities for taking rest. We are concerned not only with the women workers but also with the children of the women workers. We want more workers to be produced, and the children are the workers of to-morrow. If they are not taken care of, there will be no more workers. In the interests of the Government, the society, the Congress and every other party, I appeal that this amendment may be accepted."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, is it in order for the hon. Communist Member, while appealing to the Lady Members, to say that he is appealing to their heart of hearts? Does he mean that our ladies possess more than one heart, and what is the heart within heart that he is appealing to?" (Laughter)

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* THE HON. SRI H. SITARAMA REDDI:—"In moving the amendment, the hon. Mr. Venkateswarlu appealed very vehemently and said that it was a very important amendment and that it would be a betrayal of the interests of the workers if it was not accepted. I wish to draw the attention of the House to clause 46 (2) (e) and (f) which provide that the Government may make rules requiring that in any specified non-power factory wherein fifty or more workers are ordinarily employed an adequate shelter shall be provided for the use of workers during periods of rest according to such standards as may be specified, and requiring that in any specified non-power factory wherein ten or more women workers are ordinarily employed, a suitable room shall be reserved for the use of children under the age of six years belonging to such women and prescribing standards for such rooms; and the nature of the supervision to be exercised over the children therein. What my Friend is asking for is already provided in section 46 (2) (f). Most probably he did not pay attention to that provision in the Bill. Now that his attention has been drawn, I hope he will withdraw both parts of the amendment."

* SRI PILLALAMARRI VENKATESWARLU:—"The Hon. Minister for Industries said that I did not take particular note of that provision in the Bill. I am sorry that he did not carefully follow what I said. The only point is that wherever women workers are employed, creches must be provided there, and in every non-power factory there must be rest-houses and separate rest-houses for women. Is there any provision for this in the Bill or in the rules? Let the Hon. Minister answer that satisfactorily: let him give an assurance at least that he will carry out the object of my amendment by virtue of the powers conferred by some Act or rules. Then I am prepared to withdraw."

The amendment was put and lost.

Clauses 18 and 19 were put and carried.

New clauses 19-A and 19-B.

* SRI K. ANANDAN NAMBIYAR:—"I move—
"At the end of clause 19, the following new clauses shall be inserted:—

"19-A. Every employer shall institute a provident fund or insurance scheme and shall contribute a sum of not less than ten per cent of the employees' salary towards the said scheme.

19-B. Every employee whose services are terminated by the employer or who has completed one year of his service under the employer shall be entitled to the entire amount in the provident fund or the insurance policy at the time the employee leaves the service."

In section 2 (1) (k) (b) it is provided that wages exclude any contribution paid by the employer to any pension fund or provident fund. That implies that provident fund has something to do with wages, and therefore my amendment is relevant to the Bill. I hope the Hon. Speaker will allow it."

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* SRI PILLALAMARRI VENKATESWARLU:—" I second the amendment."

MR. SPEAKER:—" My opinion is that the amendment does not come within the scope of the Bill. May I know the view of the Hon. Minister? "

* THE HON. SRI H. SITARAMA REDDI:—" It does not come within the scope of the Bill, Sir."

MR. SPEAKER:—" I have allowed the hon. Mover to speak on the amendment so that he may convince me that the amendment is within the scope of the Bill. Even after hearing his arguments, I am not convinced that it is within the scope of the Bill. Therefore, I rule it out of order."

Clause 20.

* SRI PILLALAMARRI VENKATESWARLU:—" I move—

(i) *In sub-clause (1) for the words " nine hours in any day or for more than forty-eight hours in any week ", the words " eight hours in any day and forty hours in any week " shall be substituted.*

(ii) *In sub-clause (2), for the words " five hours ", wherever they occur, the words " four hours " shall be substituted.*

(iii) *In sub-clause (3) for the words " ten hours ", the words " nine hours " shall be substituted.*

If the Government are able to catch the spirit in which I move my amendments, my job would not have been difficult. Yesterday and to-day the Government are not in a mood; they have taken up a definite attitude and we know they are going to enforce it. I have got a more weighty argument for this amendment. Even Mr. Mallikarjuna Rao, when speaking on the first reading stage of the Bill, said that no worker should work for more than eight hours a day. The House is divided into two camps, those representing labour whether they belong to the Congress or not and those that do not represent labour. All those representing labour are agreed that it should be only eight hours. But unfortunately the Congress Government are not yielding to labour members on this issue.

" The question of hours affects wages. It is said that if a worker works for more than nine hours, he will get double the wages for the extra hours. Our request is only this that if he works for nine hours, let him be paid double the normal wages for the extra one hour, so that if the employer wants, he can ask the worker to work an extra hour."

* SRI K. ANANDAN NAMBIYAR:—" In seconding the amendment, I want to point out a contradiction in this clause. It is said that no worker shall be allowed to work for more than nine hours a day and for more than forty-eight hours in a week.

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That means the worker is supposed to work for only about five and a half days, and he will have to be paid for the remaining one and a half days. He is not working even for six days in a week. Either it must be said that he must work for eight hours a day and for six days in a week or for nine hours a day and for five and a half days in a week. As the clause stands, I do not know how the wages are going to be calculated and fixed. As the clause does not read well as it is, I hope the Hon. Minister will accept the amendment.

" The second part of the amendment is that the period of work at a stretch may be reduced from five to four hours. In certain industrial concerns, we have work up to four and a half-hours. For instance, in the Railway Workshop and the Loco Sheds, we have work for four and a half-hours at a stretch from 7 to 11-30. Five hours are too long and it must be reduced to four hours.

" The third part of the amendment says that the spread-over of ten hours should be reduced to nine hours. I do not press this particular point."

* THE HON. SRI H. SITARAMA REDDI:—" So far as the nine hours is concerned, there is a section in the Factories Act providing for nine hours of work and we have not introduced anything new here. I wish to draw the attention of the hon. Members that it is only the maximum; if an employer wants, he can ask the worker to work for eight hours or even seven hours a day and so arrange that the period of work does not exceed forty-eight hours in a week. In some cases it may be necessary to work for nine hours a day, but power is taken to see that the hours of work in a week do not exceed forty-eight. This is in conformity with the Factories Act passed by the Government of India and there can be no objection to it.

" Five hours of work with a rest of at least one hour has been provided for to suit various kinds of non-power factories. Each industry has its own problems and we have to see that the industry does not suffer. It does not mean that the work must be done continuously for five hours. This provision has been made so that the various industries may not be handicapped in production. I don't think there is anything wrong with the provision and it is similar to the provision in the Factories Act.

" In view of this, I hope the hon. Member will withdraw his amendment."

* SRI PILLALAMARRI VENKATESWARLU:—" I beg to 3-15 p.m.
withdraw my amendment."

The amendment was by leave withdrawn.

Clause 20 was put and carried.

Clauses 21 to 25 were put and carried.

Clause 26.

* SRI PILLALAMARRI VENKATESWARLU:—" Mr. Speaker, Sir, this is perhaps the last amendment of mine that we

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are going to discuss as the other amendments of mine are not going to be allowed by you. I move the amendment which stands in my name, namely—

'For the words "for a reasonable cause . . . for the purpose" occurring in sub-clause (1), the words "it be a case of criminal offence" shall be substituted.'

Sir, this is a very simple amendment, and we have already discussed this at great length yesterday in connexion with the other Bill and I have explained very clearly how this amendment is reasonable and should be accepted by the Government. I do not want to recapitulate all that I have said, except that unless a person is convicted for criminal offence by a Court of Law, his services should not be dispensed with. Sir, with these words, I move the amendment."

* SRI K. ANANDAN NAMBIYAR:—"Sir, we have talked at great length about this amendment in the previous Bill, and I therefore formally second it."

THE HON. SRI H. SITARAMA REDDI:—"Sir, I have nothing to say at present, except that arguments that have been advanced yesterday in connexion with the other Bill on a similar amendment, should be enough to show why the amendment cannot be accepted by the Government."

The amendment was put and lost.

Clause 26 was put and carried.

Clause 27.

* THE HON. SRI H. SITARAMA REDDI:—"Mr. Speaker, Sir, I move that—

'(1) In Chapter VI, for the heading "Holidays with pay", the heading "Holidays with wages" shall be substituted.

(2) For existing clause 27, the following clause shall be substituted:—

"27. (1) Every worker who has completed a period of twelve months' continuous service in a non-power factory shall be allowed during the subsequent period of twelve months, holidays with wages for a period of twelve days excluding festival holidays enjoyed by the workers by contract, custom or usage."

Provided that such holidays with wages may be accumulated up to a maximum period of twenty-four days.

Explanation.—For the purposes of this sub-section, any continuous period of service preceding the date on which this Act applies to any non-power factory shall also count, subject to a maximum period of twelve months.

(2) Every worker employed in any non-power factory shall also be entitled, during his first twelve months of continuous service after the commencement of this

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Act and during every subsequent twelve months of such service, (a) to leave with wages for a period not exceeding twelve days, on the ground of any sickness incurred or accident sustained by him and (b) to casual leave with wages for a period not exceeding twelve days on any reasonable ground.

(3) If a worker entitled to any holidays under sub-section (1) is discharged by the occupier before he has been allowed the holidays, or if having applied for and been refused the holidays, he quits his employment before he has been allowed the holidays, the occupier shall pay him the amount payable under this Act in respect of the holidays.

(4) If a worker entitled to any leave under sub-section (2) is discharged by the occupier when he is sick or suffering from the result of an accident, the occupier shall pay him the amount payable under this Act in respect of the period of the leave to which he was entitled under that clause at the time of his discharge, in addition to the amount, if any, payable to him under sub-section (3).

(5) A worker shall be deemed to have completed a period of twelve months' continuous service within the meaning of this section notwithstanding any interruption in service during those twelve months brought about (i) by sickness, accident, leave (including authorized holidays), and unauthorized absences from duty (upto a maximum of twenty days), not exceeding ninety days in the aggregate for all four or (ii) by a lock-out; or (iii) by a strike which is not an illegal strike; or (iv) by intermittent periods of involuntary unemployment not exceeding thirty days in the aggregate; and leave shall be deemed not to include any weekly holidays allowed under this Act which occurs at the beginning or end of an interruption brought about by the leave.

(6) In the case of a non-power factory which is a seasonal factory working for a period of not less than six months in a year, every worker shall be allowed the privileges referred to in sub-sections (1) to (5), reduced however proportionately to the period in which the work was carried on by the worker continuously in the previous year in the factory, or to the period in which work will be carried on by him continuously in the factory in the current year, as the case may be; and all references to periods of holidays or of leave in sub-section (1) and (2) shall be construed accordingly, fractions of less than one day being disregarded.

(7) The Provincial Government shall have power to issue directions as to the manner in which the provisions of sub-section (6) shall be carried into effect in all or any class of cases or in any particular case."

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* **SRI PILLALAMARRI VENKATESWARLU**:—" Mr. Speaker, Sir, I beg to oppose the amendment moved by the Hon. Minister for Labour. This is an amendment after the Select Committee has reported, where it has been agreed that 15 days casual leave, 15 days privilege leave and 15 days sick leave should be granted to all employees that come under the provisions of this Bill. Sir, yesterday and previously we have discussed this point threadbare. I know most of the Congress members, including all the Labour M.L.As. are for granting 15 days leave with pay. But after a good deal of discussion among the Congress Members themselves, they have arrived at a compromise in the Shop Assistants Bill to reduce the number of holidays with pay to 12. The Select Committee, as you know, Sir, represented all parties and groups in this Assembly, even though I was prevented from attending it—thanks to the Hon. Dr. Subbarayan—and it has passed this clause. agreeing to the 15 days leave with pay, even without the presence of a member of the Communist Party in it. The Hon. Dr. T. S. S. Rajan, the Minister for Labour was the Chairman of the Select Committee. But now we find that the Government itself is opposing that clause and is bringing its own amendment. On previous occasions, Sir, we have heard the Hon. Minister for Labour saying that the Select Committee is a democratic body and when once it has submitted its report, he is not prepared to change anything in that report. That was what the Hon. Dr. Rajan said with reference to an amendment moved by us to a previous Bill after the Select Committee had reported. But now the Government itself has come forward to change the vital provisions of this Bill, which affect millions of unorganized labour."

THE HON. DR. P. SUBBARAYAN:—" Millions! "

* **SRI PILLALAMARRI VENKATESWARLU**:—" Yes, Sir, millions! The Hon. Minister is only the Minister for Law; he is not well acquainted with labour. Now, Sir, millions of labourers are going to be affected if this amendment of the Hon. Minister for Labour is accepted by this House although we know that in most of these institutions, and in most of the commercial establishments and even in the Government offices, the practice is already in vogue of giving 45 days casual and privilege leave with pay. But it is only when the question of labourers in petty workshops and factories comes up that objection is raised. I was urging even from the beginning that these workers should also be included under the provisions of this Bill. Of course I would not have so much objection to the exclusion of such of the petty workshops which do not earn much profits, but what about factories where a number of workers are employed and which earn lakhs of rupees. What about mica workshops? What about so many other non-power factories which are earning lakhs and lakhs of rupees which are included in this Bill? Can they not afford to give 45 days leave in a year with pay? Let the hon. Minister for Labour understand and realize the position of those workers before he is going to reply. Sir, it is very essential that mica magnates who are earning lakhs of rupees by the sweated labour of their workers, and who are not paying anything to their workers should be

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made to pay. They are enjoying all the profits and exploiting the poor labourers who work in the factories throughout the year. That is why, Sir, we demand that these workers should also be given the 45 days' leave with pay. It is not an extraordinary demand, but a just one. In some of the industries this privilege is already in vogue. What are the reasons for the Government in bringing in this amendment? As I said just now, the Select Committee was overweighted with Congress members and it is they that have recommended this 15 days' leave with pay. It is expected that the Government should accept the recommendations of the Select Committee. But here comes the Hon. Minister for Labour with a further amendment changing the recommendations of the Select Committee. It is really too extraordinary a procedure, Sir, for me to understand."

* **MR. SPEAKER**:—" The hon. Member must know that not only the Government Members, but even other Members can bring in amendments, after the Select Committee has submitted its report."

* **SRI PILLALAMARRI VENKATESWARLU**:—" I know it Sir, but what I am saying is that it is not right on the part of the Hon. Minister for Labour to bring in his amendment at this stage and it is also unfair to the members of the Select Committee who have been selected by the Government themselves to examine the Bill, that their recommendations should be torpedoed in this manner. If any other member has brought forward such an amendment I can understand it. After all, what is the interest that the Hon. Minister for Labour has evinced towards labour in bringing forward this amendment? Let me leave it to the House to decide, Sir."

* **SRI K. ANANDAN NAMBIYAR**:—" Mr. Speaker, in opposing the amendment moved by the Hon. Minister, I wish to say only this, Sir.

" The principle contained in the amendment is wrong. My argument is just like that of a vakil, although I am not a vakil. According to the recommendations of the Select Committee, we have 15 days' privilege leave, 15 days' sick leave and 15 days' casual leave. According to this unfortunate amendment of the Hon. Minister for Labour, we are losing nine days in the year. We want to bargain, Sir, for these nine days which have been sought to be deprived of by this amendment, Sir."

* **THE HON. SRI H. SITARAMA REDDI**:—" Sir, this aspect of the question has been discussed at very great length in connexion with the Shop Assistant Bill. The object of the present amendment is to bring the Non-Power Factories Bill into line with the Act that was passed yesterday, namely the Shops and Establishments Act. There should be no discrimination between one set of workers and another, because it will give rise to discontent and trouble and I am sure that the amendment that I have moved will help the workers to get the needed number of holidays with pay."

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"Sir, my hon. Friend Mr. Venkateswarlu talked about democracy. I can only say that when this House which is a democratic body and which represents all shades of opinion has passed a similar amendment to the Shop Assistants Bill, I take it, Sir, that the people are behind this amendment and my hon. Friend need not say that millions are going to suffer."

The amendment was put and carried.

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I move that—

'in clause 27 (7) for the words "Provincial Government" the word "Government" shall be substituted.'

"This is only a verbal amendment, Sir, and I think the House will accept it."

The amendment was put and carried, Clause 27 as amended was put and carried and Clause 28 was put and carried.

New Clause 28-A.

3-30 p.m. * SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, my amendment is—

'The following shall be inserted as a new clause:—

"28-A. Any worker employed in a non-power factory shall be paid wages at the rate not less than Rs. 35 per month taking the cost of living index 100 in 1939 and the rise of the cost of living index over and above 100 shall be properly compensated at the rates fixed by the Government."

"We want this clause to be inserted for fixing the minimum wage. Member after member has been explaining the necessity of fixing the minimum wage. This is not a demand from the communists only; Congress members and even some of the progressive capitalists are to-day demanding that there should be a minimum living wage. Unless such minimum wage is fixed, there will be no industrial peace in the country and whatever amount of oppression the hon. Dr. Subbarayan's police may use against labour, it will be impossible to suppress the labour movement. If we mean to have industrial peace in an earnest manner, we must bring in legislation for fixing the minimum living wage. I shall explain what is a minimum living wage. Minimum living wage must be such that the labourer will be able to enjoy at least the normal amenities that are being enjoyed by others. If we closely examine most of the reports of the courts of enquiry and the adjudicators' awards, we will come to the conclusion that this is the most essential demand which has to be met. Most of the adjudicators—Mr. Venkataramayya—has raised the point regarding wages; so also Mr. B. V. Narayanaswami Nayudu has raised the point. As I said, the courts of enquiry and the adjudicators have been raising the issue often. It is for the Government and for this House to bring forward legislation, either by an independent measure or by providing a clause in this Bill, fixing the minimum living wage.

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We know that to-day it is most essential to maintain social relations between capital and labour—and unless the Government bring forward legislation to that effect, we cannot maintain industrial peace. With these words, Sir, I move my new clause 28-A."

*SRI K. ANANDAN NAMBIYAR:—"Sir, while seconding the amendment, I have to bring one or two points to the notice of the Hon. Minister and the Hon. Speaker. The fate of our amendment is sealed already. I think, because the Hon. Speaker is waiting for time to say that this is out of order. Before, however, he says that, I want to appeal to the Hon. Minister that even if this clause is not to be added now, at least let him bring forward at an early date another Bill for fixing the minimum wage. To-day I have received information that warders in the Cannanore and Trichinopoly jails have refused, for want of a reasonable pay, to receive their pay from the 1st of this month. That is a very serious situation created in this province. Here also, the N.G.Os. are saying that the Central Pay Commission's recommendation should be accepted. Everywhere the trouble is due only to this; why cannot the Government come forward with a bill fixing the minimum wage. I also appeal to the Hon. Speaker not to rule this out of order."

MR. SPEAKER:—"I wish to know whether this comes under the scope of the Bill."

* THE HON. SRI H. SITARAMA REDDI:—"I oppose it, Sir."

MR. SPEAKER:—"I wish to know whether this clause comes under the scope of Bill."

* THE HON. SRI H. SITARAMA REDDI:—"No, it does not. There is no question of fixing the wages in this Bill. This Bill is only for helping the workers to have certain amenities provided for them."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, the Preamble to this Bill as well as the Preamble to the other Bill say that the conditions under which the labourers work are sought to be improved. What are the main conditions? I do not think . . ."

MR. SPEAKER:—"There is a separate Bill altogether known as the Minimum Wage Bill."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Even in this Bill, the wages are defined and the deductions from the wages are mentioned. The Preamble to the Bill also refers to conditions of labour. Besides, we have mentioned the number of hours of work during which a worker has to work and we have also stated that the employer can give work for a limited number of days in a month. All these things have been provided for, but the ultimate result will be either the cutting down of wages or the raising of wages to a certain limit. Unless therefore we specify what the minimum wage is that a worker should get for his work either for a day or for a month, I do not know how we are going to help the labourer, at any rate so far as wages are concerned."

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MR. SPEAKER:—"I think I have heard enough from the Members on this point. I allowed Mr. Venkateswarlu to speak because I know it is an important clause and there is no appeal from the ruling of the Chair. The House should know I am very careful in these things, because we have just attained independence and in giving rulings, I should be very careful. In certain Legislatures, I was told for instance in Canada and Australia, the House can dissent from the ruling of the Chair, and the question may be put to vote and carried by the House; but it is not the case here. Here, when a ruling is given, the House must abide by it and there is no appeal in the courts also. In this connexion, I may also refer to a precedent. In May's Parliamentary Practice, page 61, reference is made to Justice Stephen's judgment on what is known as the Bradlaugh case. He said:

"It seems to follow that the House of Commons has the exclusive power of interpreting statute, so far as the regulation of its own proceedings within its own walls is concerned, and that even if that interpretation should be erroneous, this Court has no power to interfere with it directly or indirectly."

So, suppose I decide that a particular clause of Bill is out of order, the courts have no power to interfere, neither the Federal Court nor the Privy Council. Secondly, the Bill may not be brought up again within this session, and so I allowed the Member to speak. After hearing both sides, I now give my ruling. I have carefully considered this question of the minimum wage. It requires a separate Bill. So, I rule it out of order."

Clauses 29 to 44.

MR. SPEAKER:—"I am now going to put clauses 29 to 46. There are no amendments to those clauses."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I point out, Sir, that although there may be no amendments, it is open to a Member to oppose."

MR. SPEAKER:—"If any hon. Member wants to speak on any of these clauses, I have no objection. I shall put all the clauses up to that clause to the vote and the clause on which any hon. Member wants to speak will be put separately; if any Member wants to speak on any particular clause, I shall allow him to do so."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"The Speaker has not heard me fully and is trying to forestall my view point. What I say is, the Speaker has put several clauses before the House. If any Member wants to oppose any of the clauses, it will be then against the motion before the House."

MR. SPEAKER:—"The hon. Mr. Baig has been a Member here for a sufficiently long time. The relevant rule says that it shall be in the discretion of the Speaker when the motion that a Bill be taken into consideration has been carried, to submit the Bill or any part of the Bill to the Assembly clause by clause."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"My objection is that the Speaker has placed several clauses together before the House."

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MR. SPEAKER:—"I told the House that if any Member wanted to speak on any particular clause, he might tell me. I made my position perfectly clear:

"I am now going to put all the clauses from 29 to 46 to the vote."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I want to speak on clause 45."

MR. SPEAKER:—"Then, I shall put clauses 29 to 44 only." Clauses 29 to 44 were put to the House and carried.

Clause 45.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, the clause reads thus:

"The Government may, by notification, exempt any non-power factory or class of non-power factories from all or any of the provisions of this Act either permanently or for such period or periods as they may think fit."

This is a very tall order. I should like to know from the Hon. Minister what exactly is the object of the Government in having such an omnibus clause like this, taking wholesale power to deal with cases as they like; what is it they intend to do; and what kind of factories they have in mind which they are seeking either temporarily or permanently to exempt from the purview of this Act?"

* THE HON. SRI H. SITARAMA REDDI:—"Sir, this clause has been put in to help the Government to exempt any factory or any class of factories in the case of which the Government are satisfied there is need for exemption. The Government must have this power to exempt wherever they think such exemption is in the interests of any industry or class of industries or factories. (An hon. Member: 'What is the principle?') The principle is that the Government must have the power when there is need to exempt a particular factory."

Clause 45 was put and carried.

Clauses 46 and 47.

Clauses 46 and 47 were put and carried.

New clause 48.

MR. SPEAKER:—"This new clause relates to maternity benefit. I have already told the House that there is no appeal from the ruling of the Chair either to the courts or even to the Federal Court."

* SRI PILLALAMARRI VENKATESWARLU:—"Before I 3-45 move my amendment, Sir, to insert a new clause in the Bill, I p.m. would like to give some information as to how this new clause fits in with the provisions of the Bill."

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MR. SPEAKER:—"The new clause is not within the scope of the Bill. Maternity benefit should come under a different Bill. The scope of the Bill will be seen in the Preamble as well as in the Statement of Objects and Reasons. It does not clearly come within the scope of this Bill. Before I rule it out of order, the hon. Member may convince me that it is within the scope of the Bill."

* SRI PILLALAMARRI VENKATESWARLU:—"I will explain how this comes within the scope of the Bill. If it is necessary, Sir, we can change the Preamble . . ."

MR. SPEAKER:—"That cannot be done."

* SRI PILLALAMARRI VENKATESWARLU:—"The main purpose of this Bill is to improve the conditions of the labourers. We have to take into consideration the point whether this new clause will benefit the employee or not. That must be the criterion. We have to study the Bill and take all facts into consideration. The Hon. the Minister for Labour will agree that this new clause is most essential."

MR. SPEAKER:—"For that, a separate Bill is necessary. If the hon. Member wants, he can formally move the amendment and then I will give my ruling."

* SRI PILLALAMARRI VENKATESWARLU:—"I will explain how this clause comes within the scope of the Bill. My amendment proposes to introduce a new clause 48. It says—

"After clause 47, the following new clause shall be inserted:—

"48. The provision of the Madras Maternity Benefit Act and the Workmen's Compensation Act shall apply to all concerns and factories that fall under the scope of this Act."

This is how it comes within the scope of the Bill. Most of the unorganized labour is female labour and so it is necessary that the provisions of the Maternity Benefit Act should be made applicable to them. We must also protect the children of these women labourers.

"Again, Sir, the Factories Act has been framed in the year 1864 and we are following its provisions in 1947. We are nearly a century behind. So I say that the maternity benefit is a most vital factor and so it should be included in this Bill."

* SRI K. ANANDAN NAMBIYAR:—"While seconding the amendment, I would like to point out that it is quite in order, and I will try to convince the Hon. Speaker about it. There are several legislations passed in this country. There are several legislations pending for the benefit of labour. One of them is the amendment of the Workmen's Compensation Act and the other is the amendment of the Maternity Benefit Act. These old Acts are on the Statute Book and we are following them. As several legislations with regard to the benefit of labour are still pending, it is better if we include this clause in present Bill and so it is not out of order if we include this clause in this Bill. Whenever we pass a new legislation, we used to say that this will not affect

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the Civil Procedure Code and so on. Similarly, there are two Acts, the Workmen's Compensation Act and the Maternity Benefit Act already in force and we may say that this new clause will not affect those two Acts. So, I request that this clause may be accepted."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is the Hon. the Speaker convinced, Sir?"

MR. SPEAKER:—"I must hear the other side also."

THE HON. SRI H. SITARAMA REDDI:—"This new clause has nothing to do with the present Bill. It is not within the scope of the Bill to make the provisions of the Workmen's Compensation Act and the Maternity Benefit Act applicable under this Bill. So far as this new clause is concerned, the provisions of the two Acts mentioned above cannot be made applicable to workers working in non-power factories, because they relate only to power factories. So, it is not within the scope of the Bill."

MR. SPEAKER:—"I rule the amendment of Mr. Venkateswarlu out of order. I am going to put the Schedule to the vote of the House."

The Schedule was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

* THE HON. SRI H. SITARAMA REDDI:—"Sir, I move—
'that the Bill be passed into law.'

I am grateful to the House for the expeditious passage of this Bill and for the co-operation I have received from the various parts of this House. This Bill, after being passed into law will go to benefit a large number of workers working in non-power factories and I am grateful to all the members for the expeditious passage of this Bill."

MR. SPEAKER:—"The motion before the House is that the Bill be passed into law."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, it is indeed gratifying to find that the Government have come forward with another piece of social legislation to improve the hard conditions under which labour has been suffering in the past. We, the members of the Muslim League, are the friends of labour, as such we welcome the principles embodied in the Bill. We are very glad to find that suitable provision has been made with regard to the working hours of labour, their right of appeal, security of tenure and other matters. But, Sir, I am disappointed to note that in this Bill also, as was the case with the Madras Shop Assistants Bill, the cause of women has suffered from neglect. The attention of this House has already been drawn to some of the disabilities of women by the members of the Communist party—particularly the lack of provision for maternity relief. Since you, Mr. Speaker, has ruled this point out of order, I shall not dilate upon it. But, Sir, may I bring to your notice that when there is provision in the Bill for privilege leave, casual leave

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and sick leave, surely provision could have been made therein for maternity leave as well, but this has been omitted, possibly because there were no women on the Select Committee. In view of the fact that maternity leave is not provided for in this Bill, I wish to appeal to the Hon. Minister to see that the Maternity Benefit Act is so amended as to be made applicable to the non-power factories as well because I learn that that Act as it stands now deals only with power factories.

"Sir, another pertinent matter to which the members of the Communist party drew attention is about the lack of facilities for rest for women workers and also lack of facilities for their children. No doubt it is provided in this Bill that where ten or more women workers are employed, a suitable room should be reserved for their children. In this connexion I wish to state that women cannot associate with men in the same manner as men can mix among themselves. Hence, even if it happens that one woman is working in a factory, shop or office, separate arrangement should be made for her rest because hon. Members will realize that women cannot live in the same room that is occupied by men. I am a solitary woman member in the Muslim League party, but I cannot be expected to share the room occupied by the men members of that party. Hence I betake myself to the Ladies Room where women are all united. Likewise, in other departments even if there is one woman, separate provision should be made for her to enable her to take rest. I hope, Sir, the Hon. Minister appreciates my point. As the Government were not in a mood to accept any amendment, I did not say anything at the time when the amendment in this connexion was moved, but I hope the Hon. Minister will bear this point in mind."

MR. SPEAKER:—"I hope the Hon. the Leader of the House is listening to the speech of the hon. the Lady Member."

* BEGUM SULTAN MIR AMIRUDDIN:—"There are two more points, Mr. Speaker, to which I wish to draw the attention of the Hon. the Minister for Labour. Mr. Majid referred to the hard conditions under which children work in the cashewnut industry in his village and get their fingers lacerated. I can vouch to such occurrences. I know, from personal experience, that in Mangalore a large number of women who are employed in the cashewnut industry suffer from the ulceration of their fingers. Sometime ago the attention of the Advisers' Government was drawn to this and to the hard conditions under which women were employed, but the Advisers were not interested in women's welfare. I hope, at least this popular Government will show greater regard for women's well-being and see to it that wherever machinery can be utilized, human labour is not employed."

"I shall refer to one other matter, Sir, and then, I shall conclude. In section 3 (1) of this Bill, it is provided as follows:—

"The Government may, by notification declare that all or any of the provisions of this Act shall apply to any place or premises wherein an industry or handicraft specified in the schedule is being carried on or is ordinarily carried on although the number of workers working in such places or premises is less than ten."

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This clause empowers the Government to declare any premises to come within the purview of the Act even though the number of workers may be just one or two. In this connexion, I may point out that Muslim women are engaged within their homes in a number of handicrafts mentioned in the schedule; such as the embroidery of cloth, knitting of banians, tailoring, weaving and making of laces, etc. Many Muslim women, particularly those who are widows and are in purdah try to eke out their livelihood, sitting in their homes by means of such handicrafts. I hope, the Government will bear in mind their hard case and will not apply the provisions of this Act to them.

"Sir, I am glad that this Bill will soon become law, but, Sir, 4 p.m. I wish to emphasize that the success of any measure depends upon the manner in which it is implemented. Therefore, the Government have to exercise their utmost caution in selecting the Inspectors who will be entrusted with the enforcement of the Act. These officers must be competent and efficient men and above all incorruptible. I am glad that this salutary measure will soon find a place in the Statute Book."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Sir, I would just like to say one or two words. Of course the hon. the Lady Member, the Begum Sahiba, congratulated the Government on having brought forward a very important social measure which we have just passed. Incidentally I must say our thanks and appreciation are due to Mr. V. V. Giri who piloted the Bill at its early stages and to the Hon. Dr. Rajan who is now in Delhi for having pushed it through in the Select Committee and brought in all the necessary changes after a good deal of discussion and deliberation because every point of view was given a full chance at the Select Committee. Now, at this stage we thank our old Industries Minister and the present Industries-cum-Labour Minister for having piloted this Bill to-day."

"The hon. the Lady Member, Begum Sahiba, referred to lady Members having been neglected. With due respect to the lady Member I must say they are not at all neglected; they get places in the Provincial Government and in the Central Government and I hope a day will come when our lady Members should be occupying the Treasury Bench. Well, Sir, that will be going too far. I must say that to the extent possible what they are getting now is quite sufficient. I am sorry I have to express this view but I say this without meaning anything."

"Now, with regard to the charge of the Communist members—and the hon. the Lady Member, Begum Sahiba, also said the same fact—because there was no lady Member on the Select Committee their interests were not well cared for. I do not think so. After all we know we have to provide for the interests of all and therefore it is no argument to say that simply because a lady Member was not there, maternity benefit was not provided for women workers. It was not provided here because the Government or the Minister concerned thought about the matter and so far as the

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scope of this Bill was concerned, it could not be brought in here. If, on the other hand, you feel that these things ought to be there, nothing prevents the Government or even a private Member from bringing forward another amending Bill to that effect.

"With regard to our friends of the Communist party, we really like the spirit in which they go on fighting their amendments. After all it may be a legal claim but sometimes they follow merely the sentiments rather than realities. I congratulate the Government on having brought forward this important piece of social legislation."

* SRI K. ANANDAN NAMBIYAR:—"Sir, while supporting this Bill, I want to mention that though I have brought forward certain amendments and seconded some of them, I am sorry they have not been passed. I hope, however, that in the future, the spirit of our amendments will be put into practice in the day-to-day life. I wish to point out that on our part we extend our fullest co-operation in putting into operation this Bill and help the Hon. Minister for Labour and the Government in seeing that the Bill is put into practice. I would in this connexion bring to the notice of the Government that they should not think that because the Communists are sponsoring certain things they are doing so for catching votes. We have found such phrases being used whenever we bring forward amendments. I hope that in future they will not have such prejudice against the Communist party. We are interested in putting this Bill into effect because several lakhs of workers are going to be benefited by it and so we extend our heartfelt co-operation to the Hon. Minister for Labour and his department in the practical working of this Act. I can assure him this on behalf of the Communists. I, however, hope that this prejudice will not be there in future. It should not be taken that merely because we are speaking on behalf of the Communist party or the Communist Labour Union they should not be accepted. But, let there be no difference between the Communist Labour Union and other unions, but everything should be considered on its merits. I may congratulate the new Minister for Labour for taking up this portfolio and I expect that with his knowledge of industries he will extend his full co-operation to all the labour organizations and see that this Bill is worked satisfactorily."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I am glad that we are passing such an important Bill as this affecting labour. From the very nature of the Bill we realise that it is only the general aspects of the question that have been tackled in this Bill affecting all classes of industrial labour belonging to non-power factories. As I said in the earlier stages of the discussion that since there is difference between one class of factory and another, one kind of industry and another, there are many more things left out which affect each industrial labourer. I would conclude with a request to the Hon. Minister who is also incidentally the Minister for Labour, to come forward with a legislation soon affecting each industry separately. There

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are two or three industries which are in need of legislation of a very exhaustive nature dealing with wages and other very vital questions affecting labour in the country. They are the beedi industry, handloom industry and the tanning industry. I know the Court of Enquiry presided over by Mr. Narayanaswami Nayudu made certain recommendations and I hope the Hon. Minister will accept those recommendations in regard to the industries I have mentioned and come forward with early legislation to deal with the question thoroughly in order that we can assure labour of its minimum wage and minimum hours of work. I know there are cases where an employer can circumvent the provisions of this Bill by denying work during the day to a wage-earner. This Bill gives a loophole to a clever employer to act according to the provisions of the Bill and at the same time deny work to a labourer who is particularly a piece-worker and not a daily wage-earner. I have in mind the case of a beedi worker who does work on a piece or contract basis and such a labourer will not be helped by this Bill. If, on the other hand, the recommendations of Mr. Narayanaswami Nayudu's Court of Enquiry are accepted *in toto* I am sure it will help them and I hope the Hon. Minister will bring forward the measure without any delay."

THE HON. SRI H. SITARAMA REDDI:—"Sir, I am glad that the Bill has been very well received and commented upon by hon. Members. Certain references were made about the need for careful application of the provisions and the need for some amenities for women and also the application of certain provisions in the Non-power Factories Act. Sir, as I have already told the House so far as the Maternity Benefit Act is concerned it can be made applicable to these factories by necessary notification or amendment of the other Act. But, so far as amenities in general to workers and specially to women and children are concerned, under section 46 there are rule-making powers for the Government and they will take care to see that the spirit of the Act is carried out and the workers get the necessary amenities and benefits.

"In regard to certain difficulties which have been pointed out, I may inform hon. Members that the inspecting authorities who will be appointed, will work the Act in such a way that these hardships are removed.

"I would like to say only one thing more in this connexion. I trust this measure will bring peace in the industry and that it will guarantee peace to the industries and the labourers so that both the employer and the employee will be benefited by this Act. I hope that the industries in this Province are improved under this measure."

MR. SPEAKER:—"Before I put the motion to the vote of the House, I wish to draw the attention of the Hon. the Leader of the House and the Hon. the P.W.D. Minister to this fact. The Hon. Mr. Venkateswarlu moved an amendment that the children of lady Members should be provided with creches, that is, a separate place for children. There are eleven lady Members in this

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House and two in the Upper House. Hon. Members would have noticed that some time ago a small boy of a lady Member came inside the chamber and perched himself on a seat and stopped the work of the Assembly for about 10 or 15 minutes. It was because Government had not provided creches that the work of the House was disturbed. The word 'creche' is a French word. I hope the Government will see that creches for children of lady Members of the Legislature are provided."

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

(2) THE MADRAS MUNICIPAL AND LOCAL BOARDS (AMENDMENT) BILL, 1947 (L.A. BILL NO. 32 OF 1947)

* THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, Sir, I beg to introduce the Madras Municipal and Local Boards (Amendment) Bill, 1947, and move that it be taken into consideration at once.

"In moving the Bill, I would like to say one or two points in this regard. The object of the amendment has been clearly explained in the Statement of Objects and Reasons. The object of the Bill is to rectify a flaw that has crept in the Municipal Act, the Local Boards Act and also in the Madras City Corporation Act. Sir, whenever a municipality or a local board or some other local body is abolished or dissolved and added to some other body, the properties of that body vest in the Government and also the liabilities, but the Government cannot transfer the liabilities to the other bodies that are concerned. That is the main reason for this amending Bill. Clauses 2, 3, 4 respectively deal with the Municipal Act, the Local Boards Act.

4-15 p.m. "This is a technical flaw which has crept in and has remained unnoticed ever since they were passed. It was not noticed for a long time and that is why the Government want to place this before the House and take power with retrospective effect to rectify the flaw. The Acts which were passed nearly 27 years ago, namely, the Madras District Municipalities Act, 1920, the Local Boards Act, 1929, and the City Municipal Act, 1919, are being amended by this single measure. I hope the House will give sanction to the measure."

M. S. ABDUL MAJID SAHIB BAHADUR:—"On a point of order. I would like to know from you, Mr. Speaker, whether by one measure you can amend three Acts passed previously."

MR. SPEAKER:—"That can be done."

M. S. ABDUL MAJID SAHIB BAHADUR:—"I heard the Hon. Minister saying that the Bill will have retrospective effect to the extent of 27 years. I was taken aback at the effect that it is likely to produce by reason of retrospective effect being given by this long period of time. I do not know what it means and to what extent it will dislocate executive actions that have been taken in the municipalities and local boards on the basis of the existing laws and how Government are going to meet the position. I hope it does not involve any matters of money and it is merely routine in nature."

* Published in the Fort St. George Gazette on 12th August, 1947.

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THE HON. SRI K. CHANDRAMOULI:—"Mr. Speaker, I have already explained the position in my opening speech and I have made the position clear and I have nothing further to add."

The motion was put and carried.

Clause 2.

THE HON. SRI K. CHANDRAMOULI:—"This clause deals with municipalities; clause 3 deals with local boards and clause 4 with the City Corporation and they are all identical."

Clause 2 was put and carried.

Clause 3 was put and carried.

Clause 4 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. SRI K. CHANDRAMOULI:—"While thanking hon. Members for their help in piloting this measure within such a short time, I now move—

'that the Bill be passed into law.'"

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Mr. Speaker, I congratulate the Hon. Minister on his having discovered a flaw which was undetected for such a long time. Apart from the merits of the Bill, instead of holding elections for the district boards, instead of facing elections, this Government is discovering things which have not so far been discovered so long and which previous Governments did not find necessary to rectify by means of an amending legislation. May I know why Government have not come forward to hold the elections for district boards. Sir, I have just now heard from my hon. Friend Mr. Majid that the Government wish to appoint special officers for district boards and that the Minister wants to appoint his own partymen, especially M.L.As. as special officers for the district boards. I would like to know from the Minister whether he is not going to hold the elections for district boards and he wishes to have special officers appointed to them and the reason why the elections are not to be held for some of the municipalities also."

* SRI K. ANANDAN NAMBIYAR:—"I wish to bring one point to the notice of the Hon. Minister. Railwaymen who are already allowed to contest elections for municipalities are now debarred from it on the ground that, with the railways taken over by Government, they are Government servants. They have enjoyed such a right so far as representation to this House is concerned. There are certain railwaymen elected to municipalities in Guntakal and Villupuram and I bring this fact to the notice of the Hon. Minister so that he might see that their rights might be safeguarded and they might be allowed to stand for election to the district boards and municipalities."

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THE HON. DR. P. SUBBARAYAN:—"The hon. Member seems to forget the fact that both the M. & S.M. and S.I. Railways have now become part of Government and so the railwaymen are now Government servants and their case is governed by the Government Servants' Conduct Rules and nothing more can be done for them on the matter the hon. Member has raised."

* SRI K. ANANDAN NAMBIYAR:—"The position taken up by the Leader of the House is not correct; the same question was raised when one was elected as member of this House. It is well known that no Government servant could be elected to this Legislature. When this matter was raised and the Central Government was consulted, they allowed the railwaymen to be continued and said that they could contest elections and occupy a seat in this Legislature. Seeing that no Government servant can become a member of this Legislature by election and we occupy a unique position in that regard, I suggest that the Provincial Government and the Central Government might put their heads together and allow it. The railwaymen and the other Government servants do not certainly stand on the same footing. Only a few days ago, you might remember, the Hon. the Leader of the House stated that the Government servants could not strike and they were not a trade union organization. Whereas we, railwaymen, belong to a trade union, we have got all the rights pertaining to it; we can strike and our rights are not the same as other Government servants. I, therefore, suggest that the matter might be referred to Central Government and the existing rights may be continued to them."

THE HON. SRI K. CHANDRAMOULI:—"The observations made by both hon. Members are not relevant to this Bill. They have nothing to do with this Bill. I do not know why they give expression to views divergent from the scheme of the Bill and mention things which have no connexion with the objects of the Bill. I request the House to pass the Bill."

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

(3) A BILL FURTHER TO AMEND THE MADRAS PLACES OF PUBLIC RESORT ACT, 1888 (L.A. BILL NO. 33 OF 1947.)

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, I move—
'that the Bill further to amend the Madras Places of Public Resort Act, 1888, may be taken up now, as the other Bills in the agenda may not be finished now.'"

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"We want to know what is going to happen to Dr. Subbarayan's Devadasi Bill. Is it going to be moved to-day?"

THE HON. DR. P. SUBBARAYAN:—"The Devadasi Bill is not on the agenda; neither is it Dr. Subbarayan's Devadasi Bill."

The motion was carried.

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* THE HON. SRI A. B. SHETTY:—"Mr. Speaker, Sir, I beg to introduce the Madras Places of Public Resort (Amendment Bill) and move that the Bill be taken into consideration at once."

"The Madras Places of Public Resort Act of 1888 provides for the licencing of places used for public entertainments. This Act is in force only in municipalities. So managers of circuses, amusement parks and other entertainments exhibit their shows just outside the municipal limits to evade the provisions of the Act. Owing to want of proper sanitary measures, these places become a source of danger to public health. It is true that there is provision for Government by notification to extend the provisions of this Act to areas outside municipalities but it takes some time for the notification to be issued and before it is done the show is shifted to a different place. It has, therefore, been thought desirable that Government should make the provisions of the Act directly applicable to all places within a distance of three miles from the municipal limits. Several municipal councils and District Magistrates who have been consulted in this matter have expressed themselves in favour of this measure. New clause 13-A gives effect to the object of this amending Bill and clauses 13-B and 13-C are ancillary provisions. The purpose of all these new clauses is explained in the Statement of Objects and Reasons."

The motion was carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The preamble was put and carried.

THE HON. SRI A. B. SHETTY:—"Mr. Speaker, I move—
'that the Bill be passed into law.'"

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

V.—ANNOUNCEMENT RE AUTHENTICATION OF THE AMENDMENTS TO RULE 111 OF THE ASSEMBLY RULES.

MR. SPEAKER:—"Under rule 146 of the Madras Assembly Rules I am to inform the House that a copy of the amendments to rule 111 of the Madras Assembly Rules, namely, that—

(a) For the last two lines of sub-rule (1), after the word "Bill", the following shall be substituted:—

"and such a motion shall state the total number of members of both Houses to be appointed to the Committee";

(b) At the end of sub-rule (2), the following shall be added:—

"to the appointment of a Joint Committee and its proposed total strength and requesting it to nominate the members required under sub-rule (4)";

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(c) For the proviso to sub-rule (3) the following shall be substituted:—

“ Provided that the member in charge of the Bill, and the member of Government in charge of the department to which the Bill relates, shall be nominated as members of the Joint Committee by the House or Houses of which they are members ”;

(d) For sub-rule (4), the following shall be substituted:—

“ (4) The total number of members of a Joint Committee shall not exceed 30 and on every Joint Committee, the number of members to be nominated by the Assembly and the Council shall be in the proportion of 2:1 ”

passed by the Assembly to-day (the 5th day of November) has been signed by me.”

VI.—SITTINGS OF THE HOUSE.

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Mr. Speaker, before you adjourn the House, I would like to know from you how many days the House will sit when we meet again. We want to have some idea as to the number of days the House will sit when it re-assembles and the nature of the business which shall be called upon to transact. Members really are put to great inconvenience when they do not have any idea about this and when they come prepared for something which has been previously announced some new things are sprung upon them. For example we were told that the Zamindari Bill will be before the House but instead of that some other important Bills was placed before the House. Once again I want to repeat that Government should make up their mind as much as possible and as firmly as possible beforehand and give members facility for arranging their business and to come prepared for the business of the House.”

MR. SPEAKER:—“ Regarding the surprises mentioned by the Hon. the Leader of the Opposition, I wish to state that the Zamindari Bill is on the agenda and there is no surprise about it. But regarding the other question, the Leader of the House might answer.”

THE HON. DR. P. SUBBARAYAN:—“ There are a number of Bills still standing, and they will all be before the House, and as I said, I will see how business progresses. We might have to take non-official days also for Government work if such need arises. We are meeting on the 26th instant and we will very likely have at least 10 days. This warning might be sufficient for hon. Members to be prepared to sit longer if necessary, if business is not over.”

MR. SPEAKER:—“ Is it the desire of the House that we should now adjourn? ”

HON. MEMBERS:—“ Yes, Sir.”

MR. SPEAKER:—“ I now adjourn the House to 26th November 1947.”

The House then adjourned to meet again at 11 a.m. on Wednesday the 26th November 1947.

QUESTIONS AND ANSWERS

1947]

the answer to (a) is in the affirmative, what the reasons change;

whether it is a fact that many provinces in India have supplies to this Government for the purchase of pyrethrum and

so, what provinces wanted this product and what the is from this Government?

HON. SRI K. MADHAVA MENON:—“ (a) Yes. In the this the cultivation of pyrethrum has been completely up. In the Nilgiris out of 1,800 acres cultivated during 1944, 1945 and 1946, only 600 acres are retained. This area is estimated to be sufficient to meet the demand of Madras Province. In the abandoned areas (both in the Nilgiris and the Nilgiris) wattle will be grown to meet the demand of the tanning industry.

(b) The cultivation of pyrethrum was started in this Province at the instance of the Government of India who agreed to buy the entire output of flowers at rates already fixed. Accordingly supplies were made during the last three years ending 31st December 1946. During 1947, no supplies were made to them as they did not require any flowers after the end of 1946. Consequently there was large stock of flower on hand awaiting disposal. Attempts to dispose of the stock in the open market failed, as there was no demand. Hence the acreage had to be reduced to bring the production down to the requirements of the Province.

“ (c) No, Sir.

“ (d) Does not arise.”

SRI K. BOKKAI GOWDER:—“ Is it not a fact that 400 acres of land of this abandoned area was leased out for cultivation for one year to a joint stock company to the detriment of the villagers surrounding the land? ”

THE HON. SRI K. MADHAVA MENON:—“ I want notice for this question, Sir.”

SRI V. RAGHAVAYYA:—“ In view of the potential usefulness of this and in view of the failure of the policy followed by the Government in centralizing which is slow, will the Government consider the desirability of encouraging this cultivation in the Agency tracts which are hard hit by this disease of malaria? ”

THE HON. SRI K. MADHAVA MENON:—“ I do not know whether the plant will grow in the Agency tracts. It grows only on the hills.”

QUESTIONS AND ANSWERS

1947]

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so, what provinces wanted this product and what the demand is from this Government?

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THE HON. SRI K. MADHAVA MENON:—“I do not know whether the plant will grow in the Agency tracts. It grows only on the hills.”

QUESTIONS AND ANSWERS

26th November 1947]

Assignment of communal lands by the Zamindar of Vuyyur.

* 447 Q.—SRI V. RAGHAVAYYA (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether some communal lands or a portion of a forest have been recently assigned by the Zamindar of Vuyyur in the village of Monduru in Ellore taluk, West Godavari district; and

(b) who are the assignees and what is the extent assigned?

THE HON. SRI KALA VENKATA RAO:—“(a) & (b) No communal land or portion of forest has been alienated recently by the Zamindar of Vuyyur in the village of Monduru of Ellore taluk.”

SRI V. RAGHAVAYYA:—“As the word ‘recently’ will mean anything from two days to two years, may I request the Government to take the trouble of having an enquiry made by some responsible officers?”

THE HON. SRI KALA VENKATA RAO:—“If the hon. Member wants any information as to whether there was any assignment of communal lands and if he would give the particular date from which he wants, I can answer him. Unless this information is furnished I cannot supply him any particulars.”

SRI R. V. SWAMINATHAN:—“May I know, Sir, whether the Government have received any information of alienation of communal lands by other zamindars and whether they have investigated into the matter?”

MR. SPEAKER:—“The hon. Member may put a separate question.”

SRI K. LINGA RAJU:—“Were any lands assigned subsequent to October 1946?”

THE HON. SRI KALA VENKATA RAO:—“I would call for information and let him know.”

Assignment of road-side places in Kistna district.

* 448 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that public road-side places of certain villages are granted in favour of certain individuals, by revenue authorities in Kistna district;

if so, what action the Government propose to take to stop such grants; and

[26th November 1947]

(c) whether the Government are aware that a portion of zaar in front of the house of Duggirala Balaramakrishnayya (Angalur), Joint Secretary, Andhra Provincial Congress Committee, President of 18th Andhra Political Conference, recently held in Madras, is granted in favour of the above gentleman by the revenue officials of Kistna district?

THE HON. SRI KALA VENKATA RAO:—“(a) & (b) The Government have no information, but have called for a report.

“(c) A petition has been received to the effect that Sri Duggirala Balaramakrishnayya, Angalur, has been granted a site on the road-side close to his house. A report has been called for from the Collector and it is being awaited.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Will the Government see that influential members of the party do not terrorize officers and get grant of sites?”

THE HON. SRI KALA VENKATA RAO:—“The member referred to is not a member of our party and is not a Member of this House.”

Improvement to the Government Headquarters Hospital, Palamcottah.

* 449 Q.—SRI V. S. SANKARASUBRAHMANYA MUDALIYAR: Will the Hon. the Minister for Public Health be pleased to state whether there is any proposal to improve the present Government Headquarters Hospital at Palamcottah?

THE HON. SRI A. B. SHETTY:—“There is a proposal to construct a temporary ward of 40 beds in the Government Headquarters Hospital, Palamcottah, in order to relieve congestion in the hospital.”

Introduction of homeopathy in this Province.

* 450 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that a memorandum has been submitted by T. V. B. Pantulu and others regarding homeopathic medicine in this Province;

(b) if the answer is in the affirmative, what are the requests in the memorandum; and

(c) what action the Government propose to take in the matter of the above requests?

THE HON. SRI A. B. SHETTY:—“(a) Yes.

“(b) The following suggestions have been made:—

(1) That all persons, who are certified by any p authority as practitioners of Homeopathic Me

[Mr. Speaker] [26th November

In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Places of Public Resort (Amendment) Bill, 1947 (L.A. Bill No. 33 of 1947) as agreed to by the Council without any amendment and signed by me.

I have to announce to the House that the following message from Fort St. George, the 8th November 1947, have been received from the Hon. the President of the Madras Legislative Council:—

“In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Shops and Establishments Bill, 1947 (L.A. Bill No. 15 of 1947) as agreed to by the Council without any amendment and signed by me.

In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Non-power Factories Bill, 1947 (L.A. Bill No. 16 of 1947) as agreed to by the Council without any amendment and signed by me.”

IV.—CHANGE OF PORTFOLIOS AMONG THE MINISTERS.

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“I have information, quite different from the one lately disseminated, I submit, Sir, that the Hon. Leader of the House intended that he would inform the House whenever there was a change of portfolio. Is not this House entitled to know the circumstances and for what wonderful reason the portfolio of ‘Police’ has been changed from one Minister to another?”

HON. DR. P. SUBBARAYAN:—“I think the question was addressed to another quarter.”

(Hameed Khan Sahib, Mr. Mahboob Ali Baig and Mr. Abdul Salam Sahib rose in their seats.)

SPEAKER:—“Three hon. Members cannot be heard simultaneously. I call on the Leader of the Opposition.”

MR. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Sir, we will remember that we were promised, by whomsoever it may be, that whenever there is a change in the personnel or portfolio, or any other thing connected with the Ministry, the House will be given information at the first sitting of the House. Now, Sir, may we know whether there is any truth in the reports found in the newspapers that there has been a change in the portfolios?”

THE HON. DR. P. SUBBARAYAN:—“What I said to the House is that when the Assembly meets, if there is a change of portfolio, it will be announced. It was made when the Assembly was in session.”

MOTION FOR THE ADJOURNMENT OF THE
BUSINESS OF THE HOUSE

November 1947]

MR. SPEAKER:—"I cannot allow a debate. I wish to know whether the House gives permission for the adjournment motion. Members rose in support of the motion.)"

Under the rules the required number is 35 and so the House has to give permission."

MR. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I have a half-hour debate under rule 14, Sir?"

MR. HON. DR. P. SUBBARAYAN:—"May I point out for consideration that a half-hour debate is allowed on the subject of a question that has been put to any hon. Gentleman on the Opposition Bench? There is no such question and I am not sure how a half-hour debate can be allowed."

MR. SPEAKER:—"I am afraid that the Hon. the Leader of the Opposition is not aware of the position regarding this rule. I have previously received an explanation regarding this rule from the Speaker of the House of Commons—I believe the Leader of the Opposition was not here then—that not only on the subject of a question but on any matter, the Chair has power to allow a half-hour debate. That is the position with regard to this rule. From that, to-day I am not going to allow a half-hour debate because to-day we have got some other functions."

III.—MESSAGES FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House the following messages, dated Fort St. George, the 6th November 1947, received by me from the Hon. the President of the Legislative Council:—"

(1) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Betting Tax (Amendment) Bill, 1947 (L.A. Bill No. 29 of 1947) as agreed to by the Council without any amendment and signed by me.

(2) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Abkari (Amendment) Bill, 1947 (L.A. Bill No. 30 of 1947) as agreed to by the Council without any amendment and signed by me.

(3) In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Prohibition (Amendment) Bill, 1947 (L.A. Bill No. 31 of 1947) as agreed to by the Council without any amendment and signed by me.

I also announce to the House that the following messages, dated Fort St. George, the 7th November 1947, received by me from the Hon. the President of the Legislative Council:—"

MOTION FOR THE ADJOURNMENT OF
BUSINESS OF THE HOUSE

[MR. MUHAMMAD ISMAIL SAHIB BAHADUR] [26th November 1947]

want to know whether they can act in a panic-stricken manner on the basis of some information of some people, on the basis of some flimsy information, it is the duty of Government to act on such flimsy information, to create all the panic and sense of insecurity that is the result of the action taken by Government? The action has proved what I am saying, namely, that there is a panic-stricken state of mind there at all."

MR. SPEAKER:—"The Leader of the Opposition has said that this is a matter which requires the permission of the House. He need not convert it into a debate and speak on the motion."

MR. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I am trying to persuade Government to agree to the motion. I have not created actual panic over nothing. Though I have acted bona fide, it has created a serious situation which has affected security."

(MR. MOHAMED ABDUL SALAM, MR. HAMEED MAHBOOB ALI BAIG ROSE FROM THEIR SEATS.)

MR. SPEAKER:—"I am not going to allow any further debate on this motion."

MR. HON. DR. P. SUBBARAYAN:—"I have been listening carefully to what the Hon. the Leader of the Opposition has said. But, Sir, there is a certain amount of feeling in the House which I cannot hide from hon. Members of this House. I am also sure that hon. Members must be surely aware of it that is this, namely, the lack of loyalty of some of the members in the Indian Union. I have taken for granted and I submit that it is a very serious matter to be tackled by the State. If I may say so, I am sorry to hear apologies to the hon. Gentlemen opposite, they are not to be blamed for the present situation in the country. It is a question from the Muslim League Benches. It is mentioned but I maintain what I say." (MR. MUHAMMAD ISMAIL SAHIB BAHADUR: "Let him maintain what he says. I want to know is whether they have acted on proper grounds.")

MR. SPEAKER:—"Order, order."

MR. HON. DR. P. SUBBARAYAN:—"I am not afraid of what is being said by the Opposition. The situation happening in the Indian Union is all that I am saying. It is this, that there is a natural tendency for some people to have the feeling that I referred to before, namely, that was carried on by the Muslim League in the Indian Union. The hon. E."

QUESTIONS AND ANSWERS

47]

it is a fact that the buildings in the Nayadi and in a dilapidated condition by the Hon. the and Motor Transport last year; and recently the school building was found in a by the Labour Officer?

V. KURMAYYA:—“(a) & (b) Yes, Sir.

, Sir.”

R:—“Mr. Alluri Satyanarayana represented to some trouble in the engine of his car, he came three minutes and so he wants to hear the answer from the Hon. Minister. Question No. 434.”

R. P. SUBBARAYAN:—“The answer is in the

an asterisk (*) at the commencement of a speech indicates revision by the Member.]

FOR THE ADJOURNMENT OF THE BUSINESS OF THE HOUSE.

ER:—The Leader of the Opposition has given tion for adjournment of the business of the House and the motion reads:

notice of my intention to move for adjournment of the for discussing a definite matter of urgent public nce, namely, the recent house searches and arrests of in istna, Guntur and Kurnool districts which eated panic and a sense of insecurity among the

it is perfectly in order and I want to know from the se whether he opposes it.”

P. SUBBARAYAN:—“Before formally oppos- would like to point out for the consideration of the Opposition benches that I have very little regard to this matter at the present time because e made in the usual course of administration Government feel that there is any danger to here have been rumours which hon. Gentlemen as I do—that there has been storage of arms by n the City though it may be only rumours its name have got to keep constant vigil see that no danger occurs to the State ion about this matter

any memorandum received by the Collector making above headmaster and, if so, wh and

(d) whether the Government tion or resolutions protesting a enquiries on the abovementioned the labour officials?

THE HON. SRI V. KURMAYYA:—

“(b) An enquiry was made by the The Government have no informa which the enquiry was completed of the enquiry the District Labour headmaster had ordered the closure before the scheduled time on 8th Ja local festival called the ‘Kodavayur school was closed only at the scheduled 1947. It is a fact that the headmaster mid-day meal on 10th January 1947 but of the fact that the mud vessel in which pared was broken accidentally on that Labour Officer found that there was no t that mid-day meals were not supplied prop The Inspecting officers of the Education several other honorary visitors of the school fied to this effect.

“(c) The Government have no specific infor point.

“(d) Yes, Sir.”

SRI V. RAGHAVAYYA:—“In view of the ment of the Agency children, will Government try system of mid-day meal to the aboriginal children the Agency areas?”

THE HON. SRI V. KURMAYYA:—“This que afraid, does not relate to me and I suggest th put to the Minister concerned.”

Alleged anti-Harijan bias of the Special Labour South Malabar.

* 452 Q.—SRI K. ISHWARA: Will the Ho for Rural Development be pleased to state—

(a) whether any representation has been re the anti-Harijan bias of the Special Labour Malabar;

(b) whether any report has been rec of the Nayadi Cole

lined or heretofore
 Homeopathic Colleges to be specified
 as Homeopathic Medical Practi-

to register all the Homeopathic

Registered Medical Practitioners
 at a level with other registered medical
 the matter of State recognition.
 Homeopaths may be given access to the
 laboratory and radiological sections of existing
 institutions.

be given free supply of absolute alcohol
 necessary to make Homeopathic Dilutions
 registration should entitle a Homeopathic
 to a supply of alcohol to a prescribed extent
 due restrictions.

at least one model institution should be started
 separately or, attached to the College of
 Medicine to teach the Homeopathic Medical

above suggestions will be taken into consid-
 when decisions are taken on the general question
 of recognition of the system of Homeopathy."

ABDUL SALAM SAHIB BAHADUR:—"Is it not 11-45 a.m.
 Dr. Janakiram was appointed to investigate into
 and if so, what his recommendations are?"

SRI A. B. SHETTY:—"He was appointed as an
 director and he has submitted a report which is
 consideration by Government."

ABDUL SALAM SAHIB BAHADUR:—"May I
 his recommendations are the same as those of
 " "

SRI A. B. SHETTY:—"Some of them, yes, Sir."

Supply of mid-day meals.

SRI K. ISHWARA: Will the Hon. the Minister
 development be pleased to state—

it is a fact that a complaint was received by
 Malabar from Sri Swami Anand Thirtha that
 supplied by the headmaster of Velayan-
 school on the day of his visit on 10th January
 school was found closed much before time

November 1947]

programme and assigned a
 programme will be executed
 age.

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The cost of the scheme is

SUBBA IYER:—"May be
 is likely to be reached this year
 about it but I do hope it will"

SRI M. BHAKTAVATSALAM:—"I

V. M. RAMASWAMI MURTHY:—"There is a proposal to
 er there is a proposal to"

SRI M. BHAKTAVATSALAM:—"The
 bridge at Ranipet is under

Sale of motor cars.

V. RAGHAVAYYA: Will the Hon. the Minister
 be pleased to state—

the Government have any information that the
 Motor Company is black-marketing in motor cars;
 it is a fact that black-marketing is rampant in
 old and new cars;

the Government took any steps to investigate
 abuses in the retail motor car trade of all the
 old companies;

is a fact that some high Government officials
 themselves in these transactions; and

Government propose to revive the sales under
 Government control and to put an end
 racket?

ANIEL THOMAS:—" (a) The Government
 tion.

ent have heard reports to that effect.

place, it cannot be said that all motor car
 dealing in black-market transactions. As
 Motor Company against which information
 is being taken. The Government are
 regulations could be made, generally, to
 is understood that Government of India
 in the matter and this Government are
 on.

have no information.

under consideration of the Government.

answer to clause (d) I may add that
 be called for a list of all cars
 and resold by them. The
 of the Government."

[26th November 1947]

AVAYYA:—“ May I know, Sir, whether the Government are aware of a leader in the *Mail*, dated 12th September, who has attracted attention to this rampant black-marketing and if so, will the Government be pleased to refer one K. Narayanaswami Mudaliyar, a lawyer of Madras, who has applied for a car and even though he was registered No. 293, which shows that more than 293 cars were imported during that period, and from that day till now, as far as is given to him to this day no car has been given to him?”

HON. MR. DANIEL THOMAS:—“ The attention of the Government has been drawn to the article in the *Mail* as I said the matter is under the consideration of the Government. As regards the individual case referred to by the Member, if he gives details in writing, I shall have the matter examined.”

SRI V. RAGHAVAYYA:—“ Are the Government aware, that not only some high Government officials are indulging in this nefarious trade but even a private gentleman has feathered his nest to the tune of a few thousands of rupees even lakhs of rupees and that this was also mentioned in the leader of the *Mail* and whether the Government will take to enquire into the identity of this particular gentleman and out how far these black-marketing activities can be checked at least in future?”

THE HON. MR. DANIEL THOMAS:—“ Sir, a particular gentleman amongst 13½ lakhs of population of Madras is rather difficult to trace, but if the hon. Member gives the name of the particular person, certainly I shall take necessary action. I may add that not only one particular gentleman but Government have heard such reports about a number of other gentlemen both in Madras and in other parts of the Province, but the trouble is, when I ask for information in writing, people back out.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the Government have powers to regulate either the sale or resale of these cars independent of the Government and whether it is a fact that the Government of Madras have to plate the prevention of resale of motors purchased at a certain period of a year after purchase?”

THE HON. MR. DANIEL THOMAS:—“ The general policy is, the Government of Madras have controlled the sale of motor cars and so far as the sale of motor cars is concerned, 20 per cent of the cars are taken over by the Government and allotted to Government servants and Members of the Legislature. As regards the question of resale of cars by Government, the Government are examining the matter.”

at these cars should not be resold without the permission of the Government. As regards the question is whether we can refuse registration of petrol. Petroleum Act is a subject of the Central Government and with the Central Government action can be taken. The Government to refuse petrol to motor cars has been resolved by private persons under such circumstances.”

MR. HAMEED KHAN SAHIB BAHADUR:—“ May I ask, whether this is the only firm about which the Government have received information that they are indulging in black-marketing? If that is so, may I know what is the nature of the enquiry that has been made by the Hon. Minister or his department and what action taken in regard to the matter?”

THE HON. MR. DANIEL THOMAS:—“ May I make the matter clear, Sir? The firm referred to in the answer is not the firm referred to in the interpellation. That is a different firm. So far as the particular firm referred to in the answer is concerned, notice has been issued to the firm to show cause why the dealer's licence should not be cancelled.”

SRI V. RAGHAVAYYA:—“ Sir, in view of the dismal failure of the Government to control black-marketing, which has been accepted, admitted and considered by all parties, will the Government try to revive the control of sales straightaway and revert back to the system which was previously in vogue?”

THE HON. MR. DANIEL THOMAS:—“ I am glad the hon. Member has thrown light on the dismal situation. I may say that when the cars were being controlled there was a good deal of public comment and I am glad that public opinion is now veering round to the necessity of control by the Government. The whole matter is being examined by the Government.”

SRI C. M. KOTHARI:—“ Arising out of the answer to clause (a), will the Hon. Minister be pleased to furnish the name of the company which is interested in the sale of motor cars—he stated the firm referred to in the answer is quite different from the firm referred to in the interpellation—I mean will the second firm's name be disclosed please?”

THE HON. MR. DANIEL THOMAS:—“ Lakshman Prasad & Sons.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ Will the Government try to find out through C.I.D.s. as to how many private cars are there in Madras? Will the Government have cars now?”

11-30 a.m.

nationalization of all ghat transport

Q.—SRI P. KANDASWAMI
The Minister for Prohibition be pleased

(a) whether, in view of the policy
nationalize all ghat transport services, the
also will be taken over by the Government

(b) if not, why not?

THE HON. MR. DANIEL THOMAS:—“(a) The
have decided that the passenger bus services
nationalized first and that the lorry services should
up later. The consideration of the question whether
services should also be nationalized has been deferred
accordance with the above decision the passenger
vice between Salem and Yercaud will be taken over
Government in due course.

“(b) The question does not arise.”

SRI P. KANDASWAMI PILLAI:—“In view of the report
of the Hon. Minister, will he consider the desirability of taking
up the work in Salem and other places much earlier than it is
proposed now?”

THE HON. MR. DANIEL THOMAS:—“Just now, Sir, we
are trying to nationalize the city bus services. After its
completion other schemes will be taken up when this matter
will also be borne in mind.”

SRI S. NAGARAJA MANIGAR:—“May I know, Sir, why
this slow process of nationalization of motor transport?”

THE HON. MR. DANIEL THOMAS:—“Sir, some people are
saying that we are too quick and some others that we are too
slow. It only indicates that we are following the golden
mean.”

SRI K. A. NACHIAPPA GOUNDER:—“Mr. Speaker, may
I ask the Hon. Minister as to whether they have assessed the
progress and also the effect of the nationalization made so far and
the income derived out of it?”

THE HON. MR. DANIEL THOMAS:—“The hon. Member
may put a separate question.”

Distribution of cement.

* 442 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR
(on behalf of S. Muhammad Ismail Sahib Bahadur): Will the
Hon. the Minister for Industries be pleased to state—

(a) whether the Government have come to a decision to take
over the distribution of cement in this Province;

(b) if so, why the Government have come to such a decision;
and

(c) whether there is any proposal under
Government to nationalize the

SITARAMA REDDI:—“(a) Yes,
complaints from the public regarding
distribution and the difficulties experienced
in different departments themselves in obtaining

Sugar factories in South Arcot.

Q.—SRI B. PARAMESWARAN (on behalf of Sri V. I.
Sami Pillai): Will the Hon. the Minister for Industries be
pleased to state—

(a) whether there is a proposal before the Government to
increase the number of sugar factories in the district of South
Arcot;

(b) if so, whether the Government have decided the location
of these new factories; and

(c) whether the Government are aware that Ulundoorpet
offers many facilities such as big vacant buildings of the aerodrome
and ample space to locate a new sugar factory?

THE HON. SRI H. SITARAMA REDDI:—“(a) Yes, Sir.

“(b) No, Sir.

“(c) The suitability of Ulundoorpet for the location of the new
factory will also be considered.”

SRI S. NAGARAJA MANIGAR:—“Was there any sugar
factory started by the Government after they came into office?”

THE HON. SRI H. SITARAMA REDDI:—“The Government
do not propose to start any sugar factories.”

SRI S. PARAMANANDA RAYAR:—“Are the Government
aware that preference is being given to rich mirasidars in the
matter of sugarcane purchases and not to the poor ryots by the
Nellikuppam Sugar Factory and whether the Government will do
justice by the poor ryots?”

THE HON. SRI H. SITARAMA REDDI:—“The hon. Member
may put a separate question.”

SRI P. NATESAN:—“May I know, Sir, if there is any
application for the starting of a sugar factory in South Arcot
area?”

THE HON. SRI H. SITARAMA REDDI:—“Notice, Sir.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Before
the Government decides the location of these sugar factories will
they give an assurance that no injustice will be done to Andhras,

SITARAMA REDDI:—“No question of

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APPENDIX I.

[Vide answer to starred question No. 415 asked by M. A. Muhammad Ibrahim Sahib Bahadur at the meeting of the Legislative Assembly held on the 5th November 1947, page 523 supra.]

*Amendments to be moved by the Hon. Sri B. Gopala Reddi,
Minister for Finance, Madras.*

1. Paragraph 6 of the Report.

"6. We recommend to the Assembly the proposals contained in paragraph 2-D of our previous report on the subject of federal taxation. It is quite clear, however, that the retention by the Federation of the proceeds of all the taxes specified by us would disturb, in some cases violently, the financial stability of the units and we recommend therefore that provision should be made for an assignment, or a sharing, of the proceeds of some of these taxes on a basis to be determined by the Federation from time to time."

Amendment.—That in paragraph 6, for the words "by the Federation from time to time" the following be substituted:—

"at intervals of five years by a Commission to be established by an Act of the Federal Legislature containing a fixed number of members appointed by the Federal Government, an equal number of members appointed by the Governments of the Units under a suitable procedure, and a Chairman who has held high judicial office elected by the members representing the Federal Government and the Units."

2. Item 72—List I—Federal Legislative List.

"72. Duties of excise on tobacco and other goods manufactured or produced in India except—

- (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, or any substance included in sub-paragraph (b) of this entry."

Amendment.—That item 72 be deleted.

3. Item 73—List I—Federal Legislative List.

"73. Corporation tax."

Amendment by Sri Himmat Singh K. Maheshwari.—That for item 73 the following be substituted:—

"Corporation tax on corporations other than those owned or controlled by a Federated State and carrying on business within that State."

Board for Viswanathapur

Q.—SRI K. ANANDAN NAMBI

Minister for Local Administration be

(a) whether the Secretary of the Gram Viswanathapuram, Tenkasi taluk, Tinnevely District, submitted a petition to the Panchayat Board on 29th October 1946 requesting him to constitute a panchayat for his village;

(b) if so, what action has been taken; and

(c) whether it is proposed to pass early orders constituting this village into a panchayat board?

THE HON. SRI K. CHANDRAMOULI:—“(a) Yes.

“(b) The District Panchayat Officer returned the petition to the petitioner for furnishing some further particulars.

“(c) The question of the feasibility of constituting a panchayat for the village is being examined.”

Report regarding improvements to the T.M.S.S.M. Library, Tanjore.

* 445 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Committee appointed by the Government for suggesting improvements to the T.M.S.S.M. Library, Tanjore, has submitted its report;

(b) if so, whether the Government will place the report of the Committee on the table of the House; and

(c) what further steps the Government propose to take in the matter?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“(a), (b) & (c) The Committee has submitted its report and it is under consideration.”

SRI A. VEDARATNAM PILLAI:—“Have the Government any idea of giving away the Marathi manuscripts to the Bombay Government, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“The Hon. Premier of Bombay when he was here expressed a wish that he would take the Marathi manuscripts of this library to their library if we would kindly transfer them.

We stated that we will consider the matter if a request is made. A request has since been received and it has been referred to the Tanjore Library Committee and as soon as a reply is received from them, the matter will be decided.”

Cultivation of pyrethrum.

* 446 Q.—SRI K. BOKKAI GOWDER (on behalf of Sri V. I. Muniswami Pillai): Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether it is a fact that the Government are taking steps to curtail the cultivation of pyrethrum in the districts of

[5th November 1947]

Amendment.—That at the end of item 73 the following proviso be added:—

“ Provided that at least 50 per cent of the net proceeds shall be distributed among the Provinces and the Federated States in which the tax is levied, and that the distribution shall be made according to principles formulated by Act of the Federal Legislature.”

4. Item 77—List I—Federal Legislative List.

“ 77. Taxes on income other than agricultural income.”

Amendment by Sri H. S. K. Maheshwari.—That item 77 be deleted.

Amendment.—That at the end of item 77 the following proviso be added:—

“ Provided that at least 50 per cent of the net proceeds shall be distributed among the Provinces and the Federal States in which the tax is levied, and that the distribution shall be made according to principles formulated by Act of the Federal Legislature.”

5. Item 79—List I.

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

Amendment by Sri H. S. K. Maheshwari.—That item 79 be deleted.

Amendment.—That in item 79, the words “ other than agricultural land ” be deleted and the following proviso be added at the end of the item:—

“ Provided that the net proceeds shall not form part of the revenues of the Federation but shall be assigned to the Provinces and to the Federated States in which the tax is levied, and shall be distributed among them according to principles formulated by Act of the Federal Legislature.”

6. Item 80—List I.

“ 80. Estate duty in respect of property other than agricultural land.”

Amendment by Sri Maheshwari.—That item 80 be deleted.

Amendment.—That in item 80, the words “ other than agricultural land ” be deleted, and the following proviso be added at the end of the item:—

“ Provided that the net proceeds shall not form part of the revenues of the Federation but shall be assigned to the Provinces and to the Federated States in which the tax is levied, and shall be distributed among them according to principles formulated by Act of the Federal Legislature.”

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7. Item 81—List I.

“ 81. The rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurances, transfer of shares, debentures, proxies and receipts.”

Amendment.—That the following proviso be added at the end of item 81:—

“ Provided that the net proceeds shall not form part of the revenue of the Federation but shall be assigned to the Provinces and to the Federated States in which the tax is levied, and shall be distributed among them according to principles formulated by Act of the Federal Legislature.”

8. Item 82—List I.

“ 82. Terminal taxes on goods or passengers, carried by railway or air; taxes on railway fares and freights.”

Amendment by Sri K. Maheshwari.—That item 82 be deleted.

Amendment.—That the following proviso be added to item 82 at the end:—

“ Provided that the net proceeds shall not form part of the revenues of the Federation but shall be assigned to the Provinces and to the Federated States in which the tax is levied, and shall be distributed among them according to principles formulated by Act of the Federal Legislature.”

New addition 82-A.

That after item 82, the following new item be inserted:—

“ 82-A. Taxes on the sale of stock, shares, debentures and similar securities, provided that the net proceeds shall not form part of the revenues of the Federation but shall be assigned to the Province and to the Federated States in which the tax is levied, and shall be distributed among them according to principles formulated by Act of the Federal Legislature.”

9. Item 41—List II—Provincial Legislative List.

“ 41. Duties of excise on the following goods manufactured or produced in the Province and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in the territories of the Federation:—

- (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.

Amendment.—That in item 41, the words “ the following ” and sub-paragraph (a), (b) and (c) be deleted.

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Name of district and taluk.	(1)	(2)	(3)	(4)	(5)	(6)	Expenditure incurred during the year 1946-47.				(11)
							On repairs.	On new wells.	On incomplete wells of the previous year.	Total.	
							RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.	RS. A. P.
Kistna ..	..	10	323	2	76	21	3,302 0 0	3,587 0 0	153 0 0	7,042 0 0	1,43,205 6 3
Kurnool ..	..	8	19T	1T	57T	4T	3,298 0 0	10,631 8 3	240 0 0	14,19 8 3	69,623 12 9
Madura ..	..	4	41	10	36	3	3,266 0 0	4,155 0 0	799 0 0	8,220 0 0	51,995 3 4
Malabar ..	..	1	112	..	28	2	..	..	1,790 0 0	1,90 0 0	68,569 10 11
Nellore ..	..	9	273	2	20	22	512 0 0	9,429 0 0	975 0 0	10,816 0 0	2,07,612 0 0
Rannad ..	..	2	9	1	4	14	465 0 0	1,991 0 0	..	2,456 0 0	10,547 9 0
Salem ..	..	6	58	..	53	24	..	8,881 10 6	..	8,881 10 6	68,151 5 1
Tanjore ..	..	5	56+	3	59	..	331 0 0	2,133 0 0	3,078 0 0	5,542 0 0	1,43,817 15 11
Tinnevely ..	..	2	125	4	29	3	1,779 0 0	2,768 0 0	..	4,547 0 0	60,304 8 7
Trichinopoly ..	..	13	353	6	399	3	2,977 0 0	17,748 6 0	..	20,725 6 0	2,42,620 6 0
Vizagapatam ..	..	+	+	+	+	+	21 0 0	7,462 15 2	20,973 0 10	28,457 0 0	1,12,674 5 6
Total ..	..	173	5,248	155	2,540	353	60,508 5 0	1,72,486 15 11	67,366 11 1	3,00,362 0 0	36,11,875 6 11

* The figure of the previous years are not available.

† Details not available.

T = Tanks.

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APPENDIX IV.

[Vide answer to unstarred question No. 51 asked by Sri B. Venkatanarayana Reddi at the meeting of the Legislative Assembly held on the 5th November 1947, page 549 supra.]

Total Receipt of Standard and Non-standard Steel during 1946-47 in the Madras Province.

		Standard steel.	Non-standard steel.	Total.
		TONS.	TONS.	TONS.
1 North Vizagapatam ..	..	360.55	6.48	367.03
2 South Vizagapatam ..	..	624.98	40.57	665.55
3 East Godavari ..	..	570.65	41.93	612.58
4 West Godavari ..	..	513.20	64.92	578.12
5 Kistna ..	..	281.91	205.24	547.15
6 Guntur ..	..	906.9	69.33	875.92
7 Nellore ..	..	770.23	26.60	796.83
8 Kurnool ..	..	534.12	4.13	538.25
9 Anantapur ..	..	562.40	11.75	574.15
10 Bellary ..	..	479.15	6.57	485.72
11 Cuddapah ..	..	474.49	6.00	480.49
12 Chittoor ..	..	574.08	39.00	613.08
13 North Arcot ..	..	664.12	53.12	717.24
14 Chingleput ..	..	795.3	18.01	813.64
15 South Arcot ..	..	613.83	60.48	674.31
16 Tanjore ..	..	44.66	69.27	543.93
17 Pattukkottai ..	..	321.61	3.27	324.88
18 Trichinopoly ..	..	372.73	46.82	419.55
19 Madura ..	..	329.89	18.75	348.64
20 Tinnevely ..	..	419.15	13.61	432.76
21 Ramnad ..	..	296.58	19.97	316.5
22 Salem ..	..	366.59	17.48	374.07
23 Coimbatore ..	..	474.96	94.61	569.57
24 Nilgiris ..	..	57.86	..	57.86
25 Malabar ..	..	293.25	15.00	308.25
26 South Kanara ..	..	207.75	0.99	208.74
27 Research Engineer ..	..	5.22	11.73	61.95
Total ..	..	12,281.13	1,025.63	13,306.81

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 26th November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Protection to persons complaining against corrupt officials.

* 433 Q.—SRI B. SATYANARAYANA RAJU (on behalf of Sri B. S. Mallikarjuna Rao): Will the Hon. the Premier be pleased to state whether the Government are prepared to give protection to those that present cases for drastic action against officials who have built fortunes incompatible with their incomes, during the period of dearness, food scarcity and controls?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. the Premier):—“The Government are always prepared to protect such persons provided they act in a bona fide manner.”

[* 434 Q.—MR. SPEAKER:—“The hon. Member is not in his place. The answer will be printed in the proceedings.”]

Departmental enquiries conducted by the Special Officer.

* 434 Q.—SRI ALLURI SATYANARAYANA RAJU: Will the Hon. the Premier be pleased to state whether it is a fact that the Special Officer appointed for conducting departmental enquiries calls for the investigating officers in the Police department and instructs them how to investigate cases and gather evidence and record them in particular cases?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. the Premier):—“The answer is in the negative.”

Alleged insult to the National flag.

* 435 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Home Minister be pleased to state whether the Government are aware that the Muslims at Lalpet in Chidambaram taluk are insulting and dishonouring the Indian Dominion flag and frightening the Hindus not to use such flags within the panchayat area of Lalpet?

THE HON. DR. P. SUBBARAYAN:—“For some time past there had been acute communal tension between Hindus and Muslims of Lalpet area as a result of which the Muslims threatened Sri Kaliyaperumal Padayachi with danger to his life for having hoisted the national flag of the Indian Union in front of his house. They also threatened Kaliyaperumal Padayachi and three others.”

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persisted in hoisting the flag on the Independence Day. On 16th August 1947 one Hindu boy was prevented from flying the Union flag on his bicycle. Apart from this, there was no act of dishonour to the Indian Dominion Flag. Subsequent to these incidents, the Hindus and the Muslims have composed their differences and the latest report shows that there is no trouble in the village now."

SRI S. PARAMANANDA RAYAR:—"In view of the answer of the Hon. the Home Minister that the Muslims at Lalpet have not at all changed their minds and gave trouble on 31st October 1947 on which police investigation is going on and the case is pending with the Magistrate of Kattumannarkoil, may I know whether the Government propose to take suitable and immediate action in this matter and safeguard the interests of the Hindus?"

THE HON. DR. P. SUBBARAYAN:—"The matter, as the hon. Member has said, is pending with the Magistrate. I shall wait till the case is over and if the allegations as stated by the hon. Gentleman are true, necessary action will certainly be taken."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, apart from the supposed question of the Muslims dishonouring the Union flag, do the Government know the fact that in this very place a Union flag is being flown on a mosque of that village?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Member for the information he has given. Government will not compel anybody to fly the national flag on any religious institution because that is not the intention of the Government. But, as long as there is the Indian Union and the people feel that they are part of this Dominion and its citizens, I will expect them to act as loyal and law-abiding citizens of the Indian Union and honour its flag."

SRI KALLUR SUBBA RAO:—"Can the Pakistan flag be hoisted in the Indian Union area, Sir?"

THE HON. DR. P. SUBBARAYAN:—"I think that question does not arise but I shall give this information; it certainly cannot be flown."

SRI S. PARAMANANDA RAYAR:—"Are the Government aware, Sir, that some officials are not efficient and are indifferent to the reports of the Hindus and are not trying to put down the trouble between the Hindus and the Muslims which is acute after the 15th of August 1947 in the Lalpet area?"

THE HON. DR. P. SUBBARAYAN:—"I am sure that the officials are aware of the functions of the Government. They know as well as the Government do that law and order must be maintained at all costs. It does not matter to which community an individual belongs; if he commits a breach of law and order, he will be liable to be punished under the law."

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SRI R. SUBBA IYER:—"May I know, Sir, what is the justification for the Hon. Minister stating that there is no question of dishonouring the national flag. Facts as disclosed prove that the flags are removed and dishonoured."

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, as far as my information goes, there is no question of dishonouring the Dominion flag."

Steno-typists of mufassal civil and sessions courts.

* 436 Q.—SRI R. SUBBA IYER: Will the Hon. the Home Minister be pleased to state whether it is a fact that steno-typists of mufassal civil and sessions courts sustain huge loss of emoluments when promoted to the upper division?

THE HON. DR. P. SUBBARAYAN:—"The answer is in the negative."

SRI R. SUBBA IYER:—"May I draw the attention of the Hon. Minister that steno-typists are paid a special allowance of Rs. 35 and when they are promoted as upper division clerks, they are denied this privilege?"

THE HON. DR. P. SUBBARAYAN:—"As far as my information goes, they have not suffered from the promotion. That is why, I said that the answer is in the negative; but if the hon. Gentleman brings before the Government particular cases of injustice to individuals, the matter will be considered."

SRI R. SUBBA IYER:—"May I bring to the notice of the Hon. the Home Minister that the maximum pay a lower division clerk draws as a steno-typist is Rs. 90 plus Rs. 35 whereas the maximum of the upper division clerk is only Rs. 110 without allowance? In view of this, will the Government consider the desirability of making up this disparity by allowing a personal pay?"

THE HON. DR. P. SUBBARAYAN:—"I will not give any undertaking. I shall have this matter considered because my Hon. Colleague, the Finance Minister, is also concerned in this matter."

High prices of articles.

* 437 Q.—SRI S. NAGARAJA MANIGAR: Will the Hon. the Minister for Food be pleased to state—

(a) the cause for the high prices of articles even two years after the cessation of war;

(b) the steps that are necessary to be taken in order to bring the prices down; and

(c) the steps that have so far been taken by this Government and their results?

THE HON. DR. T. S. S. RAJAN:—"The attention of the hon. Member is invited to the Note on the steps taken by the

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Madras Government to assist in checking the inflation of prices, referred to in the answer given to the Starred Legislative Assembly Question No. 123 by the Hon. Minister for Finance on 26th September 1947."

SRI S. NAGARAJA MANIGAR:—"May I ask if it is not a fact that the Government could not bring down prices because they could not speed up production and they did not start industries like paper industry, the sugar industry or the cement industry though there are facilities in our Province?"

THE HON. DR. T. S. S. RAJAN:—"The answer to the question is this. The causes for the high prices of articles even two years after the cessation of the war and the steps that are necessary to be taken to bring down the prices are all set forth in a pamphlet published by the Government. I have referred in the answer to that printed pamphlet which gives a complete survey of the whole situation and also enumerating the various steps that the Government have taken in consequence thereof."

SRI V. M. RAMASWAMI MUDALIYAR:—"Is it a fact that the decontrol of pulses and other similar grains have resulted in the lowering of prices?"

THE HON. DR. T. S. S. RAJAN:—"So far, it is only pulses that have been decontrolled. The Government are not in a position to know the actual drop in the prices. They are still watching the market. As soon as a drop in the prices is noticed, I shall let the hon. Member know."

SRI S. NAGARAJA MANIGAR:—"May I ask whether the Government are satisfied with the results?"

THE HON. DR. T. S. S. RAJAN:—"It is not a question of Government being satisfied with the results. It is a question of controlling and giving a fair price to the commodity."

SRI V. RAGHAVAYYA:—"In view of the fact that the Government has been unable to check food blackmarketing, particularly in Guntur, even though they have made the best effort in that direction, will the Government heed the advice given to them by the High Command and Mahatma Gandhi and immediately withdraw control over foodstuffs?"

THE HON. DR. T. S. S. RAJAN:—"The Government are well aware of what the High Command have said and what Mahatma Gandhi has said but the process of decontrolling is a matter for consideration and it is under the careful attention of the Government. The Government are still considering what steps could be taken to adjust themselves to meet the specific demand made by Mahatma Gandhi as well as the Congress High Command."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the fact that the steps taken by the Government have not yielded any results so far, may I ask what further steps Government propose to take in checking rise in prices and in bringing down the prices?"

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THE HON. DR. T. S. S. RAJAN:—"The commodity prices and the price level are subject to various fluctuations. They depend on prices in this country and also on prices in international markets as well. Therefore, the Government, as long as they are not in a position to control world markets, have to control the prices in this place but the commodity prices go up or down according to the availability of foodstuffs in the market. We are certainly not in a position to control the market, as we are situated to-day. As long as this scarcity of foodstuffs is there, it will be very difficult to control the prices."

BEGUM SULTAN MIR AMIRUDDIN:—"Are the Government aware that the decontrol of foodstuffs that they are contemplating will result in a steep rise in prices? Will the Government, therefore, not decontrol the foodstuffs as long as the food crisis has not been tided over?"

THE HON. DR. T. S. S. RAJAN:—"Certainly the matter will be considered when the question is gone into."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it a fact that important foodstuffs like wheat from Australia are being sold at very high prices and if so, will the Government take some steps to control the prices of imported foodstuffs?"

THE HON. DR. T. S. S. RAJAN:—"The question of imported foodstuffs is not directly under the control of this Government, particularly Australian wheat. But, if facts are brought to the notice of the Government, we shall go into the question. I am afraid the price of wheat even if it is controlled in Australia, when it is landed in India, it does not have the controlled price because a standard price is fixed here and the loss in the transaction is borne by the Government of India."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know definitely whether the Government is considering the question of decontrolling foodgrains and if so, will the Government give an assurance that they will not decontrol foodgrains until satisfactory conditions are established in the Province?"

THE HON. DR. T. S. S. RAJAN:—"No such assurance can be given till the matter is gone into. The Government are still considering the question. We shall certainly remember the caution which the hon. Member has given when we consider the question."

SRI M. S. PATTABIRAMIAH:—"I request the Government that since the decontrol of pulses . . ."

MR. SPEAKER:—"The hon. Member is requested to put it in the form of a question."

SRI M. S. PATTABIRAMIAH:—"Are the Government aware of the fact that after the decontrol, the prices of pulses, especially redgram and blackgram, have fallen by 50 per cent in

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Madura district and the retail price has become very cheap? Will the Government ask for reports from other districts so that if the decontrol is successful, the Government may continue to decontrol the other foodgrains in our Province?"

THE HON. DR. T. S. S. RAJAN:—"The Government is issuing weekly bulletins of prices of foodstuffs. Every week, the prevailing prices are published in the press for the information of the public. If the hon. Member wants specific information about the prices of pulses, Government will gladly go into that question."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask, Sir, whether the Government have under contemplation any legislation on the lines of the Hoarding and Profiteering Ordinance which was in force previously but which has now been withdrawn?"

THE HON. DR. T. S. S. RAJAN:—"It is not under contemplation just now."

SRI K. VARADACHARI:—"May I ask, Sir, in view of any policy to be pursued, either under the instruction of the Central Government or under the present policy of the Government, whether the Government will be prepared for any emergency by collecting all assessment in the shape of foodgrains?"

THE HON. DR. T. S. S. RAJAN:—"That is an entirely new policy which the Government are not contemplating."

SRI K. BRAHMANANDA REDDI:—"May I know, Sir, whether we can expect an early decision of the Government in the matter of foodstuffs?"

THE HON. DR. T. S. S. RAJAN:—"The Government are still awaiting instructions from the Government of India with regard to their promised prices which is still under their active contemplation and discussion. We are almost every day waiting for information with regard to the claim we have made to the Government of India for increase in prices of foodstuffs we are buying and as soon as we are in a position to know that, then further discussion with regard to controls may be considered and every Member, as well as the Price Control Committee, will be consulted in the matter."

SRI GUNTUR NARASIMHA RAO:—"May I know, Sir, what steps the Government have taken to restrict the prices of foodstuffs and particularly in regard to the wheat, called Sammalina, that is imported from Australia which is being sold at double the price? This wheat is not imported by the Government of India but merchants are importing it on their own account and selling it at double the price."

THE HON. DR. T. S. S. RAJAN:—"Sammalina wheat is not controlled. Still, the wheat that is imported from Australia which is bought by the Government and on Government account, is always subject to price control."

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SRI S. NAGARAJA MANIGAR:—"Sir, my question is not with reference to any particular foodstuff, but in respect of all articles in general and I want the Hon. Minister to let me know whether prices cannot be brought down if production is speeded up. If so, what steps the Government have taken in that connexion?"

THE HON. DR. T. S. S. RAJAN:—"It is a big question concerning the Grow More Food Campaign and therefore it cannot be answered in an interpellation. The Government certainly interested in reducing prices and at the same increasing production and the various measures they taken in regard to this have been enumerated in this House quite a number of times. If the hon. Member wants further information, he might put it down and I shall be able to give him a printed copy of the answers we have already submitted."

SRI M. S. PATTABIRAMIAH:—"Sir, my question has not been answered. I want to know from the Government whether they are aware of the fact that the prices have definitely fallen after the decontrol of pulses both in the City of Madura and in the Madura district?"

THE HON. DR. T. S. S. RAJAN:—"I am very thankful to the hon. Member for the information, Sir. I have already answered him that the weekly price lists that are being published by the Government contain the drop in prices or increase in prices of the various kinds of pulses which are being sold and bought in the market."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I know, Sir, whether the Government have any power to prevent hoarding or profiteering or they confess any impotency in the matter?"

THE HON. DR. T. S. S. RAJAN:—"There is no question of impotency involved in the matter, but it is a question of administrative convenience and capacity to enforce laws with regard to the sale of foodstuffs. Foodstuffs are controlled and all articles now being used for human consumption, particularly cereals and other grains, are controlled and anybody who flouts the law is subject to the process of the law. As regards the prices prevailing, as I have already stated, the information is available in the weekly prices report."

SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, my question was general and is not confined to merely foodstuffs. I wanted to know whether in regard to other articles also the Government have got any power to prevent hoarding or profiteering."

THE HON. DR. T. S. S. RAJAN:—"Unless they find an enormous increase in any particular stuff dealt with in the market and they find it is impossible to be bought or sold at that price, Government do not generally interfere, but where they do interfere is with regard to the necessities of life, particularly cloth and food."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ Sir, before the Government decide on this matter of decontrol of food-stuffs, will the Hon. Minister give an assurance that he will give an opportunity to this House to discuss this matter? ”

THE HON. DR. T. S. S. RAJAN:—“ We are still considering the question of decontrol and as I have already answered, we are waiting for information from the Government of India with regard to prices and as soon as that is obtained, the Government will go into the question and every opportunity shall be given to this House to consider the matter.”

1-15 a.m. MR. SPEAKER:—“ I have allowed enough time to this question. We will now go on to the next question.”

Reclamation of the Allur swamp in Nellore district.

* 438 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have examined the question of reclaiming the Allur swamp in Nellore district;

(b) how much land fit for cultivation can be reclaimed by providing drainage facilities; and

(c) whether the Government propose to include it in the Grow More Food programme?

THE HON. SRI M. BHAKTAVATSALAM:—“ (a) Yes.

“ (b) About 3,430 acres.

“ (c) There is no such proposal at present but if the result of an examination now being made by the Chief Engineer in this connexion shows that the scheme would be feasible, the question will be considered.”

SRI V. RAGHAVAYYA:—“ May I know, Sir, whether in view of the large scope for Grow More Food as a result of the reclamation of this land, the Government will try to include it in this year's Budget? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ The lands are reported to be saline and the Grow More Food value of this scheme is being examined.”

Construction of a bridge across the Palar.

* 439 Q.—SRI R. SUBBA IYER: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government propose to construct a bridge across the Palar on the Great Southern Trunk Road;

(b) if so, when it is likely to be taken up; and

(c) what the cost of the scheme is?

THE HON. SRI M. BHAKTAVATSALAM:—“ (a) Yes.

“ (b) It is not possible to say definitely when it is likely to be taken up. It has been included in the tentative five-year

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the Premier and ask him to make a statement before the House. (‘ Hear, hear ’ and cries of ‘ order, order ’.) It is a very important affair and the public are anxious to know what is going on inside the Government. We have seen in the papers that there has been a lot of acrimonious discussion in the Congress Legislature party meeting and it was also found that there was a proposal to have two additional Ministers. Therefore, Sir, I submit that it is a very important matter, and although the Hon. the Leader of the House was very logical in what he said in reply to the adjournment motion, I am sure that he really does not know what happened in that area. If that is to be contradicted, I would like the Premier to make a statement on the floor of the House so that the public may know what is going on in the Assembly and in the Government.”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“ Sir, it is an elementary right of the Members of this House and the people of this Province to know who is the Minister for a particular subject. I am not referring now to the considerations that weighed with the party or the particular member of the Cabinet to give up his portfolio or any other man to seize it. We are not concerned with it. But it is the right of every Member of this House to know to whom we should look for a particular matter. For instance, we do not know who the Home Minister is. (A voice: ‘ He is missing ’.) How can we go from one man to another to make our representations? For instance, in this case my friend as Mr. Natesan has put it that if only the Hon. the Leader of the House knew what has been happening in those two border districts where even the Muslim constables have been deprived of their guns.” (Interruptions and cries of ‘ order, order ’.)

MR. SPEAKER:—“ I am not going to allow a debate on this. I can understand the anger of some of the Members. The Press Note that was sent reached me only yesterday. Also I think it would have reached hon. Members from the mufassal after they have left their houses. The Press Note reads as follows:—

Government of Madras.

Public (Information and Publicity) Department.

Press Note No. 262, dated 17th November 1947.

The portfolio of “ Police ” in the Home Department has been taken over by the Hon. Premier with effect from the afternoon of November the 14th.

This note would have reached those Members who are from the mufassal only yesterday. I think they would have left their houses day before yesterday. It is only on account of that are not aware of this change.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ I not received intimation, Sir.”

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MR. SPEAKER:—"May I know from the Hon. the Leader of the House . . . ?"

THE HON. DR. P. SUBBARAYAN:—"Hon. Members are aware that I have been away from the City of Madras for nearly ten days and arrived back only two days ago. What despatches were made I am not quite aware of. But hon. Gentlemen, accustomed to parliamentary procedure, would understand that if any change of portfolio in the Cabinet is made among the members of the Cabinet it is a matter entirely for themselves to decide what should be done. It is always open to the person aggrieved to take the action he thinks necessary. I will leave it at that."

V.—GOVERNMENT RESOLUTIONS.

- (1) AMENDMENTS TO SCHEDULES II AND III TO THE MADRAS MOTOR VEHICLES TAXATION ACT, 1931 (MADRAS ACT III OF 1931).

THE HON. MR. DANIEL THOMAS:—"Sir, I move—

Whereas certain rules amending Schedules II and III to the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), were made by His Excellency the Governor of Madras, under section 17 of that Act when the Proclamation under section 93 of the Government of India Act, 1935 was in force in this Province;

And whereas by virtue of sub-section (4) of section 93 aforesaid, the said rules will cease to be in force on the 30th April 1948;

And whereas it is expedient to make these rules permanently; Now, therefore, in pursuance of section 17, sub-section (3) of the Madras Motor Vehicles Taxation Act aforesaid, this Assembly is hereby pleased to approve the following draft rule proposed to be made by the Government of Madras:—

Draft Rule.

The rules published with the notifications of the Home Department reproduced below are hereby re-enacted permanently.

- I. Home Department Notification No. 586, dated the 8th May 1940, published at page 645 of Part I of the Fort St. George Gazette, dated the 14th May 1940.

In exercise of the powers conferred by sub-section (1) of section 17 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), His Excellency the Governor of Madras is hereby pleased to make the following rule amending Schedule II to the said Act:—

Rule.

In the said Schedule, item 5 shall be renumbered as item 6, and the following shall be inserted as item 5, namely:—

"5. Motor vehicles not themselves constructed to carry any load (other than water, fuel, accumulators and other equipment used for the purpose

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of propulsion, loose tools and loose equipment), used for haulage solely and weighing together with the largest number of trailers proposed to be drawn—

	RS.	A.	P.	RS.	A.	P.
(a) Not more than 80 cwt., laden ..	50	0	0	75	0	0
(b) More than 80 cwt., but not more than 120 cwt., laden ..	120	0	0	180	0	0
(c) More than 120 cwt., laden ..	270	0	0	405	0	0

- II. Home Department Notification No. 570, dated the 30th April 1943, published at page 515 of Part I of the Fort St. George Gazette, dated the 11th May 1943.

In exercise of the powers conferred by sub-section (1) of section 17 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), His Excellency the Governor of Madras is hereby pleased to make the following rule amending Schedule II to the said Act:—

Rule.

In the said Schedule, clause 6 shall be renumbered as clause 7, and the following shall be inserted as clause 6, namely:—

"6. Fire engines, fire tenders and road water sprinklers—

	RS.	A.	P.	RS.	A.	P.
(a) Not exceeding 20 cwt. in weight, laden ..	20	0	0	30	0	0
(b) Exceeding 20 cwt., but not exceeding 30 cwt., in weight, laden ..	30	0	0	45	0	0
(c) Exceeding 30 cwt., but not exceeding 45 cwt. in weight, laden ..	40	0	0	60	0	0
(d) Exceeding 45 cwt., but not exceeding 60 cwt. in weight, laden ..	50	0	0	75	0	0
(e) Exceeding 60 cwt., but not exceeding 85 cwt. in weight, laden ..	60	0	0	90	0	0
(f) Exceeding 85 cwt., but not exceeding 110 cwt. in weight, laden ..	75	0	0	112	8	0
(g) Exceeding 110 cwt., but not exceeding 150 cwt. in weight, laden ..	90	0	0	135	0	0
(h) Exceeding 150 cwt., but not exceeding 180 cwt. in weight, laden ..	110	0	0	165	0	0
(i) Exceeding 180 cwt. in weight, laden ..	120	0	0	180	0	0

AMENDMENTS TO SCHEDULES II AND III TO THE
MADRAS MOTOR VEHICLES TAXATION ACT, 1931
(MADRAS ACT III OF 1931)

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(j) Additional tax payable in respect of such vehicles used for drawing trailers including fire engine trailer pumps—

	RS.	A.	P.	RS.	A.	P.
(i) for each trailer not exceeding 20 cwt. in weight, laden ..	15	0	0	22	8	0
(ii) for each trailer exceeding 20 cwt. but not exceeding 30 cwt. in weight laden ..	20	0	0	30	0	
(iii) for each trailer exceeding 30 cwt. but not exceeding 45 cwt. in weight, laden ..	25	0	0	37	8	
(iv) for each trailer exceeding 45 cwt. in weight, laden ..	40	0	0	60	0	

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.

III. Hon. Department Notification No. 884, dated 31st July 1942, published at page 815 of Part I of Fort St. George Gazette, dated the 11th August 1942

In exercise of the powers conferred by sub-section (1) section 17 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), His Excellency the Governor of Madras is hereby pleased to make the following rule amending Schedule III to the said Act:—

Rule.

In the said Schedule—

(i) for clause 1, the following clause shall be substituted, namely:—

	RS.	RS.	RS.	RS.
"1. Motor cycles whether used for drawing a trailer or side-car or not (including motor scooters and cycles with attachment for propelling the same by mechanical power) ..	2	6	3	8."

(ii) for clause 5, the following clause shall be substituted, namely:—

"5. Motor vehicles other than those liable to tax under the foregoing provisions of this schedule—

	RS.	RS.	RS.	RS.
(a) Weighing not more than 15 cwt., unladen ..	3	10	6	15
(b) Weighing more than 15 cwt., but not more than 45 cwt., unladen ..	5	15	6	18
(c) Weighing more than 45 cwt., unladen.	7	21	10	33

AMENDMENTS TO SCHEDULES II AND III TO THE
MADRAS MOTOR VEHICLES TAXATION ACT, 1931
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(d) Additional tax payable in respect of such vehicles used for drawing trailers—

	RS.	RS.	RS.	RS.
(i) For each trailer not exceeding one ton in weight, unladen ..	2	5	3	8
(ii) For each trailer exceeding one ton in weight, unladen ..	4	10	5	15

Provided that two or more vehicles shall not be chargeable under this clause in respect of the same trailer.

"Sir, certain rules were made under section 17 of the Madras Motor Vehicles Taxation Act, 1931, by His Excellency the Governor of Madras, sometime in April 1946, under section 93 of the Government of India Act, 1935. Under the rules, they cease to have validity on the 30th April 1948. The Government consider that it is necessary to place the rules on a permanent footing, and therefore this motion is brought forward before this House. I move the motion, and I would request the House to approve the rule."

SRI P. NATESAN:—"I have nothing much to say in regard to the motion, Sir, but I would like to know from the Hon. Minister about the communiqué that appeared in the press in Madras about petrol rations cut and why the licence-holders—rather the petrol coupon-holders—have to go to the Police. I would like to know from him what his instructions are to the Police and on what basis this petrol ration has got to be cut, and what classes of people have to suffer, and whether the public utility concerns will have any priority over the ordinary consumer. Unfortunately it has come much to our surprise—although some news has been appearing in the press off and on—that there is going to be a cut in petrol rations. To entrust the whole work to the Police in various districts, I think, probably may not work satisfactorily, because people who apply for petrol have always been depending on the Area Rationing Officers everywhere. Evidently it looks as if there is a change, and I would be glad if the Hon. Minister will amplify the communiqué that has appeared in the press."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am sorry that the Government in their search for money have . . ."

THE HON. MR. DANIEL THOMAS:—"So far as the question of petrol rations is concerned, I would like the hon. Member to put a short notice question. As far as Mr. Hameed Khan is concerned, I would say there is no increase in the rate of taxation. The two figures which are given against each of the items represent the two classes of pneumatic and non-pneumatic tyres. For example, Rs. 50 in item (a) refers to pneumatic tyres and Rs. 75 refers to vehicles of the same type with non-pneumatic

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tyres. There is no increased taxation at all. This is only an old rule enacted in 1946 which is now sought to be placed on a permanent footing."

The resolution was put and carried.

(2) AMENDMENT TO SCHEDULE II TO THE MADRAS MOTOR VEHICLES TAXATION ACT, 1931 (MADRAS ACT III OF 1931).

THE HON. MR. DANIEL THOMAS:—"Sir, I move—

'That the following draft of a rule proposed to be made by the Government of Madras under sub-section (1) of section 17 of the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931), amending Schedule II to the said Act, be approved:—

Draft Rule.

In the said Schedule II, in the entries relating to class

3' (i) items (a) to (j) shall be re-lettered as items (b) respectively and the following shall be inserted in item (a), namely:—

	Maximum quarterly tax.			
	For vehicles fitted with pneumatic tyres.		For other vehicles.	
	RS.	A. P.	RS.	A. P.
"(a) Dot motor cycle trucks not exceeding 650 lb. weight, laden ..	25	0 0	32	8 0"
(ii) in item (b) as so re-lettered, for the word 'vehicles,' the words 'other vehicles' shall be substituted."				

"Sir, this is a new rule. Recently a new class of motor cycles have come on the road. They are motor cycles with a small box like apparatus attached to them for the carrying of small luggage. A rule has been framed for the purpose of taxing these motor cycles. I would request the House to approve this rule."

The resolution was put and carried.

VI.—GOVERNMENT BILLS.

(1) THE MADRAS PROBATION OF OFFENDERS (AMENDMENT) BILL, 1947.

* THE HON. SRI K. MADHAVA MENON:—"I beg to introduce the Madras Probation of Offenders (Amendment) Bill, 1947 and move—

'that the Bill be taken into consideration at once.'

"Sir, this is a Bill to regularize the appointments of District Probation Officers made by the Inspector-General of Prisons

* Published in the Fort St. George Gazette, dated 4th November 1947.

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under the Madras Probation of Offenders Act, 1936. By virtue of section 9 (1) (a) of the Act, a Probation Officer, under the provisions of an order issued by a Court, should be either a person appointed by the Provincial Government or a person approved by the Provincial Government or, where special circumstances exist, a person who in the opinion of the Court is a fit person. Government have recently provincialized the posts of probation officers and ordered that the Chief Probation Officer should be included in a provincial service and appointed by themselves and that District Probation Officers should be included in a subordinate service and appointed by the Inspector-General of Prisons. It is not possible for the Inspector-General of Prisons to make the appointments under section 9 (1) (a) of the Act. But, under instructions from the Government, the Inspector-General of Prisons has already made certain appointments of District Probation Officers. These appointments of District Probation Officers have to be regularized. So, I have brought forward this small amendment before this House. The fact that Government have to make these appointments has been overlooked when these appointments were made, and therefore it has become necessary to amend the Act, and also validate the appointments already made."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, this Bill authorizes the Inspector-General of Prisons to appoint District Probation Officers. It is but proper, Sir, that Government should hand over to the Services Commission the appointment of this officer as also that of the Chief Probation Officer. It is only proper that the appointments of such high posts should not be left to the vagaries of high officials. It is better the terms of their services are liberalised and the matter advertised and the matter be left to the Public Service Commission. At least the Government will see that these district officers and those above them are appointed by the Services Commission, which body has been functioning so well in Madras all along."

* THE HON. SRI K. MADHAVA MENON:—"I may inform the hon. Member that the power that has been taken is to enable not the Inspector-General but by a body of persons to make the appointment, and so there is no danger of the power being abused. So I request the Bill may be taken into consideration at once."

The motion was put and carried.

Clauses 2, 3 and 1 were put and carried.

The Preamble was put and carried.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—

'that the Madras Probation of Offenders (Amendment) Bill, 1947, be passed into law.'

The motion was put and carried.

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(2) THE OPIUM AND DANGEROUS DRUGS (MADRAS AMENDMENT) BILL, 1947.

THE HON. MR. DANIEL THOMAS:—"Mr. Speaker, Sir, I beg to introduce the Opium and Dangerous Drugs (Madras Amendment Bill a, 1947, and move—

'that the Bill be taken into consideration at once.'

"Sir, this is a simple measure. Under section 14 of the Madras Opium Act, certain powers are conferred upon the officers of the Excise department. It is now proposed that officers of the Prohibition department should be given the same powers. This Bill is intended to give effect to this proposal."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I just want to know when the Hon. Minister will bring in an amendment to the Prohibition Act to make opium-eaters punishable. So far as intoxication is concerned the provisions of the amending Bill which was passed recently will be enough to punish those who are intoxicated. But I do not think that will affect opium-eaters as well. I hope the Government will soon come forward with an amending Bill to punish even opium-eaters."

THE HON. MR. DANIEL THOMAS:—"Sir, with reference to the suggestion of Mr. Hameed Khan, I would submit that his statement is not correct. We have not made drunkenness an offence. What we have made an offence relates to people who are in a state of intoxication and who are found in Prohibition areas. It is still open to the people to drink and get intoxicated in wet areas. But so far as opium-eating is concerned the position is not the same as that of drunkenness. After the whole Province has gone dry, the suggestion of the hon. Member with regard to opium-eaters will not arise at all."

The motion was put and carried.

Clauses 2 and 1 were put and carried.

The Preamble was put and carried.

THE HON. MR. DANIEL THOMAS:—"Sir, I move—

'that the Opium and Dangerous Drugs (Madras Amendment) Bill, 1947, be passed into law.'"

The motion was put and carried.

(3) THE MADRAS PROHIBITION (TEMPORARY AMENDMENT) BILL, 1947.

THE HON. MR. DANIEL THOMAS:—"Sir, I beg to introduce the Madras Prohibition (Temporary Amendment) Bill b 1947, and move—

'that the Bill be taken into consideration at once.'

"Sir, it is only a very formal measure. Ganja is kept in the Government storehouse in the Guntur district. When Prohibition is

a Published in the Fort St. George Gazette, dated 4th November 1947.

b Published in the Fort St. George Gazette, dated 21st October 1947.

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was introduced in that district on the first of October 1947, under the Prohibition Act, it is not open to licensed warehouses for the storing of ganja and allied drugs. They are now stored in Vetapalem. It is considered that in view of the likelihood of the enforcement of the Prohibition Act throughout the Province in the near future, it is not worthwhile to shift the storehouse from Vetapalem to another wet area. This Bill is therefore intended to legalise the continuance of the storehouse in Vetapalem itself. This is a purely formal measure and I request the House to accept it."

The motion was put and carried.

Clauses 2, 1 and the Preamble were put and carried.

THE HON. MR. DANIEL THOMAS:—"I move—

'that the Bill be passed into law.'"

SRI K. SUBRAHMANYAM:—"Sir, I want to break the monotony and therefore I rise up and resume my seat."

The motion was put and carried.

(4) THE MADRAS SUPPRESSION OF IMMORAL TRAFFIC (AMENDMENT) BILL, 1947 (L.A. BILL NO. 17 OF 1947).

* THE HON. SRI K. MADHAVA MENON:—"Sir, I present the report of the Joint Select Committee on the Madras Suppression of Immoral Traffic (Amendment) Bill, a 1947 (L.A. Bill No. 17 of 1947), and move—

'that the Bill as reported by the Joint Select Committee be taken into consideration.'

"Sir, I need not take the House once again into the question of necessity for this piece of legislation, because the matter was thrashed out well in this House when it was introduced. Under the present law solicitation by a woman in a street or public place is liable to be punished with imprisonment for a term which may extend to two months, or with fine which may extend to one thousand rupees, or with both. The maximum period of imprisonment prescribed by the section is inadequate and it is therefore proposed to raise it from two months to one year. Women imprisoned in pursuance of section 12 have no chance of reforming themselves. In fact, such imprisonment often tends to make a prostitute a criminal as well. The Government, therefore, consider it desirable to provide for the detention of women who are not irreclaimable, in Vigilance Homes where they can be given suitable training and instruction and also be subjected to disciplinary and good moral influences. The Bill accordingly empowers magistrates to order women of less than 35 years of age, who have been found guilty of offences under section 12, to be detained in Vigilance Homes. The period of detention in a Vigilance Home will not be less than two years or exceed five years. That the

a Printed as Appendix I on pages 656-658 infra.

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years. Power has been taken to make rules for all the matters covered by the Madras Borstal Schools Act, 1925, the intention being that a Vigilance Home should, in relation to prostitutes and the like, fulfil the same function as a Borstal School now does in relation to adolescents of either sex convicted of crimes. The proposed legislation has been approved by the Select Committee with one change, and that is, instead of 'women of less than thirty-five years of age' as in the original Bill, the Select Committee made it into 'women of less than thirty years.' There has been no other change in the Bill as reported by the Select Committee and I request the Bill as emerged from the Select Committee be taken into consideration."

The motion was put and carried.

MR. SPEAKER:—"As there are no amendments to the clauses of the Bill, I shall put all the clauses to the vote of the House. The rules also permit it."

SRI K. BRAHMANANDAM REDDI:—"Sir, I want to know what happens to the man solicited." (Laughter.)

amendment HON. SRI K. MADHAVA MENON:—"Sir, this question was raised in the select committee. There to it was asked why the women concerned alone is being punished and what happens to the man who is tempted. As it is not part of the present Bill it is not for me to say anything."

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

Clause 1 and the Preamble were put and carried.

THE HON. SRI K. MADHAVA MENON:—"Sir, I move—
'that the Bill be passed into law'."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I approve of the amendments that the Government have brought forward to the suppression of Immoral Traffic Act. It is a well-known fact that the canker of commercialized vice is one of the remnants of barbarism, and that there is no evil prevalent in society that can be so degrading and debasing as this. Therefore it is necessary that all possible steps should be taken by every civilized government to suppress this evil. The changes proposed in the Bill under discussion are mainly two, namely, increase in the term of imprisonment which is inadequate as prescribed in the original Act, and the provision of facilities for the reclamation of women by their detention in a vigilance home, rather than in a Penitentiary, where they can receive suitable training and instruction. So far I approve of the measure, but what I disapprove is that in this Bill the State is propagating the disastrous idea that there is a different morality for the two sexes.

12-30 p.m. "Mr. Speaker, I find the following sentence in the Statement of Objects and Reasons to the Bill:—

'Under section 12 of the Madras Suppression of *Immoral Traffic Act, 1930, solicitation by a woman in a street place is liable to be punished with imprisonment, etc.,*

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Thus, there is provision to penalize women who are guilty of solicitation but no provision to penalize men who are primarily responsible for the moral degradation of women. I wish to point out that in a modern civilized society there must be one moral law for both men and women and that the double standard of morality should no longer be prevalent. If an act is an evil in the case of a woman, it is equally an evil in the case of a man. Why then is the law dealing with public morals so framed as to differentiate between the sexes? I drew attention to this point at the Select Committee but the Hon. Minister brushed it aside saying that women who were penalized had facilities for being detained in a vigilance home whereas there was no such provision for men. But I am not satisfied with this argument. I strongly hold the view that women alone should not be burdened with the legal consequences of a mutual act, but that man who is an equal, if not a worse culprit, should also be subjected to punishment.

"I am glad to find, Sir, that the Hon. Minister intends to make provision for fallen women being detained in vigilance homes where they will be subjected to good moral influences. In this connexion I should like to draw the attention of the Hon. Minister to the urgent necessity of provincializing the Madras Vigilance Association. I may point out that this question has been pending with the Government for a very long time. Even during the Advisers' regime, figures had been worked out and preparations made to provincialize the Madras Vigilance Association. But though years have elapsed, nothing has yet been done in this direction. It is very urgent that the Government should expedite the matter, for, as the Hon. Minister is himself aware, this Association is on the verge of closing down because its financial position is exceedingly unsatisfactory. Hence I request the Hon. Minister to see that no further time is lost in putting into effect the provincialization of the Madras Vigilance Association.

"Another matter to which I should like to draw the attention of the Government is the need for the appointment of women police to deal with the problem of the suppression of immoral traffic for women police can render valuable assistance in tackling the evil. I hope the Hon. Minister for Law will give this matter due attention and take steps to appoint women police at a very early date. In Bombay and Travancore and I believe in some other Provinces also, women police have been appointed to tackle this problem and they have been very successful. I therefore hope that the Government of this Province will likewise do the needful in this matter. I may point out that the Advisers' Government were ready to appoint women police, but the delay on their part was due to the fact that they were awaiting demobilization of the W.A.C.(I)s as they stated they wished to recruit women police from among the W.A.C.(I.) personnel. It is now long since the W.A.C.(I)s have been demobilized. I must say that there are many other women besides the members of the

[Begum Sultan Mir Amiruddin] [26th November 1947]

Women's Auxiliary Corps (India) who are competent to discharge the duties of women police. I hope the Hon. Minister for Law and the Government will bear the above two points in mind, namely, the provincialization of the Madras Vigilance Association and the appointment of women police."

* THE HON. SRI K. MADHAVA MENON:—"I am gratified, Sir, that this measure has received the approval of the House, particularly the approval of the women Members. While extending the period of detention from two months to two years I rather had a feeling, Sir, that it would be considered as too severe a punishment. But I note, Sir, that the lady Members feel that detention is not a punishment but it is necessary to improve the unfortunate women who come within the purview of the law.

"With regard to the question of double standard in dealing with this matter, I am sorry the hon. lady Member was not here when the same question was raised by the hon. Member Sri Brahmananda Reddi. That is a very interesting question indeed. Perhaps the hon. the lady Member is perfectly right in asking: 'Why should women alone be subjected to the infliction of a punishment while the man who is also guilty is not affected?' I really expected some other Members also to express their opinions with regard to this double standard of morality. As I already stated this is a very interesting question. I do not know whether this has been tackled in other places, namely whether the men who allow themselves to be enticed by these prostitutes should also be treated alike in the matter of punishment. Anyhow it is a very interesting question and it has to be examined separately. This Bill is not the place for it. I shall certainly try to examine the matter and elicit opinion about it.

"About the provincialization of the Vigilance Association I may inform the House and the hon. the lady Member that the Government have already decided the question of provincialization of the Vigilance Association and the Rescue Home and other allied institutions. Steps are being taken on the matter. Reports have already come and they are under the active consideration of the Government. The only thing is that the details have to be worked out and the institutions have to be taken over by the Government. One of the main difficulties is the want of proper accommodation to house these institutions. Even now some of the institutions that went out during the evacuation of the City could not be brought back for want of proper housing facilities. The matter is therefore under the active consideration of the Government and I hope the Vigilance Association will be taken over by the Government very soon.

"As regards the appointment of the women police, I think the hon. the lady Member addressed it to the Member in charge and I hope it will be taken into consideration.

"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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(5) THE MADRAS DEVADASIS (PREVENTION OF DEDICATION)
BILL, 1947 (L.A. BILL NO. 21 OF 1947)

* THE HON. DR. P. SUBBARAYAN:—"Sir, I present the report of the Select Committee on the Madras Devadasis (Prevention of Dedication) Bill, 1947 (L.A. Bill No. 21 of 1947) and move—

'that the Bill as reported by the Select Committee be taken into consideration.'

"As I said, Sir, since this Bill was introduced, it has had a chequered career and those who have been in charge of the Bill have all met with some unexpected accident. I only trust that a similar accident is not going to happen again.

"There was a private Bill given notice of by the hon. lady Member Srimathi Sithamahalakshamma on Bogam and Melam. (Interruption.) I stand corrected, Sir. I am not well acquainted with this problem in the Andhra district. That has been included here and we have tried as members of the Select Committee to meet the points brought forward by the hon. the Lady Member. I think on the whole we have satisfied all the people who wanted some amendment or other on this Bill as it originally emerged after the Select Committee in the year 1938. As I said, this Bill began about 1927 and at least after twenty years we are able to pass this measure. This shows that at least the public have had ample opportunities of saying what they felt on the measure. As far as the particular community is concerned I can assure the hon. Members that they have been rather keen on this measure and several conferences of the community have passed motions that this Bill ought to be made law. And that is the reason the Government taking up this measure.

"I find, Sir, that the report of the Select Committee seems to be acceptable to most of the Members, because the only amendment given notice of is by my hon. Friend Mr. S. Nagappa who I see is not here to-day. (The Hon. Sri B. Gopala Reddi: 'He is in the Dominion Parliament.') I am reminded by my hon. Friend that he is serving elsewhere in the Dominion Assembly. As I said, Sir, he is not here and that amendment is not of very great importance either, because the description given in the clause is of a general nature and only as an example some of the communities concerned are cited. Therefore whether that amendment is accepted or not it really does not make any difference to the principles of the Bill. So, Sir, I move that the Bill be taken into consideration."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I congratulate the Government on having reserved this day, for women's legislation and to find that at long last the Government have come forward to take an interest in women's problems. I am very glad to note that important measures affecting the rights of women have been placed on to-day's agenda and that we shall soon have in the statute book the Bill to prevent the dedication of women as Devadasis. This is indeed a matter of gratification.

[Begum Sultan Mir Amiruddin] [26th November 1947]

I am not very much conversant with the particular problem of Devadasis, but I know that there is an evil custom prevalent among this class of people, that needs to be eradicated, and my friend Dr. Muthulakshmi Reddi brought forward a measure for eradication of that evil twenty years ago. Even at that time public opinion was expressing itself in support of the reform; to-day public opinion is decidedly in favour of it. I am glad to find that in addition to the provisions contained in the original Bill brought forward by the Government, they have now accepted certain amendments proposed by Srimathi Sithamahalakshamma. Thus this Bill covers now a wide ground and its effect will be that the evil of dedicating girls to temples and also of the participation of girls in such types of dancing in public and other places as lead to immorality will be eradicated. There was a long controversy as to whether the Government were attempting to do away with all forms of the evil but now that the Government have incorporated fresh amendments in their Bill, this measure should satisfy everybody. I am very glad, Sir, that at long last this Bill is going to be passed into law and that this House is going to offer its unanimous support to it. This measure ought to have been passed twenty years ago. Though it is a very much belated piece of legislation yet it is a matter for gratification that at least now it will find its place on the statute book. I congratulate the Government on the passing of this Bill."

12-45 P.M. *SRIMATHI V. LAKSHMI AMMAL:—"அக்கிராசனாதிபதி அவர்களே, இன்று கவர்ண்மெண்டின் சார்பாக தேவதாசிகளை கோவில்களில் பொட்டுக் கட்டும் வழக்கத்தை எடுத்துவிடவேண்டும் என்ற சட்டம் நிறைவேற்று வதைப்பற்றி நாம் எல்லோரும் சந்தோஷமடைகிறோம். ஆனால் இந்த பில்லை நிறைவேற்றவேண்டுமென்று டாக்டர் முத்துலெட்சுமி ரெட்டி அவர்கள் 20 வருஷத்திற்கு முன்னாலேயே பிரயத்தனம் செய்துவந்தார்கள். அடிக்கடி கூட்டம்போட்டு ஸ்திரீகளுடைய கூட்டங்களை அமைத்து இதை எவ்வளவுதாரம் சீக்கிரத்தில் நிறைவேற்ற முடியுமோ அவ்வளவு சீக்கிரத் தில் உடனே நிறைவேற்ற வேண்டுமென்று சொல்லிவந்தார்கள். சென்ற வருஷத்திலும் கூட அநேக கூட்டங்கள் நிகழ்த்தினார்கள். இந்த வருஷம் இந்த சட்டம் இந்த சட்ட சபையில் நிறைவேற்றப்படுவதற்கு எல்லோரும் சந்தோஷமடைவார்கள். ஆனால் இந்த 'பொட்டுக் கட்டுவதை' நிறுத்து வதிலிருந்து இப்படி பொட்டுக்கட்டுவதனால் ஏற்பட்ட கெடுதலான செய் கைகள் அத்துடன் நின்றுவிடவேண்டுமென்பது தான் அவர்களுடைய அபிப்பிராயம். அதவே தான் டாக்டர் முத்துலெட்சுமி அம்மாளுடைய அபிப்பிராயமும். ஒவ்வொரு ஸ்திரீக்கும் அதே தான் அபிப்பிராயம். இப்பொழுது இந்த வழக்கத்தை நிறுத்திவிட்டு கெடுதலான செய்கைகளில் அவர்கள் இரங்குவதை தடுப்பதற்கு நாம் எல்லோரும் ஒத்துழைக்க வேண்டும். முக்கியமாக ஆடவர்கள் இதில் ஜாஸ்தியாக ஒத்துழைக்க வேண்டும். நம்முடைய நாட்டில் ஜன சங்கியையில் பாதிப்பங்குள்ள ஸ்திரீகள் சமூகம் எவ்வளவுக்கவ்வளவு மேன்மையடைகிறதோ அவ்வளவுக் கவ்வளவு அவர்கள் முன்னேர முடியும் என்பதிலும் நாட்டில் எல்லாம் நல்ல நிலைமைக்கு வரும் என்பதிலும் சந்தேகம் இல்லை. இந்தச் சட்டம் இன்று நிறைவேற்றுவதற்கு நாம் எல்லோரும் சந்தோஷமடைகிறோம் என்பதை தெரிவித்துக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்."

* SRI PILLALAMARRI VENKATESWARLU:—"Sir, I rise to support the motion and congratulate the Ministry in bringing forward this Bill. I should like to ask the Hon. Minister whether

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he would kindly accept a verbal amendment to this Bill. Particularly in our parts, the zamindars maintain what are called Kasas. They come almost under the category mentioned in the Bill. The Select Committee did not take this point into consideration. There is no reference to this community of Kasas. In every zamindari village in our parts you will find Kasas. They have no marriages. I request the Hon. Minister for Law to make this Bill applicable to Kasas also so that a large number of Kasa families may be saved from the zamindars. Anyway the zamindari system is going out and it is the duty of the Government to see that all the vicious habits prevalent under the zamindari system also go out. This is the most important item among them. These Kasas are maintained and fed. They do no productive work except satisfying the zamindars and their family people. These Kasas also should be included within the scope of the Bill and they should be saved. With these words I support the Bill."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, I was much amused when our Communist friends also joined in support of this Bill, because we know that the Communists have been sometimes pleading for common property of women. (Laughter.) This was Platonic Communism, but it appeared to be even to-day the ideal of Communism. Sir, while advancing his argument in support of this Bill, the hon. Member said that the women of this particular caste, the Kasas, were not doing any productive work! (Laughter.) But, Sir, we are not approaching the problem from the stand-point of productivity. (Laughter.) I am absolutely certain that if the question of production comes up, they will not be a whit behind the women of the other communities. We are looking at this question from the moral plane and we are justified in congratulating the Government, congratulating ourselves and the men and women Members of the House in passing a social legislation like this."

"It is not so much that we want to apply a double standard of morality as that we are anxious that all the evils pertaining to women should be eradicated. We want that women should be liberated and it is in that spirit that we want to see that women come for priority. Public opinion must come forward and equally condemn men-folk who have been committing such crimes. Of course this measure does not deal with cases where men are committing sins such as devadasis commit. I agree with the lady Members and have great pleasure in congratulating the Government and congratulating ourselves on this Bill."

SRI P. NATESAN:—"Sir, although I took part in the Select Committee, I want to point out to the Government that they have taken too much time in drafting this Bill, getting it through the Select Committee and bringing it before the House. Sir, nobody denies the fact that Devadasis exist. But why have this big stick to beat a small community? After all Devadasis have faded

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out. I am asking the Hon. Leader of the House whether he can produce some Devadasis here (Laughter). I simply want him to give statistics and say how many people there are in the Province who are practising as Devadasis. After all it is a very old custom of our forefathers. They were much wiser than ourselves. These people existed then for religious worship had to go on. It is wrong for the Government to say in the Statement of Objects and Reasons. 'The women dedicated who are generally known as Devadasis betake themselves to prostitution or concubinage in large numbers.' It is a wrong statement to make. It is not every Devadasi who takes to prostitution.

"Then, Sir, the demand for this legislation comes more from the Andhra ladies than from the Tamil ladies, although the hon. Member Mrs. Sankara Ayyar also has supported this Bill. Clause 3 of the Bill refers to—

'Any custom or usdge prevailing in any Hindu community such as the Bogum, Kalavanthula, Sani, Nagavasulu, Devadasi and Kurmupulu. . . .'

I am sure, Sir, the Hon. the Leader of the House does not understand any of these communities and whether they exist at all. Has he heard any protest from the public regarding this Devadasi community? Is the whole Province going to dogs because of the existence of the Devadasi community? The hon. the lady Members may say that I should not talk like this in 1947. I am only saying, Sir, that this is such a small community and we need not have taken so much time to bother about this.

"Sir, the cry for this legislation comes more from the Andhras than from the Tamils. Now that linguistic provinces are going to be formed shortly—in two months or twenty months—it is for the Andhra people to take the trouble of bringing forward whatever legislation they want to save the people living in their own Province. But anyhow that is beside the point now. I do not want to say that this should be encouraged. But I say that those hon. Lady Members and other Members of the Assembly who want to put an end to this concubinage business should do propaganda in the country and see that the Devadasis are weeded out of the evil. I do not want that a legislation like this should be rushed through this House when we have a number of serious troubles to face in this Province. You have already got the Immoral Traffic Act in your hands. Sir, it is because the Andhra ladies have been noisy that this legislation has come. I honestly feel that the Hon. the Leader of the House has not understood the names of the communities mentioned in the Bill. I know the Devadasi community which performs the kumbhaharathy. It is absolutely necessary to have it done in the temple just as there are so many things which go on in the temple. What is the meaning in saying in the Statement of Objects and Reasons that Devadasis betake themselves to prostitution and concubinage in large numbers? Can you make a wide broad

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statement that all Devadasis betake themselves to concubinage? Is it not a fact that many zamindars have given inam lands to devadasis? What is the idea? They simply wanted some service to be done in the temples. In mufassal places where there is absolutely nothing to do, people have got their own religious institutions and religious festivals. One hon. Lady Member said that when these bogum melam women go along with the processions of the deities in the streets, the men also accompany them, as if the men do not know where these poor women are living. If they want to resort to prostitution, they can do so in spite of this Act. It is not as if I am against this Bill. I only say that public opinion ought to be brought up to such a level that this thing will be slowly driven out.

"Sir, unfortunately I was not present when this last clause was introduced in the Select Committee. Sub-clause (2) says:

'Any person having attained the age of sixteen years who dances in contravention of the provisions of section 3, sub-section (3), or who abets . . . shall be punishable . . .'

I want to be clear on this point. What happens to all these family women who practise the art of dancing? You say that the devadasis are bad people and affect the morality of the people who see them dancing. What about those who practise the art of dancing, those family women who dance for two hours sometimes practically naked? Are you improving the morality in Madras by allowing this art to be cultivated more and more by the so-called fashionable ladies right from A to Z? If you think that immorality is spread by the participation of the devadasis in the religious functions in temples, I say that the dancing in the public theatres ought not to be allowed, especially as I say that the dancing is done by the women, the young women practically naked.

"I know, Sir, that there is an art in dancing. I am for dancing myself. (Laughter.) I do not mean I am going to dance myself. Dancing is an art, I certainly agree. I only say that people are not going to be affected in their morality simply because they follow some of these old customs. Now Sir, I ask: 'How are you going to prevent the thousand and one people taking to dancing, more especially the family women?' Now it is the other way round to-day. The other day I heard a talk by a cinema actress on the All-India Radio sponsored by the Government of India. She said: 'Unless we are friendly with the director, unless we are friendly with the production manager and friendly with the camera man, it is not possible for us to come up.' What does it mean? I say, Sir, legislation is not at all necessary in cases like this. But now that it has passed the Select Committee stage, I have given vent to my feelings and I think that you simply want to beat a small community with a very big stick which is not at all necessary."

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1 p.m. SRIMATHI V. SEETHAMAHALAKSHMAMMA:—

ప్రభుత్వమువారు ఈ దేవదాసీ బిల్లును మన శాసన సభలో ప్రవేశపెట్టినందులకు దీని ద్వారా గడపతనమైనటువంటి స్త్రీలు బాగుపడుటకు అవకాశములను కలుగజేసి నందులకు నేను వారికి నా హృదయపూర్వక ఆభినందనలను తెలియజేస్తున్నాను.

“మన హిందూదేశంలో అనాదినుంచి స్త్రీ జాతికి సంఘంలో చాలా ఉన్నతమైనటువంటి, గౌరవమైనటువంటి మాతృస్థానము ఇవ్వడమైనది పెద్దలు చెబుతున్నారు. కాని అటువంటి మన దేశంలోనే మన హిందూ సంఘంలోనే ‘కళ’ అనే పేరు క్రింద కొన్ని కులములలోని స్త్రీలు అధిక పరియలగున్నారునే విషయం మనకందరకు చేసే నిమిత్తం కొన్ని కులములలోని స్త్రీలను ప్రశ్నించినారు. నృత్య గానములు వివాహములు కొనుట నిషేధించబడియున్నవి. వాళ్లు దేవాలయములలోను, ఇతర చోట్ల మేళములు కట్టవచ్చునేగాని, వివాహము చేసుకొని ఇతరకులములలోని స్త్రీల వలె సంసారము చేసుకొనుటకు అర్హులేదు. అంతేకాకుండా ఈ బోగంవారైన గ్రామాలలో జరుగుచూతుకలిగినటువంటి పెద్ద సంసారుల ఇంట్లో వివాహములు జరిగినపుడు పిలిపిస్తూ ఉంటారు. ఈ పెద్ద గృహస్థులువారి ఇంట్లోని వివాహములకు పదిమంది పెద్దలు బంధువులు వచ్చేవరనే ఉద్దేశముతోనే బోగం మేళాలను పెట్టేది. మేళములను పెట్టుటవలన కలిసే పోషించుచున్నారని కొంతమంది any objection? కాని ఈ కులాలవాళ్లు పతితులేయన్నారని వాళ్లను సంఘంలో చాలా హిసంగా చూస్తున్నారనే విషయం మరచిపోకూడదు. ఈ విధంగా కళ అనే పేరుతో స్త్రీజాతిని అవమానించడం మంచిదికాదు. అందువల్ల ఇప్పటి కైనను ప్రభుత్వమువారు ఈ విషయముల నన్నిటిని పరిశీలించి దేవదాసీలు, బోగం వాళ్లు ఇంకా కొంతమంది ఇతర కులాలవాళ్లు వివాహములను చేసుకోవచ్చునని, నృత్యగాత్రాలనే వృత్తిగా పెట్టుకొని పతితులు కాకూడదని ఈ బిల్లులో తెలియజేసి యున్నారు. ఇది చాలా బాగావున్నది.

“కాని కళాభివృద్ధి అనేటటువంటి పేరుతో నాట్యముచేయడం, పాడడం నేర్పు కొని కచ్చేరీలుచేసేటటువంటి వారికి, ఇది ఎరకటినుంచి బోగం వృత్తిగా ఉండున్న వారికి ఈ బిల్లు వర్తిస్తుందా లేదా అనేటటువంటి సందేహము నాకు కలుగుతోంది. ఈ విషయం స్పష్టము చేయకపోయినట్లయితే ఈ శాసనానికి లాయర్లు విచారిత ఆధారాలు లిస్తారని శాసనముయొక్క ముఖ్యోద్దేశాలకే భంగం కలుగవచ్చునని మనవి చేయుచున్నాను. అందువలన మన Law Minister గారు, Premier గారు ఈ clause ను చక్కగా పరిశీలించి శాసనముయొక్క ఉద్దేశమును (clear గా) స్పష్టము చేయవలసిన దని కోరుతున్నాను. ఈ బిల్లును మనమే కాకుండా చాలామంది పెద్దలు, ప్రజలు కూడా ఆచరియాయోగ్యమైనటువంటిది, అదర్శప్రాయమైనటువంటిది అని శ్లాఘించి యున్నారు.

(i) విశాఖపట్నం కళావంతుల సంస్కరణ సంఘంవారు ఈ బిల్లును బలపరుస్తూ తీర్మానాలుచేసి జనరల్ సెక్రెటరీ (General Secretary) S. S. Prakash గారు పంపారు.

(ii) గుంటూరు ఆంధ్ర కళావంతుల విద్యాసంఘం కార్యదర్శి సిద్ధాభక్తుని వెంకటనారాయణగారు ఈ బిల్లును బలపరుస్తూ వ్రాసారు.

[26th November 1947] [Srimathi V. Seethamahalakshammamma]

- (iii) N. Lakshman, గౌరవ కార్యదర్శి, రానూర్ అకాడమి భరత నాట్య సంఘంవారు కోయంబత్తూరునుంచి ఈ బిల్లును బలపరుస్తూ వ్రాసారు.
- (iv) Budha Ranjanamma, సంచీవి నాయుడుగార్లు ఈ బిల్లును బలపరుస్తూ గుంటూరునుంచి వ్రాసారు.
- (v) శ్రీ పిసపాల వెంకటేశ్వర రావుగారు తేనాలి తాలూకా, సంగం జాగర్ల మూడినుంచి బిల్లును బలపరుస్తూ వ్రాసారు.
- (vi) విజయనగరం కళావంతుల సంస్కార సంఘంవారు ఈ బిల్లును బలపరుస్తూ తీర్మానాలుచేసి పంపారు.
- (vii) డాక్టరు పట్టాభి సీతారామయ్యగారు ఈ బిల్లును బలపరుస్తూ వృత్తి కలలో స్టేజీ మెంట్లు ఇచ్చారు.
- (viii) ఫిలిం సెన్సార్ బోర్డు సభ్యుడు, రిటైర్డ్ జడ్జి అయిన శ్రీ టి. సంబంధం గారు వృత్తికల ద్వారా ఈ బిల్లును బలపరిచారు.
- (ix) శ్రీ పిసపాల వెంకటేశ్వర రావుగారు ఈ బిల్లును సపోర్టు (support) చేస్తూ ఫిబ్రవరి 9, 16 తేదీలలో “జన్మభూమి” పత్రికలో వ్యాసాలు వ్రాసారు.
- (x) విజయనగరం కళావంతుల సంస్కార సంఘంవారు “వందేమాతరం” అను పత్రిక ద్వారా ఈ బిల్లును వెంటనే ప్రవేశపెట్టవలసినదిగా ప్రధాని గారికి విజ్ఞప్తులు పంపినారు.

“వైద చెప్పిన విషయముల నన్నింటిని ప్రభుత్వంవారు పరిశీలించి, బోగం కులంవాళ్లు ఇతరులు, ఇకముందు పతితలై పోయిపోయినటువంటి, నీచమైనటువంటి వ్యభిచార వృత్తి అవలంబించకుండా చేయవలసినదని, బిల్లుయొక్క ఉద్దేశములకు లాయర్లు వ్యతిరేకాభిప్రాయము లివ్వకుండా ప్రభుత్వంవారి అభిప్రాయములను స్పష్టం చేయవలసినదిగాను కోరుచున్నాను. నాట్యకళ అభివృద్ధి పొందవలెనన్న పోషించబడవలెనన్న, పతితలైనటువంటి వారివలన కాకుండా, కళాభివృద్ధి లున్నత గృహస్థులవల్లనే ముఖ్యముగా జరుగగలదని అదర్శముగా ప్రభుత్వమువారికి మనవిచేస్తూ, బిల్లుయొక్క ముఖ్యోద్దేశములను clear చేయవలసినదిగా కోరుకు వారికి నా తరఫున, మా స్త్రీజాతి తరఫున అభినందనల నర్పిస్తూ శుభ్ర తీసుకొంటున్నాను.”

IV.—CHANGE OF PORTFOLIOS AMONG THE MINISTERS—cont.

* MOHAMED ABDUL SALAM SAHIB BAHADUR:—“On a 1 p.m. point of information. When I raised a point of information about the transfer of the Police portfolio this morning, the Hon. Dr. Subbarayan, Leader of the House, said that I should address the question to the proper quarters. Fortunately for us, the proper quarters, the Hon. Premier of this Province, is now present. I would like to take this opportunity to ask the Hon. Premier whether the Police portfolio has been transferred and the reason why. The House is entitled to know the information as much as the public. In the press, we find so many reasons are given for the transfer of the portfolio, and it is better that the Hon. Premier tells us why the portfolio has been transferred.”

[26th November 1947]

THE HON. DR. P. SUBBARAYAN:—"May I point out for your consideration, Mr. Speaker, that the hon. Members have the right of putting short notice questions? If they wish to have information on this matter, they may as well put in a short notice question, and I am sure my Hon. Colleague will answer to-morrow if there is need for it."

MR. SPEAKER:—"It is only on a point of information that the hon. Member is asking. If the Hon. Premier is prepared to answer, there is no objection. I do not stand in the way of any Hon. Minister replying to the point of information. As advised by the Hon. Leader of the House, the hon. Member can put a short notice question."

VI.—GOVERNMENT BILLS—cont.

(5) THE MADRAS DEVADASIS (PREVENTION OF DEDICATION) BILL, 1947 (L.A. BILL NO. 21 OF 1947)—cont.

***SRIMATHI ANJALAI AMMAL:**—"கனம் தலைவர் அவர்களே, இப்பொழுது தேவதாசி பில் வந்திருப்பதற்கு ரொம்பவும் சந்தோஷம். இது ஒரு நிம்மதியான காரியம். இந்த தேவதாசிகளை நாம் முந்தியே கோவிலுக்கு அர்ப்பணம் பண்ணி அவர்களை தெய்வத்திற்காக எடுத்து அவர்கள் நல்ல ஆடல் பாடல்களையும் தேவாரங்களையும் பாடி தெரிசனம் பண்ணி அந்த காலத்தில் அதற்கு வேண்டியவைகளைச் செய்து வந்தார்கள். அவர்கள் அவ்விதம் தெய்வத்திற்காக ஆடல் பாடல்கள் பாடி இருக்கும்பொழுது சில பெண்கள் ஒரு சில எண்ணெய் கொண்டுதான் அவர்களை இந்த இழிவான நிலையில் கொண்டுவந்து விட்டது. அவர்களும் இந்த இழிவான நிலைமைக்கு வந்து நாட்டிற்கு தாசி என்கிற நிலையில் வந்திருக்கிறார்கள். அப்படிப்பட்டவர்களை ஒழிக்கவேண்டுமென்று இந்த 'பில்' வந்திருக்கிறது. இதை எல்லோரும் ஆதரிக்கவேண்டிய தவசியம். இந்த மாதிரி ஆடல் பாடல்களை சில பேர்கள் சொல்லி வருகிறார்கள். இந்த மாதிரி ஆடல் பாடல்கள் பெரிய பெண்கள் செய்வதை தடுக்கவேண்டும். பெண்களுக்கு கல்வியாக சின்னப் பிள்ளையாகவும் குழந்தைகளாகவும் இருக்கும்பொழுது பள்ளிக்கூடங்களில் சொல்லிக் கொடுக்கச் சொல்லி அதைப்பார்த்து நாம் சந்தோஷம் அடைகிறோம். அப்படி பள்ளிக்கூடங்களில் கற்றுக்கொண்டு ஆடுவதையும் வெளியில் பார்க்கிறார்கள். அந்த மாதிரி செய்தால் இந்த மாதிரி இழிவான செய்கைகள் நின்றுபோய் தாசித்தொழிலும் சத்தியமாக நிற்க இடம் இருக்கிறது. சாவித்திரி, தமயந்தி, நளாயினி முதலிய ஸ்திரீகள் இருந்த நாடு இது. அப்படி இருந்தநாடு இப்பொழுது இருப்பதைப்பார்த்தால் அவர்கள் கற்பு அழிந்து இழிவான தொழில் செய்வதை பார்த்தால் நமக்கு துக்கமாக இருக்கிறது. அதனால் பெண்கள் சீக்காளி யாகிறார்கள் நோய்வாய்ப்பட்டிருக்கிறார்கள். அவர்களை ஜெயிலில் பார்த்தால் தெரியும். சிலரை "லாரி" யில் கொண்டு போய் ஆஸ்பத்திரியில்சேர்க்கிறார்கள். அவர்களுடைய தேக நிலை ரொம்பவும் கேவலமாக இருக்கிறது. வயிற்றுப்பாட்டிற்கு இல்லாமல் இருக்கிறார்கள். அவர்களுடைய பிள்ளைகளைப் பார்த்தால் ரொம்பவும் கேவலமாக இருக்கின்றன. அவர்களுக்கு கல்வி கற்பித்து நல்ல ஆடல் பாடல்களை கற்றுக்கொடுத்தாலும் கைத்தொழில் கற்றுக்கொடுத்தாலும் நல்ல மாதிரியாக வருவார்கள். இந்த சினிமாவில் அநேகம் பேர்கள் போவதால் அவைகளை பக்தியுள்ளதைகளை நடத்துக்காட்டும் சினிமாவாக நடைத்தலை ரொம்பவும் நல்லதாக இருக்கும். எல்லா சினிமாக்களையும் பக்தி படமாக அமைக்கவேண்டும். அப்பொழுதுதான் அவர்களுக்கு பக்தி வரும். இப்பொழுது சினிமா படம்பார்க்க ரொம்பப்பேர்கள் செல்லுகிறார்கள். இப்பொழுது பார்த்தால் சினிமாப் படங்களில் ரொம்பப் படங்களை எடுத்துவிட வேண்டியதாக இருக்கிறது. நல்ல பக்தியுள்ள படத்தை மாத்திரம் . . ."

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MR. SPEAKER:—"இப்பொழுது இருக்கும் இந்த 'பில்' சில பற்றி அல்ல."

***SR MATHI ANJALAI AMMAL:**—"நல்ல படமாக காண்ட in the ஜனங்களுக்கு ரொம்பவும் சௌகர்யமாக இருக்கும். கவர்ன்மென்ட் up the செய்யவேண்டியதவசியம். நாம் நல்ல படங்களை . . . business have

MR. SPEAKER:—"சினிமாவைப்பற்றி இந்த 'பில்' இல்லை. நீர்ro- அதைப்பற்றிப் பேசுவது தவறு." ing

SRIMATHI ANJALAI AMMAL:—"அதைப்பற்றி பேசுவது எதற்- என்றால் பொட்டுக் கட்டின விஷயமாக பேசவேண்டியதாக இருப்பதால் அதைப் பேசுகிறேன். சினிமாவில் இருக்கிற அக்கிரமங்களை எடுத்துச் சொல்ல வேண்டியதாக இருக்கிறது. அப்படி அவைகளை எடுத்துவிட்டு பெண்களை முன்னுக்குக் கொண்டுவர வேண்டும். இதை பெண்களுக்கு கவர்ன்மென்ட் டார் செய்து கொடுக்கவேண்டுமென்று சொல்லிக்கொண்டும் இந்த பில்லை எல்லோரும் ஆதரிக்க வேண்டுமென்று சொல்லிக்கொண்டும் நான் முடித்துக்கொள்ளுகிறேன்."

***SRI R. V. SWAMINATHAN:**—"Mr. Speaker, Sir, I rise to support the Bill. When the devadasi system was introduced. it was introduced with the best of intentions and the devadasis were intended to perform certain important duties in the temples. But gradually the system became perverted and the devadasis were used even for prostitution and other immoral purposes. But the main intention is that the devadasis should perform certain duties and also dancing in the temples."

"My hon. Friend, Mr. Natesan, said that certain non-devadasis had taken to dancing, that some of them danced half-naked and that this was being tolerated and asked why not tolerate the devadasis dancing with full dress and stated such people should not be prevented from dancing. Certain non-devadasis had taken to not only dancing but also to prostitution. His statement that the fashion now-a-days is for people to take to half-naked dance goes only to support the Bill. While we need not tolerate the modern system of half-naked dance, we can abolish the devadasi system."

"With these words, I support the Bill."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, I was rather surprised at the speech of the hon. Member for the Southern India Chamber of Commerce, who, I see, has left his place after having fired his shot. All that I want to say to him is this. He is wrong in thinking that this is a hastily conceived legislation. My hon. Friend, the Lady Member for the City of Madras, who spoke on it showed how long this measure has been on the anvil. As she said, really the credit for the introduction of this measure should really go to Dr. Muthulakshmi Reddi who had laboured very hard for this cause for nearly a quarter of a century. Sir, we must not also forget our Hon. Deputy Speaker who introduced this Bill when the last Congress Ministry was in power in the year 1938. That Bill went before the Select Committee and the Bill as introduced in this House now on its first reading was in exactly the same form as the one that came out

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select Committee on the Bill introduced by the Hon. Deputy Minister in 1938. Therefore, if hon. Members think that sufficient consideration had not been paid, or that there had not been sufficient for this measure, they are quite mistaken. The hon. Member for the Southern India Chamber of Commerce rather threw important remarks on my opinion on the advancement of the art. Sir, you know, there are many amateurs who are taking part in the art of Bharatha Natyam. It has a peculiar feature in Tamil Nad and people coming from Tamil Nad are adepts in this art; and I can tell you that our ancient culture had developed certain arts which even to-day, the western nations might very well envy. Our Tamilian ancestors were a very cultured race. Their art, their music, paintings, dancing—all these flourished when the Tamil Nad was under the reign of the Chera, Chola and Pandya kings. Under the Pallava kings . . . (Interruption), Sir, I am on my legs and I am not yielding. I was just saying that under the Pallava dynasty at Conjeeveram, the Tamilian culture and art had developed to such an extent as to earn the admiration of the whole world. And I am one of those who feel that this art should be developed and maintained in this land. It has been said that the Kalakshetra at Adyar and other institutions are doing excellent work in this direction. Tanjore, as has been well-known to hon. Members of this House, has preserved this art to a great extent.

"Sir, the hon. Lady Member from Bandar said that I should not do anything to impede the development of this art and my reply to her is this. I felt that whatever amendment was needed to satisfy the hon. Lady Member should be accepted in the Select Committee, provided it did not in any way hinder the development of the art, and I thought that the amendment that was moved by my hon. Friend at the Select Committee satisfied her to some extent. But she still has her doubts. As far as I know, I think that what is provided for in the measure does meet with the points which the hon. Lady Member for Bandar has in her mind. I am sure that in the actual working of this measure, she will find that what she wanted has been provided for in this measure.

"As I said, Sir, we do not want to encourage prostitution in any manner. That is a well-understood policy, not only of this Government but of any civilized Government. But at the same time we have got to see that we do not trench upon the rights of the people who want to develop dancing as an art as we know it and that is all that has been provided for.

"Coming to the criticism of my hon. Friend, the Member for Guntur (Labour), all I can say is this. Every community that practises the custom of devadasis is prevented from doing so by clause 3, sub-clause (2) of the Bill, and the list of communities mentioned therein is only meant as an example. Only the name of certain communities are mentioned and it is not an exhaustive list. If what my hon. Friend says is correct—and I am not acquainted with these problems, and that is also my reply.

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that Andhras were in any way less advanced in culture than Tamilians. Because I am better acquainted with the Tamil Nad, I mentioned what appeared to me to be the case."

SRI K. ANANDAN NAMBIYAR:—"Sir, I should also like to inform the Hon. Minister that in Kerala also, the Malayalees are very famous for all these dances and they have got a special dancing culture in what is known as Kathakali, which is equally important and I should like to draw the attention of the Hon. Minister to that also."

THE HON. DR. P. SUBBARAYAN:—"Might I inform the hon. Member that I have enjoyed not only Kathakali, but what is more, Ottam Thullal as well?"

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

MR. SPEAKER:—"I am now going to adjourn the House. We are not going to have the after lunch session to-day and to-morrow also owing to Karthigai Deepam."

THE HON. DR. P. SUBBARAYAN:—"Sir, the Hindu Women's Rights to Property Bill which is the next item in the agenda has to be gone in a little more detail because of an amendment proposed by some hon. Member and for which I want a little more time to consider. Besides some other matters which are ripe are not yet in a stage to be introduced in the Assembly and that is the reason why I requested you, Sir, to adjourn the House to-day to meet again at 11 a.m. to-morrow when I shall be ready with my Bill regarding the Hindu Women's Right to Property which might take the whole of the morning. Thus we agreed, Sir, to adjourn the House to-day."

"As for to-morrow afternoon, it was because of Karthigai Deepam in which you are also specially interested that we thought that the House ought to be taken into consultation and decided that we might for that reason adjourn in the afternoon of to-morrow also."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is not to-morrow a non-official day, Sir?"

MR. SPEAKER:—"The Hon. Leader of the House has given notice of a motion for converting it into an official day."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Suppose motion is not accepted, are we to have it as a non-official day?"

SRI PILLALAMARRI VENKATESWARLU:—"I do not know whether to-morrow is a non-official day or not. If business is to be taken up, we do not know what is the agenda is likely to be circulated before we adjourn now and we come prepared as if to-morrow day and if the Hon. Leader of the House moves converted into an official day, then we will be put Sir."

MR. SPEAKER:—"The agenda will be circulated itself."

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hon. Friend who represents the Southern India Chamber of Commerce who seems to have a better knowledge of this matter than I have (Laughter)—and with the limited amount of knowledge I possess, I do feel that the mere mention of the names of certain communities in order to bring them within the ambit of the law is what is called in law a generic clause—and I am sure that the hon. Member for Guntur (Labour) will find what he wants in this measure as well. I would therefore commend this Bill for the acceptance of this House. I am really grateful to the lady members who have spoken on this Bill; I know they understand this problem and they are in favour of it and I do hope that the House will pass this measure, because there are no amendments to it, and the only member who has given notice of an amendment is not here to move his amendment and my reply to him would be the same as the reply I have given to the hon. Member for Guntur (Labour). These amendments do not in any way improve the clause as it stands."

MR. SPEAKER:—"The motion before the House is that the Madras Devadasis (Prevention of Dedication) Bill, 1947, as reported by the Select Committee be taken up for consideration at once."

The motion was put and carried.

Clause 2 was put and carried.

Clause 3 was put and carried.

Clauses 4, 5, and the Preamble were separately put and carried.

THE HON. DR. P. SUBBARAYAN:—"Sir, I move that the Bill be passed into law. I do not think any comments are necessary from me at this stage as I have already said all that could be said in connexion with this Bill at its first reading and I hope that it will be passed into law."

(Mohamed Abdul Salam Sahib Bahadur rose.)

MR. SPEAKER:—"The hon. Member should know that when the motion is made, it is the duty of the Chair to read that motion to the House and only then it comes before the House for discussion. she has not yet read the motion to the House."

"As I now the motion before the House is—any manner that the Madras Devadasis (Prevention of Dedication) Bill, 1947, be passed into law."

AMED ABDUL SALAM SAHIB BAHADUR:—"Mr. Guntur (Labour), after oriental dances that are famous for Bharata practises the custom is a place called Kuchapudi in Guntur which clause 3, sub-clause (2) Natyam and that Andhras are no less behind mentioned therein is these matters?"

P. SUBBARAYAN:—"I am grateful to the list. If what my hon. Member has said I do not remember to have said acquainted with these information."

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THE HON. DR. P. SUBBARAYAN:—"May I point out to the hon. Members of this House that it is the usual practice in the House of Commons which we are supposed to follow to take up the non-official day on the very day when it comes, for official business by a motion on the floor of the House, because the Government have certain legislative business and they feel that their legislative programme is such that they will not be able to get through it during the days available in the session for their official business and generally the Government can hope to get a majority on such a motion. If they are defeated, on that motion, they have got to quit. I am perfectly confident that I have the majority and that I can carry my motion that to-morrow will be an official day."

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

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

1. Acts and Rules—Madras Commercial Crops Markets (Election) Rules, 1940—Amendments—Published—G.O. No. 4735, Development, dated the 6th October 1947.

2. Statement showing the Resolutions passed by the House Committee during the first and second sessions of the Second Legislative Assembly, and the action taken thereon.

3. Municipal limits—Virudunagar—Inclusion of area—Confirmed—Notification issued with G.O. No. 1702, dated the 10th October 1947 (Schedule I).

4. Municipal limits—Masulipatam—Exclusion of area—Confirmed—Notification issued with G.O. No. 1702, L.A., dated 9th October 1947.

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APPENDIX I.

[Vide item (4) on page 639 supra.]

To
THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Joint Select Committee appointed to consider the Madras Suppression of Immoral Traffic (Amendment) Bill, 1947 (L.A. Bill No. 17 of 1947), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated the 9th September 1947.

3. The Joint Select Committee met in the Legislative Council Chamber, Fort St. George, at 1-30 p.m. on Thursday, the 30th October 1947.

4. The only change introduced in the Bill by the Joint Select Committee is that the upper limit of "thirty-five years" prescribed under the proposed new section 12-A (1) should be reduced to "thirty years."

5. The Joint Select Committee considered that, as the change effected in the Bill was of a minor character, it was not necessary to republish the Bill.

6. A copy of the Bill as amended by the Joint Select Committee is annexed.

FORT ST. GEORGE,
31st October 1947.

K. MADHAVA MENON,
Chairman.

ANNEXURE.

(Note.—The changes made by the Joint Select Committee are shown in clarendon type.)

(L.A. BILL NO. 17 OF 1947.)

A Bill further to amend the Madras Suppression of Immoral Traffic Act, 1930.

WHEREAS it is expedient further to amend the Madras Suppression of Immoral Traffic Act, 1930, for the purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Madras Suppression of Immoral Traffic (Amendment) Act, 1947.

2. In section 4 of the Madras Suppression of Immoral Traffic Act, 1930 (hereinafter referred to as the said Act), after clause (f), the following clause shall be inserted, namely:—

"(g) 'Vigilance Home' means a corrective institution established or recognized by the Provincial Government, in which women are detained in pursuance of this Act and given such training and instruction and subjected to such disciplinary and moral influences as will conduce to their reformation and the prevention of offences under this Act."

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3. In section 12 of the said Act, for the words "two months," the words "one year" shall be substituted.

4. After section 12 of the said Act, the following section shall be inserted, namely:—

"12-A (1) Where a Magistrate convicting any woman of an offence punishable under section 12 finds that she has not attained the age of thirty years, he may, in lieu of passing a sentence of imprisonment under that section, pass a sentence of detention in a Vigilance Home for a term which shall not be less than two years or more than five years.

(2) Where a Magistrate has arrived at a finding regarding the age of a woman dealt with by him under sub-section (1), such age shall, for the purpose of that sub-section, be deemed to be her true age, and no order or judgment of the Magistrate shall be deemed to be invalid or be liable to be interfered with in appeal or revision on the ground that her age had not been correctly determined by the Magistrate.

(3) For the purposes of appeal and revision under the Code of Criminal Procedure, 1898, a sentence of detention for any period passed under sub-section (1) shall be deemed to be a sentence of imprisonment for the like period."

5. In section 16 of the said Act, the word "and" at the end of clause (a) shall be omitted, and after clause (b), the following shall be added, namely:—

"(c) for the purpose of carrying into effect the provisions of section 12-A; and in particular, and without prejudice to the generality of this power, with regard to—

(i) the management of Vigilance Homes and the appointment, powers and duties of officials in such Homes;

(ii) the care, treatment, maintenance, training, instruction and control of the inmates of such Homes;

(iii) visits to, and communications with, such inmates;

(iv) the temporary detention of women sentenced to detention in Vigilance Homes until arrangements are made for sending them to such Homes, provided that no woman shall be detained in the custody of any person or body of a religious persuasion different from hers;

(v) the transfer of women from one Vigilance Home to another;

(vi) the transfer from Vigilance Homes to prisons of women found to be incorrigible or exercising a bad influence, and the period of their detention in such prisons, provided that such period shall not exceed one year;

Amendment of section 12, Madras Act V of 1930.

Insertion of new section 12-A in Madras Act V of 1930.

Detention in Vigilance Home.

Amendment of section 16, Madras Act 1930

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(vii) the transfer to Vigilance Homes of women sentenced under section 12 and the period of their detention in such Homes;

(viii) the discharge of inmates from Vigilance Homes either absolutely or subject to conditions, and their arrest in the event of a breach of such conditions;

(ix) the grant of permission to inmates to absent themselves for short periods;

(x) the application of the provisions of the Prisons Act, 1894, the Prisoners Act, 1900, and the Madras Borstal Schools Act, 1925, and the rules made under those Acts, to Vigilance Homes and their inmates, subject to such adaptations, alterations and exceptions as may be specified.

In making any rule under clause (c), the Provincial Government may provide that a breach thereof shall be punishable with fine which may extend to one hundred rupees."

Central Act IX of 1894.
Central Act III of 1900.
Madras Act V of 1926.

APPENDIX II.

[Vide item (5) on page 643 supra.]

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Devadasis (Prevention of Dedication) Bill, 1947 (L.A. Bill No. 21 of 1947), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated the 22nd July 1947.

3. The Committee was appointed on the 9th October 1947.

4. The Committee met in the Council Chamber, Fort St. George, at 12 noon, on Tuesday, the 28th October 1947 and at 5 p.m. on Friday, the 31st October 1947, considered the provisions of the Bill, and effected no substantial changes. Clauses 3 and 4 were recast so as to make the intention of the legislation more clear.

5. The Select Committee decided that no republication of the Bill was necessary.

6. A copy of the Bill as amended by the Select Committee is annexed.

FORT ST. GEORGE,
1st November 1947.

C. AMMANNA RAJA,
Chairman.

26th November 1947]

ANNEXURE.

(Note.—The changes made by the Select Committee are shown in clarendon type.)

(L.A. BILL No. 21 OF 1947.)

A Bill to prevent the dedication of women as devadasis in the Province of Madras.

WHEREAS the practice still prevails in certain parts of the Province of Madras of dedicating women as "devadasis" to Hindu deities, idols, objects of worship, temples and other religious institutions;

AND WHEREAS such practice, however ancient and pure in its origin, leads many of the women so dedicated to a life of prostitution;

AND WHEREAS it is necessary to put an end to the practice;

It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Devadasis **Short title and extent**
(Prevention of Dedication) Act, 1947.

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

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

(a) "dedication" means the performance of any ceremony, by whatever name called, by which a woman is dedicated to the service of a Hindu deity, idol, object of worship, temple or other religious institution, and includes 'pottukattu,' 'gajjepuja,' 'mudri' and dancing by 'kumbhaharathy';

(b) "devadasi" means any woman so dedicated;

(c) "woman" means a female of any age.

3. (1) The dedication of a woman as a devadasi, whether before or after the commencement of this Act and whether she has consented to such dedication or not, is hereby declared **Dedication as devadasi to be unlawful.**
unlawful and void; and any woman so dedicated shall not thereby be deemed to have become incapable of entering into a valid marriage.

Nothing contained in this sub-section shall be deemed to affect the operation of section 44-A of the Madras Hindu Religious Endowments Act, 1926, or the rights to which a devadasi is entitled under that section.

(2) Any custom or usage prevailing in any Hindu community such as the Bogum, Kalavanthula, Sani, Nagavasulu, Devadasi and Kurmapulu, that a woman of that community who gives or takes part in any melam (nautch), dancing or music performance in the course of any procession or otherwise is thereby regarded as having adopted a life of prostitution and becomes incapable of entering into a valid marriage, and the performance of any ceremony or act in

Madras
Act II of
1947.

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accordance with any such custom or usage, whether before or after the commencement of this Act and whether the woman concerned has consented to such performance or no, are hereby declared unlawful and void.

(3) Dancing by a woman, with or without *kumbhakarathy*, in the precincts of any temple or other religious institution, or in any procession of a Hindu deity, idol or object of worship installed in any such temple or institution or at any festival or ceremony held in respect of such a deity, idol or object of worship, is hereby declared unlawful.

Penalty.

4. (1) Any person having attained the age of sixteen years who, after the commencement of this Act, performs, permits, takes part in, or abets the performance of, any ceremony or act for dedicating a woman as a devadasi or any ceremony or act of the nature referred to in section 3, sub-section (2), shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Explanation.—The person of whom such ceremony or act is performed.

(2) Any person having attained the age of sixteen years who dances in contravention of the provisions of section 3, sub-section (3), or who abets dancing in contravention of the said provisions, shall be punishable with simple imprisonment for a term which may extend to six months or with fine which may extend to five hundred rupees or with both.

Cognizance
and trial of
offences.

5. No court inferior to that of a Presidency Magistrate or a Magistrate of the First Class shall inquire into or try any offence punishable under section 4.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 27th November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Uplift of Harijans and Muslim minorities.

* 453 Q.—H. S. HUSSAIN SAHIB BAHADUR: Will the Hon. the Premier be pleased to state what special steps the Government have so far taken and propose to take in future to safeguard the rights and improve the social, spiritual, economic, educational and political conditions of (a) Harijan and (b) Muslim minorities respectively in the Province?

THE HON. SRI V. KURMAYYA (on behalf of Hon. the Premier):—“(a) & (b) The attention of the hon. Member is invited to the statement^a placed on the table of the House.”

Alleged harassment by the Nizam's police in the Kistna district.

* 454 Q.—SRI PILLALAMARRI VENKATESWARLU: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that the people of Munagala and Lingagiri paraganas in Kistna district have to pass through the Nizam's Dominion to reach the taluk headquarters or any market centres;

(b) whether it is a fact that the Nizam's police, revenue and customs authorities are harassing the people of these estates while they are passing through the Nizam's area;

(c) whether it is a fact that the Ryots' Association of Kistna had made representation to the Government over these issues;

(d) how many citizens of Kistna district were arrested by the Nizam's police while they were crossing Nizam's area to their villages;

(e) whether the Government propose to take action in the cases and give protection for the safe passage in future;

(f) whether it is a fact that the Nizam's police had raided the villages in Munagala and Lingagiri Estates (Kistna district) in the month of July and the police of the Madras Government had connived with and helped the Nizam's police; and

(g) whether the Government propose to take any steps to prevent such harassments?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

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“(b) The Government have received information that such persons are being subjected to a search by the State officials, although it is reported that there are no complaints against the nature of the searches. Searches are it is reported particularly vigorous in the case of persons wearing Khaddar or in possession of literature which has been proscribed by the Hyderabad State. Some instances involving annoyance to and assault on such persons are also reported.

“(c) Yes.

“(d) The Government have no information.

“(e) The Government are looking into the matter.

“(f) The Government have no information whether there was a raid as alleged. Whenever assistance was sought for by the Hyderabad police it was given to them in accordance with a reciprocal arrangement which was followed by the Hyderabad and the Madras police.

“(g) The matter is under the consideration of the Government.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know whether these reciprocal arrangements still stand, to-day also?”

THE HON. DR. P. SUBBARAYAN:—“No, Sir; reciprocal arrangements do not exist to-day.”

Alleged atrocities committed on one Abdul Hamid.

* 455 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether the Government have received a complaint of atrocities being committed on Abdul Hamid, by Narayanan, the clerk of the Inspector of Police, Perintalmanna, Malabar; and

(b) what action has been taken by the Government in the matter?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—“(a) Yes.

“(b) The writer constable has been placed under suspension pending enquiry. Suitable action will be taken if the allegation is proved.”

[* 456 Q.—

MR. SPEAKER:—“The hon. Member is not in his place. Answer will be printed in the proceedings.”]

Alleged attack on a procession in Kurnool town by a Muslim.

* 456 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that a Muslim with an open sword attacked a procession on the last Vijaya Dasami day, in Kurnool town;

(b) whether this has created a tense situation in the town;

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(c) whether the Government have received any report from local authorities; and if so, whether a copy of it will be placed on the table of the House; and

(d) what action the Government have taken to allay public feeling there?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

“(b) The situation is now reported to be quiet.

“(c) The Government have received reports but they consider that it will not be in the public interest to place them on the table of the House.

“(d) Order has been restored in the town by effective and prompt action of the police. Twelve persons have been arrested of whom 8 have been detained by the District Magistrate in the Central Jail, Bellary, and the rest are being proceeded against for specific offences. The Muslims joined the Hindus in a peace meeting and quiet has been restored.”

Nilgiris potatoes.

* 457 Q.—SRI K. BOKKAI GOWDER (on behalf of Sri V. I. Muniswami Pillai): Will the Hon. the Minister for Food be pleased to state—

(a) the total quantity of Nilgiris potatoes estimated to be lifted during the main kar crop (July to November 1947);

(b) the total quantity earmarked for ration shops, local consumption other than rationing, seed and export to foreign provinces;

(c) how much was exhausted from the total available quantity up to 30th September 1947 and what is the remaining stock for disposal now;

(d) whether it is a fact that in the disposal of potatoes the Government have fixed a proportion of 40 per cent to all merchants, 40 per cent to Nilgiris Co-operative Marketing Society, Limited, and 20 per cent to growers;

(e) if the answer to (d) above is in the affirmative, why the Government deviated from the above accepted proportions;

(f) whether the Government have received any representations for the immediate removal of the control over the free movement of potatoes in this Province; and

(g) what is the decision of the Government in this matter?

THE HON. DR. T. S. S. RAJAN:—“(a) 28,500 tons (excluding 9,000 tons required for consumption and seed purposes in the Nilgiris).

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“(b) 22,303 tons as per details shown below:

	TONS.
(1) Ration shops	3,000.0
(2) Local consumption other than ration shops	5,038.0
(3) Seeds	1,998.5
(4) Foreign exports (including military requirements)	12,266.5
Total ..	22,303.0

“(c) Quantity exhausted 18,276.5
 Remaining stock for disposal after 30th September 1947

	TONS.
28,500 — 22,303 = 6,197.0	
22,303 — 18,276.5 = 4,026.5	
-----	10,223.5

“(d) Yes.

“(e) The Government were fully aware of the percentage while sanctioning a special export quota of 3,000 tons in favour of A class merchants. The quota had to be allowed with a view solely to finding an immediate market for the deteriorating stock. A strict adherence to the proportion fixed for the various categories would not have helped the speedy disposal of the stock and there was on the other hand every likelihood of the stock being spoiled altogether, unless exported at once to the regular consuming areas outside the Province. It was also out of the question to release these potatoes for consumption in the domestic market which had been supplied already to the full limit.

“(f) Yes.

“(g) The Government have since removed the control over the movement and prices of potatoes within the Province.”

SRI K. BOKKAI GOWDER:—“Arising out of the answer given by the Hon. Minister regarding deviation may I know whether the views of the Potato Advisory Committee appointed by the Government were obtained with regard to the special quota of three thousand tons sanctioned exclusively for A class merchants?”

THE HON. DR. T. S. S. RAJAN:—“The question of consulting the merchants did not arise since the stocks were deteriorating, the Collector was asked to inspect the stock and make the arrangements necessary, which he did, and he decided to allow three thousand tons for export from the stock which was expected to deteriorate rapidly.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Is it a fact, Sir, that the Collector of Nilgiris has sent a report to the

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Government and that along with it a letter has been enclosed by a Member of this House stating that the quota allotted to Harijans should be given to him exclusively?”

THE HON. DR. T. S. S. RAJAN:—“The Government have not received any such thing.”

SRI K. BOKKAI GOWDER:—“Is it a fact that on the recommendation of the Collector, three thousand tons of quota for export outside the province was sanctioned exclusively for A class merchants?”

THE HON. DR. T. S. S. RAJAN:—“Representation of deterioration were made by the merchants, and their stock was inspected by the Collector and three thousand tons were ordered to be exported.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“Are the Government aware that a letter was read in the Potato Committee of the Nilgiris, written by a Member of this House, stating that the special quota allotted to Harijans should be given to him exclusively? Will the Government enquire into the matter?”

THE HON. DR. T. S. S. RAJAN:—“This is a matter that has got to be enquired into; the Government are not in a position to give the answer straightway.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask whether there is any ban on the sale of seed potatoes to persons outside the province? Surely, some facilities should be given to the owners of surplus seeds, if any?”

THE HON. DR. T. S. S. RAJAN:—“The whole position has been explained already and there is no question of a ban on potatoes or seed potatoes.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Is it a fact that the A class merchants were given permission, with reference to the stock held by them which were deteriorating, to export them?”

THE HON. DR. T. S. S. RAJAN:—“I think so, Sir. Representations were made by A class merchants and the Collector of the Nilgiris was asked to inspect the stock; and after his inspection, 3,000 tons of potatoes were asked to be exported out of the stock that was deteriorating.”

SRI K. BOKKAI GOWDER:—“In view of the fact that the usual practice of the Board of Revenue was to sanction a particular month's quota towards the end of the previous month, could not the October quota for Madras Province be distributed among the A class merchants in September instead of foreign quota in order to dispose of their reported stock?”

THE HON. DR. T. S. S. RAJAN:—“Many things could have been done; but the fact was that the Nilgiris Collector was asked to inspect and make recommendations, and on the strength of his report the export quota was sanctioned.”

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Orders placed for National flags.

* 458 Q.—SRI V. RAGHAVAYYA (on behalf of Sri T. Viswanatham): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Madras Government have placed an order for 50,000 National flags with the All-India Spinners' Association, Tamil Nadu Branch;

(b) if so, why they have placed the entire order with one Association only; and

(c) why the Government did not distribute the order between the Andhra and other branches of the All-India Spinners' Association operating in the Province of Madras?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) An order for five thousand Khadi National flags of size 3 feet by 2 feet and five hundred of size 9 inches by 6 inches was placed with the All-India Spinners' Association, Tamil Nad Branch.

“(b) The entire supply was required in about ten days. Within the short time available, a few local firms in Madras City including the All-India Spinners' Association, Andhra Khadi Nilayam, Madras, were consulted, but they were unable to undertake the supply of the flags of the size and kind required within the stipulated period.

“(c) As only 5,000 flags were required and as the All-India Spinners' Association, Tamil Nad Branch, offered to supply all of them, the question of distributing the order was not considered.”

SRI V. RAGHAVAYYA:—“In view of the practice among us to fly the flag always, day in and day out and on sunny days and in the rain, the colour fades away and there is loss to the Government in replacing them often; will the Government create a flag-sense in the people and give clear instructions that the flags should be hoisted on ceremonial occasions only and not ever and anon?”

THE HON. SRI M. BHAKTAVATSALAM:—“I would suggest to the hon. Member to put a separate question to the proper quarters.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know how much money this transaction ultimately involved?”

THE HON. SRI M. BHAKTAVATSALAM:—“I should like to have notice.”

Railway cess collected by the Tinnevely District Board.

* 459 Q.—SRIMATHI KUTTIAMMALU AMMA (on behalf of Srimathi V. Lakshmi Ammal): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Tinnevely District Board has been collecting a railway cess in Nanguneri taluk for a railway line to be laid between Tinnevely and Nanguneri;

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(b) if so, the rate of the cess, the number of years during which the cess has been collected and the amount collected so far; and

(c) when the Government propose to take the necessary steps to bring the scheme into force?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) & (b) The Tinnevely District Board was collecting a railway cess in the whole district for a period of 28 years from 1st July 1903 to 30th June 1931 at the rate of three pies in the rupee on the annual rent value of all occupied lands in the district. The cess was not collected specifically for the construction of any particular line and separate figures are not available of the collections made in the Nanguneri taluk alone. The total amount now standing to the credit of the Railway Cess Fund of the District Board is Rs. 2,86,900.

“(c) The question of constructing a railway line from Tinnevely to Nanguneri will be taken up for consideration if the Tinnevely District Board, which is to be reconstituted, moves the Government in the matter.”

Alleged condemnation of 1935 model lorries.

* 460 Q.—MAHIN SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) why the 1935 model lorries were ordered to be condemned even if they are in good condition and possess fitness certificate and why they are not permitted to be used on the road;

(b) why transfer of ownership of lorries in South Kanara district is not allowed as required by section 31 (1) of the Motor Vehicles Act, 1939; and

(c) why permits are not transferred when the ownership of lorries is transferred in South Kanara district?

THE HON. MR. DANIEL THOMAS:—“(a) There are no general orders condemning 1935 model lorries in good condition and while in possession of certificates of fitness. However, the Regional Transport Officer, Coimbatore, has not been encouraging the use of this and earlier model lorries on Ghat Roads as he considered that on account of their age and service they would not be reliable and safe on such roads.

“(b) It is not correct to say that transfer of ownership of lorries is not allowed in the South Kanara district. Transfer of ownership of lorries with current valid permits is effected in consultation with the transport authority concerned. The latter has, however, not been recommending transfer of vehicles referred to in clause (a) above.

“(c) Transfer of permits is not as a rule effected along with transfer of ownership of lorries. Permits can be transferred only by the Transport Authority under the Madras Motor Vehicles Rules according to the suitability or otherwise of

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the transferee for operating a public transport vehicle. When the ownership of a lorry is transferred the permit of the lorry automatically ceases to be in force and is liable to be cancelled. These rules apply to the whole Province."

MAHIN SCHAMNAD SAHIB BAHADUR:—"May I know, when transfer of lorries is allowed, if the persons to whom transfer is made, apply to the authorities for permits, why can they not be given, if they are men of position?"

THE HON. MR. DANIEL THOMAS:—"As already referred to, that depends upon the suitability of the person to whom the vehicle is transferred for running a public motor transport service."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising out of the answer given by the Hon. Minister, may I ask what exactly is the value of the fitness certificate issued by one authority if it is rejected by another authority?"

THE HON. MR. DANIEL THOMAS:—"That depends on the relative authority of the two authorities, Sir."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether any executive instructions have been issued by the Government to the transport authorities concerned, with regard to these lorries in general, and if so, in view of the decision of the High Court the other day, what is the position of the Government to-day in respect of the executive orders issued by them?"

THE HON. MR. DANIEL THOMAS:—"I would ask the hon. Member to put a separate question."

11-15 a.m. MAHIN SCHAMNAD SAHIB BAHADUR:—"May I ask the Government, Sir, to kindly issue orders to issue permits to lorries of 1935 model to be used on roads which are in good condition?"

THE HON. MR. DANIEL THOMAS:—"In the very nature of things, Sir, the 1935 model vehicles could not be in a good condition, particularly for being used on ghat roads. It depends upon the fitness of the particular vehicle."

The Tirupurasundari Bus Service.

*461 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Tirupurasundari Bus Service of Chingleput is a registered or a Joint Stock Company incorporated under the Indian Companies Act; if not, how this Association can legally hold permits under the Motor Vehicles Act; and

(b) whether the bus service was allotted two controlled vehicles and four other vehicles within a short period of five months?

THE HON. MR. DANIEL THOMAS:—" (a) The Government have no information as to whether the Tirupurasundari Bus Service is a registered or a joint stock company incorporated under the Indian Companies Act. The Motor Vehicles Act and Rules do not require that a bus service should be a registered or a joint stock company."

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"(b) Six controlled vehicles were allotted to this bus service between April and September 1947 in accordance with the general policy of allotting controlled vehicles to operators who had secured route permits from the Regional Transport Authority concerned."

SRI K. ANANDAN NAMBIYAR:—"May I know, Sir, whether the permits were issued only after the chassis were allotted? According to the proceedings of the Provincial Motor Transport Controller, dated 21st August 1947, it is clearly stated that the chassis were allotted before the permits were given?"

THE HON. MR. DANIEL THOMAS:—"I would ask the hon. Member to put a separate question. I have not got the records to answer the question now."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it because that a relative of the Minister is a Director of the Company that seven buses are granted permits during the last three months, even though they are not at all registered?"

THE HON. MR. DANIEL THOMAS:—"I emphatically deny both the implications of the question. The permits were not suddenly granted nor on the ground put forward by the hon. Member."

SRI A. KALESWARA RAO:—"In view of the fact that there is less petrol now available, are permits to be granted to new bus routes to be restricted now by the authorities?"

THE HON. MR. DANIEL THOMAS:—"Sir, owing to the reduction of thirteen lakhs of gallons of petrol, necessary cuts had to be made not only in the existing services but also in the new services."

SRI K. ANANDAN NAMBIYAR:—"Is it not a fact that the Managing Director of the Tirupurasundari Bus Service is an influential man—Mr. O. V. Alagesan, a Congress member of the Constituent Assembly—and is it not due to that fact that the chassis are given permits?"

THE HON. MR. DANIEL THOMAS:—"I am not aware of any legal embargo placed on a Congressman being the Managing Director of Bus Companies."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Arising out of the answer given by the Hon. Minister, may I know how Government propose to meet the demand for transport facilities which are not adequate at present?"

THE HON. MR. DANIEL THOMAS:—"It is too large a matter to be answered in a supplementary question."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising from the answer given by the Hon. Minister, may I know how long this reduction in regard to petrol is going to be continued?"

THE HON. MR. DANIEL THOMAS:—"So long as the overall situation in the country demands it."

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SRI V. RAGHAVAYYA:—“ Is it a fact that these permits were issued recently to various bus services and an assurance was given to them that they would get better supply of petrol and if this petrol is denied according to the recent orders, will not these permit-holders be left in the lurch? ”

THE HON. MR. DANIEL THOMAS:—“ The hon. Member very well knows that there are such things as Acts of State and Acts of God.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ The Hon. Minister said that in view of the shortage of petrol, the number of routes are being restricted though transport facilities are inadequate. May I know at present, Government propose to meet the hardship of the people which is already unendurable? ”

THE HON. MR. DANIEL THOMAS:—“ As I said, it is a very large question but still, as my hon. Friend, the Leader of the Opposition wants some sort of a reply, I wish to say this. In the present difficult situation, we are put to the necessity of cutting down the petrol rations. The question of allowing certain buses to be operated by charcoal and also encouragement of diesel engine buses are under the consideration of the Government.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ Is the Hon. Minister prepared to deny the allegation that not six buses but seven buses have been granted permits and these permits were issued to Mr. Alagesan, Secretary of the Tamil Nad Congress Committee and a member of the Constituent Assembly? ”

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

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ I am simply explaining facts. I will put it in the form of a question. Is the Hon. Minister prepared to deny that Mr. Alagesan is given these permits and that it was advertised one day before the permits were issued and whether seven buses and not six buses have been granted permits overlooking other important applications? ”

THE HON. MR. DANIEL THOMAS:—“ The hon. Member cannot expect me to deny things which I am not aware of.”

SRI R. V. SWAMINATHAN:—“ Will the Hon. Minister be pleased to state why was this special concession shown to this individual company newly started by giving six or seven permits for new buses? ”

THE HON. MR. DANIEL THOMAS:—“ In December last, there was a change in the policy of the Government. Previously, private operators who owned large fleets, something like 20 buses, were only allowed these permits. But, in December, the policy was changed and it was thought necessary to encourage private operators even with small fleet of buses, viz., not less than three. With this change in the policy of the Government, it was thought desirable to allow private owners with smaller fleets to run on routes which

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were the monopoly of certain large bus services. In pursuance of that policy, these permits have been issued to this particular company.”

SRI R. V. SWAMINATHAN:—“ Arising out of the answer given by the Hon. Minister, does not the Hon. Minister encourage monopoly in some other districts? ”

THE HON. MR. DANIEL THOMAS:—“ The order of the day is to demand everything at once. Monopolies are being cut down wherever possible and whenever possible.”

SRI A. KALESWARA RAO:—“ May I ask the Minister, Sir, whether it is not desirable to give permits to companies having larger number of buses instead of distributing them to small owners? ”

THE HON. MR. DANIEL THOMAS:—“ As a lawyer, my hon. Friend, Mr. Kaleswara Rao, may very well argue the other side of the question also.”

The reorganization scheme of the School of Arts.

* 462 Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether in connexion with the reorganization scheme of the School of Arts, the services of some permanent subordinates were dispensed with, without even giving them the formal three months' notice of discharge;

(b) whether the case of the above subordinates was brought to the notice of the Government by the President of the Non-gazetted Officers' Association; and

(c) if so, at what stage the matter stands, and whether the Government propose to take steps to grant relief immediately at least to the subordinates who were discharged without formal notice?

THE HON. SRI H. SITARAMA REDDI:—“ (a) On the reorganization of the School of Arts and Crafts, Madras, four teachers were discharged from service. They did not satisfy the test held by the department for the selection of teachers to fill new posts on higher scales of pay.

“ (b) Yes.

“ (c) Orders have been issued to the effect that a fresh examination should be conducted by the Principal of the school for recruiting suitable persons to the several posts sanctioned under the reorganization scheme and that appointments so far made should be treated as temporary. The subordinates who were discharged previously have been directed to contact the Principal of the school in connection with the fresh examination to be held.”

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Particulars of pay and service regarding the Steel Officer.

* 463 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Industries be pleased to state the name of the present Steel Officer, his total service in the department, his present pay and other allowances as compared with his previous pay?

THE HON. SRI H. SITARAMA REDDI:—“ Name of the present Steel Officer—Sri V. S. Raghavan.

Total service in the department—3 years, 3 months and 19 days.

Present pay and allowance—Pay Rs. 230; cost of living allowance Rs. 50.

Previous pay and allowance—Pay Rs. 230; cost of living allowance Rs. 50.”

SRI V. RAGHAVAYYA:—“ Is it a fact, Sir, that some fifteen persons in Vizagapatam district have been asked to take delivery of fifteen cart tyres at Madras costing at Rs. 13 each for which the transport charges alone would come to Rs. 400? ”

THE HON. SRI H. SITARAMA REDDI:—“ I may point out to the hon. Member that that question does not arise out of the appointment of the Steel Officer.”

SRI V. RAGHAVAYYA:—“ May I know whether the services of the predecessors of this present incumbent have been dispensed with soon after they took charge and what was the reason to dispense with their services and what subsequent action was taken by the Government in respect of their defaults? ”

THE HON. SRI H. SITARAMA REDDI:—“ I may again point out that this does not arise out of the present question.”

SRI GUNTUR NARASIMHA RAO:—“ Will the Government see that the Steel Officers appointed have some experience in this line? They should have been appointed from a department in which they have had experience in this line.”

THE HON. SRI H. SITARAMA REDDI:—“ The present officer is an Industries Department Officer, Sir.”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“ Are the Government aware that before this Steel Officer was appointed, there was a Christian and his services have been dispensed with? If so, may I know what are the reasons for dispensing with his services? ”

THE HON. SRI H. SITARAMA REDDI:—“ Notice, Sir.”

* 464 Q.—Mahin Schamnad Sahib Bahadur rose in his seat to put the question on behalf of Sri K. R. Karanth.

MR. SPEAKER:—“ I wish to know from the hon. Member whether Mr. Karanth has authorized the hon. Member to put the question.”

MAHIN SCHAMNAD SAHIB BAHADUR:—“ No, Sir.”

MR. SPEAKER:—“ The hon. Member is not in his seat. The answer will be printed in the proceedings.”

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The Government College, Mangalore.

* 464 Q.—SRI K. R. KARANTH: Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that ever since the Government College, Mangalore, re-opened on 13th June last there has been till now (29th August 1947) no Professor of English with the result that English classes for the Intermediate are not being taught;

(b) if so, what is it due to; and

(c) what steps have been taken to remedy this?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“(a) & (b) Yes. Five Assistant Lecturers were posted but it was unfortunate that none of them could join for various reasons.

“(c) An Assistant Lecturer has since joined duty.”

The Teachers' Federation workers.

* 465 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received any representation to the effect that the Teachers' Federation workers are being threatened with repressive action by the educational authorities in case they engage themselves in the Federation organization work;

(b) whether it is a fact that the Government have recently issued instructions to the Police, heads of educational institutions and departmental officers to take disciplinary actions against teachers on strike on the plea that they have absented themselves without leave and to suspend teachers who picket or who are arrested by the police and to order closure of the schools where students also go on strike in sympathy with the strike;

(c) whether the Government have received representations from teachers regarding the above instructions; and if so, what action has been taken by the Government;

(d) whether the Government have received from the Madras Provincial Elementary School Teachers' Federation a request for the formal recognition of the same;

(e) whether the Government have recognized the Federation; and

(f) if not, why not?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“(a) Yes.

“(b) The Government have issued instructions for the guidance of authorities concerned in dealing with teachers' strikes, if they should occur.

“(c) No.

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“(d) These applications should be forwarded to Government through the Director of Public Instruction and the Director of Public Instruction has not forwarded any such application on behalf of the Madras Provincial Elementary School Teachers’ Federation.

“(e) & (f) Do not arise.”

SRI K. ANANDAN NAMBIYAR:—“The Hon. Minister in his reply stated that Government have issued instructions for the guidance of authorities concerned in dealing with teachers’ strikes, if they should occur. May I know from the Hon. Minister how it is to be dealt with?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“That is exactly the instruction.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know whether it is a fact that the Hon. Minister has given oral permission to the teachers’ deputation to start District Teachers’ Federations?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I have told them that whatever be the Teachers’ Unions that send their representations to me, I would consider them.”

SRI R. V. SWAMINATHAN:—“Arising out of the answer given to clause (b), may I know from the Hon. Minister what was the reason to leave these poor teachers in the hands of the Police?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“We did not leave them; they got into their hands.”

SRI B. S. MURTHI:—“Is it a fact that the deputation of the Teachers’ Federation was refused to be seen by the Minister?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am afraid, Sir, I do not know from where my hon. Friend got the information.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know, Sir, whether in spite of the assurance of the Hon. Minister for Education, the authorities have asked an explanation from the Secretary of the West Godavari District Teachers’ Federation that why action should not be taken against him for simply being the Secretary of the Federation?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am not aware of any such thing and no such action was taken against him simply because he was the Secretary of the Teachers’ Federation.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Is it a fact that the Government are feeling shy to recognize these federations because these federations are under the influence of the Communist Party?”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Whether Government will recognize or not recognize depends on the public interest.”

SRI K. ANANDAN NAMBIYAR:—“Will the Hon. Minister give an assurance that these secretaries of federations will not be proceeded against for the simple reason that they are secretaries of those bodies?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I cannot give any assurance without knowing the facts fully.”

SRI R. V. SWAMINATHAN:—“May I know from the Hon. Minister whether in view of the fact that this matter is worrying the people of this Province since last two years, the Hon. Minister will find out some other means to solve the problem instead of threatening the teachers?”

MR. SPEAKER:—“It is not a question. The hon. Member should not make a request to the Government.”

SRI K. ANANDAN NAMBIYAR:—“Will the Hon. Minister kindly give me an assurance that merely because they are secretaries of teachers’ unions they will not be proceeded against and for other reasons I will not ask him for such an assurance, Sir?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member may presume that if anybody, teachers or non-teachers, indulge themselves in activities which will not disturb public peace, nothing will be done against them.”

SRI R. V. SWAMINATHAN:—“May I know, Sir, whether instead of threatening to take action against the teachers, the Hon. Minister will take proper steps to solve this problem by giving them some encouragement?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member will understand that discipline is necessary in any profession.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“In view of the importance of this question, will the Government be prepared to appoint a small committee to go into the whole question and make its recommendation with reference to giving relief to these poor teachers?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“Bigger committees have been appointed and Government have considered their recommendations and taken action on the matter.”

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The proposed Sri Minakshi University.

* 466 Q.—SRI T. S. PATTABHIRAMAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received an offer of Rs. 25 lakhs from Sri Karamuthu Thyagaraja Chettiyar, Managing Agent, Meenakshi Mills, Madura, for founding a New University at Madura by the name "Sri Meenakshi University"; and

(b) if so, what action has been taken by the Government on the offer referred to above?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"(a) & (b) Sri Karamuthu Thyagaraja Chettiyar addressed the Government for acquisition of certain lands required for starting a College called the Sri Meenakshi College with a view to develop the College into a residential University and stated in that connexion that he was prepared to contribute a sum of Rs. 25 lakhs for the purpose at the rate of Rs. 5 lakhs a year if the Government contribute a corresponding amount of Rs. 5 lakhs for 5 years. He was told that the Government is not in a position to commit themselves to any such course and that he may move the University in the matter of starting the College and address the Government later on for acquiring lands required for the institution."

SRI K. ANANDAN NAMBIYAR:—"Sir, in the interests of the education of the country, since the source from which Karamuthu Thyagaraja Chettiyar got the money is not *bona fide*, will the Government enquire and see whether this money has been properly obtained?"

MR. SPEAKER:—"The question is out of order."

Specialist in Child Psychology.

* 467 Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether a European I.M.S. Officer, who resigned his post on 15th August, has been re-entertained as a Specialist in Child Psychology;

(b) what his special qualifications for this job are; and

(c) what the remuneration to be paid to him is and for what period he has been so entertained?

THE HON. SRI K. MADHAVA MENON:—" (a) A European Officer who retired from the I.M.S. on the 15th August 1947, has been appointed as Adviser to Government in Child Psychology.

"(b) The officer has made a special study of children all his adult life; was an officer of the Scottish Schoolboys' Club; was during the war adviser to the Polish authorities

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in Egypt on the Polish children evacuated from Poland; and Chairman of the Education Committee in Meerut Cantonment. He has conducted many experiments in the training of both delinquent and normal children. In addition, he has done a considerable amount of private practice in child psychology.

"(c) The officer draws a salary of Rs. 1,600 per mensem plus cost of living allowance admissible from time to time plus an income-tax free gratuity of Rs. 420 for each completed month of service under the contract.

The officer has been appointed on contract, for a period of one year from 1st September 1947."

DR. S. SUBRAHMANYA AYYAR:—"Did the Government advertise for this post, Sir, and found whether satisfactory Indian candidates were not available?"

THE HON. SRI K. MADHAVA MENON:—"The Government did not advertise for the post, Sir."

DR. S. SUBRAHMANYA AYYAR:—"May I know why Government did not do it, Sir?"

THE HON. SRI K. MADHAVA MENON:—"Because Government was satisfied that the person appointed was quite qualified for the post."

SRI K. ANANDAN NAMBIYAR:—"വെള്ളക്കാരൻ ഈ നാട്ടിൽ നിന്നു പുറത്താക്കണമെന്നു പറയുന്ന നിഷേധം ഗവണ്മെന്റ് എന്തിന്നു വീണ്ടും അവരെ തിരിച്ചു ഉദ്യോഗത്തിൽ വെക്കുന്നു?"

MR. SPEAKER:—"The hon. Member may put the question in English."

SRI K. ANANDAN NAMBIYAR:—"I am a Malayali and the Hon. Minister knows Malayalam and so I want his answer in Malayalam."

MR. SPEAKER:—"The hon. Member should also understand that except the hon. Member, Mr. K. Anandan Nambiyar, the Hon. Minister and his wife Srimathi Kuttimalu Amma, none of us understand that language. So, for the benefit of the House, it is better if the hon. Member puts his question in English."

THE HON. DR. P. SUBBARAYAN:—"May I point out for your information that there are not only three Members knowing Malayalam, but there are about 15 including my Mappilla friends who all understand Malayalam?"

MR. SPEAKER:—"The Hon. Minister may answer the question."

THE HON. SRI K. MADHAVA MENON:—"Do you want me to answer in Malayalam, Sir? It is only the British Government that has been changed and not all white men have been sent out of this country elsewhere."

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SRI PILLALAMARRI VENKATESWARLU:—"On a point of order, Sir. I want a translation of the question."

MR. SPEAKER:—"It is not possible."

SRI B. S. MURTHI:—"May I know, Sir, whether it is not desirable to have an Indian to look after the Indian children because he can understand their psychology better and whether Government will try to appoint an Indian Officer in the place of the European officer as early as possible?"

THE HON. SRI K. MADHAVA MENON:—"It will be considered after the present contract with the officer is over."

SRI V. M. RAMASWAMI MUDALIYAR:—"Will the Hon. Minister enlighten the House about the nature of the work of this specialist?"

THE HON. SRI K. MADHAVA MENON:—"The hon. Member may put a separate question."

DR. S. SUBRAHMANYA AYYAR:—"Does this gentleman know the local language, Sir, so that he can talk to the children on whom he is attending?"

THE HON. SRI K. MADHAVA MENON:—"I have found him perfectly able to talk with Tamil children particularly."

SRI A. VEDARATNAM PILLAI:—"May I know, Sir, how many European officers have resigned on 15th August last?"

MR. SPEAKER:—"Order, order. A separate question may be put."

SRI A. KALESWARA RAO:—"ఆ ఆఫీసరు ఎంత తెలుగు వచ్చువాండ్లి?"

THE HON. SRI K. MADHAVA MENON:—"వాండ్లి తెలుగురాదు."

Services of Deputy Collectors in the several departments.

* 468 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of Deputy Collectors, both permanent and temporary;

(b) the number of them employed in the Revenue and Civil Supplies departments;

(c) how many of them have been lent for work in other departments; what are those departments, and in what capacity they are employed there;

(d) whether the Government are aware that dearth of experienced revenue officials in their own department is already accounting for inefficiency; and

(e) whether the Government propose to reverse the policy of lending the services of experienced Deputy Collectors, on all odd jobs in other departments and stop it

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THE HON. SRI KALA VENKATA RAO:—" (a) The number at present is 260.

" (b) Number employed in the Revenue department—185. Number employed in the Civil Supplies department—41.

" (c) A list* corrected up to 1st November 1947 is placed on the table of the House.

" (d) The Government are quite aware that dearth of experienced revenue officials will tend to impair the efficiency of the administration and they are taking steps to improve the situation.

" (e) The question of withdrawing Deputy Collectors from the several posts which they are holding under other departments has been considered repeatedly and Deputy Collectors whose services were not absolutely essential to fill those posts have been withdrawn from time to time. The Government have also been refusing to spare Deputy Collectors for posts which could very well be filled by men from other service and also to Government of India and other employers."

SRI V. RAGHAVAYYA:—"Are the Government aware that as recently as a month back a Personal Assistant has been given to the Director of Industries in the grade of a Deputy Collector in service and whether the Government are convinced that Deputy Collectors are as omniscient as I.C.S. men and if not so, will the Government take steps to withdraw these persons, so that such people may not prove to be neither fish, nor flesh nor red herring in the special departments?"

THE HON. SRI KALA VENKATA RAO:—"From the summary of the speech delivered by the hon. Member, I take it that Deputy Collectors are not at all I.C.S. officers."

SRI B. S. MURTHI:—"May I know whether Government will consider the desirability of not loaning the services of these Deputy Collectors as far as possible because in many cases these people are a bar to the promotion of other officers working in those departments?"

THE HON. SRI KALA VENKATA RAO:—"I would invite my hon. Friend's attention to the answer to clause (e) of the question."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know, Sir, whether it is not a fact that all the Deputy Collectors mentioned in the paper furnished were promoted during the war and that they are not efficient people but that they are what may be called war quality Deputy Collectors?"

THE HON. SRI KALA VENKATA RAO:—"I was not in charge of the Government when these Deputy Collectors were appointed and if the information given by my hon. Friend is correct, I may tell him that the war was over by the time we took charge."

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Proposals regarding the bifurcation of Vizagapatam district.

* 469 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that the Government have issued orders sanctioning the proposals of the Revenue Board for the bifurcation of Vizagapatam district;

(b) if so, when, and what are the proposals of the Board; and

(c) when is the bifurcation of the district into North Vizagapatam and South Vizagapatam likely to take effect?

THE HON. SRI KALA VENKATA RAO:—“(a) & (b) In January 1947, the Government approved the proposals of the Board of Revenue for bifurcating the Vizagapatam district as the North and South Vizagapatam districts. According to those proposals, the North Vizagapatam district will consist of the Chicacole, Tekkali and Parvatipuram Divisions and the South Vizagapatam district, the Narsapatam, Vizianagram and Vizagapatam Divisions. Chicacole will be the headquarters of the North Vizagapatam district and Vizagapatam, the headquarters of the South Vizagapatam district. The proposals were published in the *Vizagapatam District Gazette* for criticism. A number of criticisms and representations have been received from the public and in the light of these, the proposals are being re-examined by the Government. The Government have decided to bifurcate the district but they have not arrived at a decision regarding the redistribution of divisions and taluks.

“(c) The bifurcation is likely to take effect in April 1948.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know, Sir, what happened to the bifurcation of the Province itself?”

THE HON. SRI KALA VENKATA RAO:—“If my hon. Friend thinks that this question arises out of the main question, I can assure him that this Province also will be divided in due course.”

SRI G. KUMARASWAMI:—“Arising out of the answer given by the Hon. Minister for Revenue, will the Government be pleased to issue immediately a Press Note or a Communiqué ordering the bifurcation of the district so that the hearts of not thousands, but lakhs of people will be filled with cheer?”

THE HON. SRI KALA VENKATA RAO:—“I think the proceedings now going on in the House will appear in the press and that will be a great assurance to the end my hon. Friend's desires.”

SRI ROKKAM RAMAMURTHY:—“May I know, Sir, whether the bifurcation of the district into two will be on the principle of equal distribution of the population, area and revenue?”

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THE HON. SRI KALA VENKATA RAO:—“I cannot assure the hon. Member on the principle of bifurcation.”

SRI S. NAGARAJA MANIGAR:—“May I ask, Sir, if there are proposals to bifurcate any other big district in the Province?”

THE HON. SRI KALA VENKATA RAO:—“The matter is engaging the attention of the Government.”

SRI V. RAGHAVAYYA:—“Sir, in view of the admitted fact that step-motherly affection has been shown to all the agency areas in this district, will the Government consider the proposal to separate the aboriginal tracts of Godavari and Vizagapatam and keep them together in a separate district?”

THE HON. SRI KALA VENKATA RAO:—“After the report of the Commission appointed by the Constituent Assembly is received, the matter will be considered.”

SRI D. V. RAMASWAMI:—“May I ask whether the Government will consider the desirability of postponing this question till the northern boundary is finally settled?”

THE HON. SRI KALA VENKATA RAO:—“I am unable to oblige my hon. Friend.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Arising out of the answer given by the Hon. Minister to a previous question, may I know what are the considerations on which the bifurcation of this district is based, if it is not necessarily on the basis of population, area or revenue?”

THE HON. SRI KALA VENKATA RAO:—“It is administrative convenience, Sir.”

SRI G. KUMARASWAMI:—“If it is the verdict of the Boundary Commission or any other Commission which will be appointed when the formation of Andhra Province takes place, that the predominantly Andhra areas of Jeypur, Gunupur, Parlakimedi and Berhampore have to be included in this Province, is it, Sir, such an herculean task to tack on those areas to the bifurcated districts of Vizagapatam?”

THE HON. SRI KALA VENKATA RAO:—“If the proper authority decides that they should be included in our Province, they will certainly be provided for, Sir.”

Alleged neglect of duty of certain doctor in the King George Hospital, Vizagapatam.

* 470 Q.—SRI D. V. RAMASWAMI (on behalf of Sri B. S. Mallikarjuna Rao): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any representation has been made to the Government by one Mr. N. V. Krishna Rao, student, M.B.B.S., alleging gross neglect in the treatment given to his deceased wife, in the King George Hospital, Vizagapatam, against Dr. R. G. Krishnan and a nurse Sugandhamathi;

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(b) whether it is a fact that Dr. R. Venkata Rao, District Medical Officer, Kistna, has submitted a report to the Government regarding this complaint on being deputed to do so; and

(c) what action the Government have taken so far in respect of this complaint?

THE HON. SRI A. B. SHETTY:—“(a) Yes.

“(b) Yes.

“(c) Government have taken suitable action in the matter.”

DR. S. SUBRAHMANYA AYYAR:—“In view of the importance of this subject, will the Government place the report of Dr. Venkata Rao on the table or issue it in the form of a Communiqué?”

THE HON. SRI A. B. SHETTY:—“It is a fairly long report and I do not think it is necessary to print and place it on the table. I am prepared to show the report to the hon. Member if he wants to see it.”

11-45 a.m. SRI K. BRAHMANANDAM REDDI:—“What is the action that has been taken by the Government in this matter?”

THE HON. SRI A. B. SHETTY:—“The declaration of the satisfactory completion of his probation was postponed, Sir, on account of this matter.”

DR. S. SUBRAHMANYA AYYAR:—“Sir, will the Government take the public into their confidence and state what negligence has taken place in this hospital?”

THE HON. SRI A. B. SHETTY:—“The Surgeon-General had sent the District Medical Officer to enquire into the matter and as a result of it, he found that the doctor was not to be blamed for this incident.”

*Prevalence of cholera in Pathepatnam taluk,
Vizagapatam district.*

* 471 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that there is cholera in most of the villages of Pathepatnam taluk of Vizagapatam district, situated on both the banks of river Vamsadhara;

(b) if so, how long has it been raging, and in what villages;

(c) what is the total number of attacks and how many have proved fatal;

(d) whether the epidemic has been completely checked now; and

(e) if not, what steps the Government propose to take to check the epidemic completely?

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THE HON. SRI A. B. SHETTY:—“(a) Twenty-three out of four hundred and forty-four villages of Pathapatnam taluk were infected with cholera during the period 6th August to 23rd September 1947.

“(b) A list* of villages in which cholera was prevalent is placed on the table. Eleven villages were infected in August and twelve more villages in September.

“(c) The total number of cholera cases reported in the taluk was 210, of which 118 ended fatally.

“(d) The epidemic has been completely checked and there was no case after 23rd September 1947.

“(e) Does not arise.”

SRI G. KUMARASWAMI:—“Is it to be taken for granted now, Sir, that there is no cholera in that area at present?”

THE HON. SRI A. B. SHETTY:—“A further report was called for from the Director of Public Health and according to the report received yesterday there have been a few stray cases during the last fortnight in some of the villages.”

MR. SPEAKER:—“The hon. Member is not in his seat. Question No. 472 will be printed in the proceedings.”

[Water-supply and drainage system in Ulundurpet.

* 472 Q.—SRI V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that Ulundurpet has not protected water-supply and drainage system at present and that the inhabitants are put to great inconvenience;

(b) whether it is a fact that the water-supply and drainage scheme for this place is included in the Five-year Plan; and

(c) if the answer to (b) above be in the affirmative, whether the Government will undertake this scheme immediately?

THE HON. SRI A. B. SHETTY:—“(a) A protected water-supply system and a drainage scheme have yet to be introduced in Ulundurpet.

“(b) & (c) Neither the water-supply nor the drainage scheme is included in the Five-year Plan.”

[* 456 Q.—

MR. SPEAKER:—“I have received a note from Sri N. Venkatasubbayya stating that he was unavoidably delayed in coming to the Assembly earlier and he now likes that his question No. 456 be taken up.”]

SRI P. NATESAN:—“If this happens often and if Members get delayed day after day, would it be possible for the Leader of the House to keep on replying?”

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MR. SPEAKER:—"It is not that the Member was purposely absent and the question hour is not over."

THE HON. DR. P. SUBBARAYAN:—"As a matter of fact, Sir, it is the practice in the House of Commons that if a question has been left out due to the absence of the member putting it and if he happens to come before the time is over in the question hour, then he can ask the answer to be repeated and I think Mr. Venkatasubbayya is taking advantage of that practice. This is for the information of Mr. Natesan."

(The question^a was answered by the Hon. Dr. P. Subbarayan.)

SRI N. VENKATASUBBAYYA:—"Are the Government aware that large quantities of arms are being smuggled into the town and if so, what steps they propose to take to prevent such smuggling?"

THE HON. DR. P. SUBBARAYAN:—"I can mention for the benefit of the hon. Member that whenever there has been any complaint of smuggling of arms, the Government have taken care to see that no such things were taking place. The information so far received is so scanty and scarce that it is impossible for the Government to say whether such smuggling takes place."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the Hon. Minister whether as a result of the numerous searches that took place any arms were found?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, as far as my report goes in some places knives and lethal weapons were found."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Have any weapons been found during the searches in the town of Kurnool?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, I have not got the connected papers with me and I cannot give a specific answer."

SRI N. VENKATASUBBAYYA:—"Are the Government aware that incidents such as the one that occurred in Kurnool town are not mere isolated ones but symptomatic of the aggressive readiness of Muslim goondas involving danger to peace and what practical steps the Government propose to take?"

MR. SPEAKER:—"The hon. Member may put a separate question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, may I know from the Government whether the knives and lethal weapons mentioned by the Hon. the Leader of the House do not constitute ordinary instruments which are found in the houses for domestic use?"

^a Vide page 662 supra.

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THE HON. DR. P. SUBBARAYAN:—"I do not think so, Sir."

MUHAMMAD HUSSAIN SAHIB BAHADUR:—"Are the Government aware that many of these reports are false propaganda carried on by interested persons to enhance prejudice against Muslims?"

THE HON. DR. P. SUBBARAYAN:—"I think it is up to my hon. Friends on the other side to behave in a manner that will not give room to such prejudices."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the Hon. Minister, Sir, whether the alleged mischief-maker was a Muslim and are they quite sure that he was a Muslim?"

THE HON. DR. P. SUBBARAYAN:—"It is a fact and he is certainly a Muslim."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The Hon. the Leader of the House spoke of the behaviour of the people of the other side and may I know what behaviour he recommends for satisfying the people inclined ever to complain against them?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of complaint. What I meant is that there is so much tension in the country that it is up to my hon. Friends on the other side to see what is happening in other parts of the country. If they come to me I would certainly advise them in what manner they could prevent the development of a calamitous situation."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Arising out of the reply of the Leader of the House that searches are made when complaints are made against Muslims, may I know, Sir, whether he would order searches if complaints are made that there are lethal weapons in the Houses of Ministers, the Premier and other Hindus?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, if it is found that any of my colleagues possess any arms without licence he will be treated in the same manner as any other citizen."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know from the Hon. the Leader of the House whether it is not a fact that several persons including myself have gone to him, Sir, on many occasions and taken his advice and whether he is not satisfied with the action taken by those persons who were advised by him and whether on similar advice the peace and tranquillity of this Province have not been maintained so far, Sir?"

THE HON. DR. P. SUBBARAYAN:—"I am certainly grateful to the Leader of the Opposition and whenever I have chosen to give my advice he has certainly helped in the keeping of peace and tranquillity and I only hope he will continue to give this help."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"So far as Kurnool is concerned is it a fact, Sir, that there is a small organization which is quite foreign to Kurnool district and which is

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organizing scare in the City and that it is as a result of the organized effort made by a few people there that the Government became panicky and started all these searches and arrests?"

THE HON. DR. P. SUBBARAYAN:—"I can assure the hon. Member that the Government are not panicky. (A voice: 'They are') I can assure the hon. Member that the Government have power in their hands and they got enough forces to put down any breach of law and order. At the same time, hon. Members must also be aware that the people of the district are scared because of the tense situation that has arisen across the border. Now that His Exalted Highness has chosen to enter into a standstill agreement with the Indian Union I hope that scare will be laid at rest." (Hear, Hear.)

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, whether under the law keeping of knives require licences?"

THE HON. DR. P. SUBBARAYAN:—"They may not require licence but if in the course of the maintenance of law and order the Government feel that the possession of these lethal weapons may be a danger to the community they have every right to search for and seize such weapons."

SIR N. VENKATASUBBAYYA:—"Are the Government aware, Sir, that a large number of Muslim goondas have infiltrated into Kurnool town from the Nizam's territory and that they are inciting the people to violence?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful for the information and I shall cause an enquiry to be made."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, may I know whether the Hon. Minister is aware that it is a handful of people who have been responsible for this trouble in the town and that it was these same persons who were responsible for spreading uncalled for rumours such as the one suggesting that a parcel containing swords were addressed to the name of the Principal of the Usmania College, Kurnool, and that this allegation was denied by the Collector of the district as totally wrong and that it is such allegations that are responsible for the scare in the town of Kurnool and the rest of the district and yet the Government have not taken action against these mischief-makers?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Member for Kurnool for the long speech he has made by way of a question. But I want to assure him that as far as possible Government are on the look out and they want to prevent a scare if possible and if every hon. Member will help I am sure the scare will be put an end to soon."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, whether the Government has not been informed including the Home Minister that in some districts the Hindus are the aggressors and that they are in possession of arms and lethal weapons . . ."

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MR. SPEAKER:—"The hon. Member may confine himself to the Kurnool district."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"It is really the Muslims who are in a minority of 3 to 4 per cent who should be protected and may I know what steps the Government have taken in this matter?"

THE HON. DR. P. SUBBARAYAN:—"I am sure the hon. Member is aware of what the Prime Minister of India has said that the Indian Union is a secular State and therefore there is no question of any community. Whoever is the aggressor will be properly dealt with under the law."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"Is the Minister aware that the Muslim population of this Province is hardly 7 per cent and as such they can produce a very limited number of goondas but on the other hand for Hindus who are 93 per cent of the population can produce ten times the goondas?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Member for his information but from my little experience I may point out that the goonda element in the minority community in our Province seems to be greater." (Voices: 'Hear, hear' and loud laughter.)

SRI R. V. SWAMINATHAN:—"Is it a fact, Sir, that in some towns of the Andhradesa modern weapons like machine guns and sten-guns were seized in Muslim houses?"

MR. SPEAKER:—"We are now in Kurnool. The hon. Member may put a separate question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Regarding the serious statement made by the Leader of the House that the proportion of goondas amongst the Muslim community is larger, may I know what is the basis on which he has made that statement?" 12 noon.

THE HON. DR. P. SUBBARAYAN:—"This is my own personal experience."

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

II.—STRIKE SITUATION OF HOTEL EMPLOYEES IN MADURA.

SRI R. V. SWAMINATHAN:—"Mr. Speaker, I want to submit to you that the strike situation created in Madura by the strike of the hotel employees where about 3,500 are involved. . . ."

MR. SPEAKER:—"The hon. Member cannot take the House by surprise; if he wants to raise that point, let him put it in writing and give it to me and I shall pass it on to the Minister."

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It would not be proper to bring this in without giving notice to him. I, therefore, advise him to put it in writing, to enable me to have it passed on to the Minister."

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

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, I have already told hon. Members that if there is much of Government business, Government propose following the usual parliamentary procedure to take all the non-official days, unless they find the work is getting through expeditiously, for the purpose of Government Bills and Resolutions and so, I move—

'that rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 27th November 1947'."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, I may straightaway remind the Hon. the Leader of the House and you that this part of the House has always been co-operating with the Government in facilitating the work of Government and of the House and as such, we do not for our part grudge the taking away of a non-official day on pressing and important occasions. While making this statement, I would only request Government to bear this in mind that days for non-official business are few and far between. Until very recently we had in fact only half a day for non-official business for we had to accommodate the Council by giving half a day to them out of each non-official day. When the rule was changed for having the non-official day on Thursday instead of on Wednesday, the House has been looking forward to have a full day for transacting non-official business. Just at that time, Government has come forward with the plea that they have got too much business to be transacted within the five days of the week which they have got allotted to themselves. As I said, we do not oppose it but at the same time, I want them to remember that non-official business is also public business and it originates not only from one part of the House but from all parts of the House and so they should remember it and should facilitate the quick transaction of non-official business as much as it lies in their power. I request that they remember this when in future they take advantage of the rule which gives them power to appropriate non-official days for their own business. With this request, I do not oppose the motion of the Government."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, while I do not oppose the motion, I do not see any justification for the Leader of the House to come forward with a motion like this. Yesterday, he could have come forward with a motion like this. If he wanted to bring such a motion, there was ample opportunity which was afforded to him yesterday itself."

THE HON. DR. P. SUBBARAYAN:—"On a point of order, may I remind the hon. Member that it is the usual parliamentary procedure to bring it up on the day on which we want to take away the non-official day?"

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MR. SPEAKER:—"Only on the same day on which the non-official day is taken away, can a motion be brought before the House and not before that."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"As has been pointed out by the Leader of the Opposition, we are given only one day in a week for transacting non-official business and all the six days are taken up for Government business."

MR. SPEAKER:—"Five days only."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Yes, five days; and even the one day afforded for non-official business is taken away in this manner. I am sorry, Sir, that if that is to be the attitude of Government in regard to non-official business in this House, it is certainly not satisfactory."

"Yesterday, the Government did not have enough business and what the Government seeks to do to-day could have been done yesterday if they were ready with the business. If Government were not ready to carry on the work yesterday afternoon itself, I do not know what justification the Hon. the Leader of the House could have for denying the rights of non-official members to have a non-official day to-day. If the Government are not ready and are delaying to transact the work in the proper way, the least that I could say is that they are not only neglectful of their responsibility to their work but also they are showing effrontery to the non-official members of this House so far as non-official business is concerned. I plead with you to make the Government realize that by neglecting their duty by not being ready with business on a day on which official work could have been transacted, they should not deprive members of the House of the one opportunity that is given to them for having non-official work done in the House."

MR. SPEAKER:—"The hon. Mr. Hameed Khan has appealed to the Chair; but as far as the Chair is concerned, it can only suggest to the Minister, but it is in the hands of the House to oppose the motion and vote it down."

SRI P. NATESAN:—"How can we do it, Sir, when we are in such a hopeless minority?"

MR. SPEAKER:—"This is a question of officials versus non-officials."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, I have often heard the Leader of the House quote the rules of procedure of the House of Commons."

MR. SPEAKER:—"Because it is the Mother of Parliaments."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I can understand the attitude of the Leader of the House in quoting the rules"

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of procedure of the Mother of Parliaments if that is convenient; but if that is not convenient or not reasonable, we are not mere slaves to be bound by them."

MR. SPEAKER:—"No, we are not."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"On the day allotted for the transaction of non-official business, he comes forward at 12 o'clock and says that non-official business shall not be transacted. Has he considered what lot of inconvenience is done by this to members of this House? Many members come to this House with the idea that non-official business will be transacted to-day. For aught I know, the most important official business might be transacted to-day for we may not have studied and come prepared and studied all the subjects. It is no good the Hon. Leader of the House coming in season and out of season and asking us to follow blindly the rules of procedure of the House of Commons regardless of its reasonableness or convenience to members. Members have come to this House thinking that non-official business will be transacted and it is a great handicap to them to be asked to consider official Bills. Sir, you are not giving the respect that is due to us; not only is it a question of respect but you are creating great inconvenience. I suggest to you, Sir, that the matter might be taken by you in the committee constituted for framing the rules. With this appeal, I do not seriously oppose the motion because unless it is such an important matter, the Leader of the House who is responsible to this House is not expected to move a motion of this kind."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Mr. Speaker, we have a Leader of the House who, when asked about certain things, says: 'It is my own experience and my own impression' but if asked certain other things, quotes the rules of procedure of the House of Commons. We know that mothers and fathers are conservative even as is the leader in the eyes of his own son. It is high time that we who are in a free country should not think of all these things and see how far it is convenient to have the business of the Government leaving this one day in a week. I would like to inform the House that the motion is not so innocent as it looks. The Revenue Minister is coming forward with a really strange request that the Sub-Committee for Rent Reduction should be expanded."

MR. SPEAKER:—"That cannot be taken up now."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"And the idea is to get a majority for the Government in the committee where the Government have no majority now."

MR. SPEAKER:—"The hon. Member need not touch upon that question now; the proper time when he can speak on it is when it is before the House."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"I hope the House will see the motive of Government in coming forward with such a motion as this."

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* SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, I strongly oppose the motion. Out of the seven days one day is gone and out of the remaining days, we get only one day for non-official business in this House. In the ballot only a few out of the very large number of resolutions succeed and they take months and months to get into a particular day's business. Even as it is the chance for them to come on the agenda is slender and even that chance is denied by the Leader of the House making the motion such as the one before the House. The time is now 12-15 and what we are requesting is one hour and fifteen minutes more. At 1-30 we are going away. I submit that we cannot tolerate this negative attitude of the Leader of the House. So far as I am concerned, I have to move an important resolution, a non-official resolution which deals with the railway workers of Golden Rock who are shot dead, and I want to say how Government are dealing with the situation. I am personally trying to see that justice is meted out to workers. When such a resolution is waiting to be discussed so as to ventilate our grievances, it will be most unjust on the part of the Government to change the business of the day. Because they have a big steam-roller majority, they cannot do anything and everything here. We submit to you, Mr. Speaker, to use your good influence with the Hon. the Leader of the House and see that justice is meted out to us. We are crying in the wilderness. We are a small minority. It is a democratic Government. So we strongly oppose the motion and we request the Hon. Speaker to use his good influence, even at this eleventh hour, and see that justice is meted out to us."

12-15
p.m.

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, I rise to appeal to you as the custodian of our rights. Now that you have listened to the spokesmen of our minority rights, let me remind you of a recent statement of a Russian diplomat that the minority has got all the arguments but the majority has got all the votes, and it is just that situation in which we are placed to-day. The Hon. Dr. Subbarayan, as the Leader of the House, may, by his tact and temper, reveal that he is the Leader of a brute majority, but yet let me assure you, Sir, that we cannot accept this encroachment upon our minority rights and deny ourselves the privilege, the rare privilege, of having at least one day in the week for non-official resolutions and Bills. It is for that reason, Mr. Speaker, I join with my friends and appeal to you, as the custodian of our rights, to see that such rights are not trampled upon by whatever brute force or whatever votes the Hon. the Leader of the House can have behind him."

MR. SPEAKER:—"I have already told the House that as far as the Chair is concerned, the Chair will only advise the Ministers. I have no power to compel the Minister not to move this motion. If he does not agree, it is in the hands of the House to decide."

THE P. SUBBARAYAN:—"Mr. Speaker, Sir, I have heard the speeches that have been made on

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this matter, but might I mention, because I am rather fond of the Mother of Parliaments, for the information of the members of this House that if they look up the Hansard, they will find that 90 per cent of the days, which are allotted for non-official business, are very often taken away, because Government have important work which they have to get through. After all, these Parliaments are deliberative assemblies and Government, under a Parliamentary system, is carried on by deliberation. Members of the Treasury Bench have got to know what the public feel on matters that are brought before them by them, for after all, it is they who administer the country. That is why there is this salutary procedure allowing the Government to take over any non-official day if they find it necessary to do so. That is my justification. There is no question of brute majority at all which my friend Mr. Anwar talked of. Because every Government in this world is carried on by a majority, and majority must eventually prevail, provided they do not in any way rule despotically. Minority rights are there, but minorities here have always been liable to claim minority rights which they are entitled to have. They claim more than what they should have or could chew or swallow. That is my view. Taking that view, I feel there is no question of brute majority. To-morrow my friends on the other side if they will give up their communalism might easily find themselves on this side and might merge themselves with this majority. That is my reply to them."

(At this stage there were clappings from the Ministerialist side.)

MR. SPEAKER:—"I ask the House not to clap their hands."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"On occasions, Sir!"

THE HON. DR. P. SUBBARAYAN:—"Therefore, the only justification I have is that the Government are here to govern, and they will adopt every right method that is available to enable them as Government to govern."

(Mahboob Ali Baig Sahib Bahadur: 'Just or unjust'.)

The motion was put and carried.

IV.—GOVERNMENT BILLS.

- (1) THE MADRAS ESTATES LAND (REDUCTION OF RENT) BILL, 1947
(L.A. BILL NO. 24 OF 1947).

*Motion * under rule 77 (2) of the Madras Assembly Rules.*

THE HON. SRI KALA VENKATA RAO:—"In view of the fact that the Select Committee have practically concluded their deliberations, I do not propose to move the motion *, Sir."

* That leave of the House be granted under sub-rule (2) of rule 77 of the Madras Assembly Rules to increase the strength of the Select Committee appointed to consider the Madras Estates Land (Reduction of Rent) Bill, 1947 (L.A. Bill No. 24 of 1947) to eighteen."

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- (2) THE MADRAS HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION TO AGRICULTURAL LAND) BILL, 1947 (L.A. BILL NO. 4 OF 1947)

THE HON. DR. P. SUBBARAYAN:—"Sir, I beg to present the Report * of the Select Committee and move—

'that the Bill to amend the Hindu Women's Rights to Property Act as reported by the Select Committee be taken into consideration.'

Hon. Members know that this Bill was introduced by my friend Mr. Bhashyam when he was the Minister for Law. This was to get over the decision of the Federal Court which decided that in this Act, as passed by the Central Legislature, agricultural land, being in the Provincial list, could not be dealt with, and therefore property descended as under the old law as it stands to-day. I think the intention of the Central Legislature was that women affected by the Bill should get their rights in the agricultural land also devolved on them in the same manner as is provided for other property. Therefore, this Bill was introduced. Other Provincial Governments have passed similar legislation. The Select Committee went into this matter fully, and there was a demand for having retrospective effect for this measure. The Select Committee by a majority decided that the only retrospective effect that they would think of would be from the date of the publication of this Bill. Therefore, Sir, I now move that the Bill be taken into consideration."

(At this stage the Deputy Speaker occupied the Chair.)

* BEGUM SULTAN MIR AMIRUDDIN:—"Madam, while supporting the motion of the Hon. Minister, I wish to state that it is a matter of regret that it took the Government so long as one year and a half to bring forward this measure, on which depends the amelioration of a large number of Hindu widows in this Province. It is a well-known fact that the legal disabilities from which Hindu women have suffered in the past have been most grievous. Eventually in consequence of much agitation in the year 1937, the Central Legislature passed an Act granting to Hindu women the right to inherit the property of their husbands. But in 1941, as was pointed out by the Hon. Minister, the Federal Court declared that agricultural land did not come within the purview of that Act. Hence it became necessary for the Provinces to enact separate legislation with regard to this matter. Thereafter most of the Provinces—whether they were under a popular Government or under the Advisers' regime—passed measures with retrospective effect from 1937 to set right the lacuna. For instance, not only in Bengal, Sind and the Punjab, where there were popular Governments, did the Legislatures enact the necessary measures but in other Provinces as well where the Advisers' Government were in power, such as in Bombay, Bihar and the United Provinces, necessary steps were taken in this direction. But, Sir, in this Province of Madras years rolled on, but nothing

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was done, and the plight of Hindu widows did not move those who were in power. It is indeed a matter of regret that even after the advent of a popular Government in this Province, it took as long as one and a half years for this Bill to be brought forward, whereas other less important Bills were given priority.

"Madam, though this Bill will have the effect of ameliorating the position of Hindu women only, I wish to state that I am greatly interested in this measure, for, in consonance with the teachings of my religion, my sympathies are not narrowly confined, but extend to the entire womanhood, irrespective of caste and creed and also to mankind whenever men are in need of sympathy and support. I endorse the view entertained by that famous Persian poet and moralist Saadi that—

بني آدم اعضائے یکدیگرند
که در آفرینش زیکت چو پرند *
چه عضوی بدرد آورد روزگار
دگر عضو یارا نماند قرار *

which means 'the children of Adam belong to one and the same organism. If one portion of that organism suffers from pain the rest of the organism also feels distressed and restless.' In consonance with this view, it is incumbent on each one of us, in this House, to regard every issue, every question in its human aspect and not import therein narrow considerations of caste and creed. Then and then alone will we be able to act justly and fairly in our deliberations. Though this is a matter affecting Hindu women, I feel it my duty, as a woman, to champion the cause of my Hindu sisters, especially in view of the fact that Hindu widows have been subjected to grievous hardships and disabilities. It is because of this that one of the first interpellations put by me in this House soon after this Assembly was constituted was with reference to the attitude of the Government in regard to extension to agricultural land of the provisions of the Hindu Women's Rights to Property Act of 1937. I was then glad to be informed—I think the hon. Mr. Bhashyam was in charge of that portfolio at that time—that the Government did intend to bring in a suitable measure for the purpose at an early date. But, unfortunately there has been considerable delay and procrastination in regard to this question.

"When at long last, after one and a half years, this measure has come up before this House, I am sorry to note that its provisions are not entirely satisfactory inasmuch as retrospective effect is not sought to be given from the date of the original Act namely, from 1937, but only from the last year, that is from the date of the publication of this Bill. I wish to point out, that the result of this will be that Hindu widows of this generation will continue to be the dregs of society, the Cinderellas of the homes and a drag on their parents and relations. It is a matter of common knowledge that the bulk of property in this province consists of agricultural

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land and hence the majority of Hindu widows have not derived any benefit from the Hindu Widows' Rights to Property Act of 1937. It is therefore imperative that the Bill before us should be given retrospective operation from the date of the original Act. Unless this is done the injustice meted out to Hindu widows will not be rectified.

"Mr. Pappu Somasundaram has rightly pointed out that there is a good deal of justification for the view held among a large section of the public, that this Bill should be made retrospective in effect. It is true that generally speaking it is not desirable to make legislation retrospective. But I wish to state that the case dealt with by the present Bill is entirely different from other cases. If the present Bill is made retrospective from 1937 it will not have the effect of divesting those who are justly and equitably vested in their property. It will be a question of divestment only of those who have been wrongly holding the property of the widow consequent on some lacuna in the Act of 1937. The divestment of such persons of their property cannot be placed on a par with that of those who are justly and equitably entitled to it."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, Madam; the Hon. Revenue Minister gave notice of a motion but he did not move it on the ground that the Select Committee had concluded its deliberations. May I know when he came to know that the deliberations were over? When he gave notice of the motion, did he not know that the deliberations were completed?"

THE HON. SRI KALA VENKATA RAO:—"That subject has already been disposed of."

THE DEPUTY SPEAKER:—"Yes, that subject has been disposed of already; you cannot raise it now by interrupting the hon. Lady Member. The hon. Lady Member will continue her speech."

* BEGUM SULTAN MIR AMIRUDDIN:—"This case of divestment I wish to emphasize is entirely different from other cases, because here, the person who is going to be divested of the property is found in possession of that property not because he was entitled to it as of right, but because of a certain flaw in the original Act. The individuals who have been enjoying the properties of the widows knew all along that sooner or later they would be divested of the same. They were aware of the Acts passed in other provinces, namely, in Bihar, Bombay, United Provinces, Sind, Bengal, etc., and also of the fact that the measure had been made retrospective there from the date of the original Act. As such they were cognizant of the fact that when legislation would be brought forward in Madras, it too would be made retrospective in operation. Hence if this Bill is made retrospective from 1937 it will not come as a surprise to those who have

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slipped into properties of the widows. Those who have enjoyed any property that should have devolved upon the widow should be construed as having enjoyed it as a contingent and not as an absolutely vested estate. Though technically they have held the property absolutely morally they should regard it as a trust to be handed over to the widow as soon as the constitutional defect was rectified. Yet despite this in order that the transfer may be along the path of minimum disturbance to acquired rights, I have proposed certain amendments, the effect of which would be to whittle down the benefits of the Act to a considerable extent for the widows and confer on the other party many concessions and also to minimise litigation as far as possible. In my amendment I have excluded from the operation of the Act all transfers whether for valuable consideration or otherwise in other words gifts as well. Further, I have exempted all cases of partition, whether orally in writing or by decree. I have also excluded all cases of charges that have been created on such property. By this means I have tried to minimise the hardship that might be caused as a result of the retrospective operation of this measure. When the other provinces made the measure retrospective they excluded from their Acts only transfers. But I have gone much further in the exemptions. Hence I feel that there is no reason why the Government should not come forward and accept the amendment that I have proposed.

"It may be pointed out that despite the exemptions mentioned in my amendment, certain hard cases might still arise. But that cannot be helped for no legislative measure can be perfect and meet all cases. In the balancing of equities some one must suffer, and it is better that in the generality of cases, some man suffers, who usually has the means of supporting himself, rather than some unfortunate poor helpless widow. Therefore I feel that it is absolutely necessary that this measure should be dated back to the original Act. I urge upon the Hon. Minister to weigh the benefits and advantages that would accrue by making this measure retrospective with the evils that would arise therefrom. I submit that the benefits are overwhelming as compared to the disadvantages. Hence the Government should not hesitate in accepting my amendment. After all what is it that the poor widows will get by this Act. They will get merely a life-estate in the property—the so-called estate which is an anachronism in modern civilized society, whereby women are precluded from the alienation and free disposal of the property vested in them. Unlike Muslim women who are allowed to enjoy unrestricted rights over property, the Hindu woman holds it but as a trust for her husband's heirs who are the eventual beneficiaries therefrom. This is the case even with reference to 'stridhan.' Although that eminent Hindu jurist, Vignaneswara, declared that stridhanam was the absolute property of a woman, unfortunately the Privy Council decreed otherwise, with the result that Hindu women cannot have an absolute

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right of enjoyment even over such property. Such being the limited enjoyment over property to which a Hindu widow is entitled, why should anyone grudge her that 'enjoyment' for a few years.

"Justice and equity require that this Bill should be dated back to the original Act, namely, 1937, and not made retrospective from November 1946. When other provinces, even during the Advisers' regime, like Bombay, United Provinces and Bihar, gave retrospective operation to their Acts from the date of the original Act of 1937, I do not see why a popular Government such as this should fight shy of acting justly and fairly where women are concerned.

"I therefore hope that the Hon. Minister for Law, will, even at this eleventh hour revise his opinion and accept the amendment that I have proposed."

* SRI A. VAIDYANATHA AYYAR:—"Madam, Deputy Speaker, while I welcome this measure, as it is a somewhat belated recognition of the rights of Hindu women and Hindu widows, I at the same time deeply regret along with the previous speaker that some part of it has been sabotaged. Of course, hon. Members of the House are aware, that I am always and have been persistently against retrospective effect with respect to legislation. And if it is to be allowed, if at all there could be any instance where it can be justly applied, it should have been in this case. The very object of promoting this legislation is that it was found that Hindu widows, even widows of men with large property, were found ultimately to hang upon their dependents for such maintenance, not easily given, and sometimes it had to be snatched through a law Court. In order to avoid this contingency, a little mercy was shown to them by giving them a limited estate and treating them as equal to a son in share. I may also mention here, Madam, that the mother gets a share equal to that of a son in many other parts of India except in Madras Presidency. It is only in Madras Presidency, that the original text of Hindu Law which gave a mother a share in partition along with her son, was in due course, curtailed mainly, as was suspected by hon. Members before, by men who have found a way of scuttling down the rights of women, where they were having the management.

"So you found that while in Allahabad the mother got a share along with her children in the Madras Presidency she was relegated to maintenance. Now and then we kept some show for other purposes, for example, when we were thinking of giving a gift to the daughter we always referred to the fact that previously the daughter was given the share. It has got its remnants still to remind us. While that was so the Legislature thought it fit in 1937 to give the widows a right at least of enjoyment as equal to that of a share of a son. It should at the same time be remembered that it is not only the widow of a man who dies that

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suffers. If we go lower down the generation the position of the daughter-in-law becomes worse and worse—the man's widow who is the daughter-in-law of his mother, the son's daughter-in-law who will be the grand-daughter-in-law—as you go lower down, the least is justice likely in the case of the ladies. Therefore the legislation which gave parity in regard to sharing of property is most beneficial when we consider the position of the daughter-in-law and the grand-daughter-in-law.

“ One other fact which I would like to impress upon you is that the ladies who live in towns and whose husbands are cultured have got enormous influence over their husbands and rarely it is that a woman is left without being well provided for by their considerate husbands. They are left shares of properties by means of wills. They are adorned with jewels even in these days and at the same time they are treated most happily. I have known of cases where men have left all their properties to their wives by a will. Therefore the persons who really require this kind of protection are the village ladies. There the property is mainly in the shape of lands. Houses were hardly worth anything. So far as investments were concerned there was nothing to speak of. If any lady required protection it was the Hindu widow in the village and yet by some unfortunate turn of events they are helpless as it is sometimes said by the proverb that even Gods do not as a matter of fact favour the destitute and helpless.

“ This Act was passed in 1937 after the Government of India Act came into force in April 1937. This Act was passed by the Central Assembly in March 1937 and it reached the Council of State in April 1937. From the date of its enactment in 1937 up to 1941 every one was under the belief that this Act would also apply to agricultural properties. But one of our community ingeniously enough discovered that there was a gap somewhere by virtue of its having been passed by the Council of State after the 1st April 1937 and they wanted to torpedo the whole Act. The Federal Court in its mercy have seen that the Act itself is not short-circuited. At least they have stated that the Provincial Legislature only has authority over agricultural lands. Therefore with regard to the rest of the property they have held that the Act is valid. By the time the judgment was given four years had elapsed. The Government must remember that. All these five years from 1937 to 1941 people were under the impression that the ladies were entitled to the agricultural lands also. Till 1941 it was acted upon. Decrees were given. Partitions were entered into making ladies also share the agricultural property. In 1941 what overtook the nation also overtook the poor widows of the Madras Presidency. The Advisers' Government was there. It was not as if there was no agitation at all. In fact in Madura, I had a meeting of the Bar Association. I printed 200 pamphlets setting out the resolution to be passed at every bar association in the whole of the Madras Presidency. Only one bar association

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followed it. That throws a flood of light upon the amount of sympathy that the menfolk, especially the lawyers, have with regard to the ladies. Secondly the pamphlets were sent to the women's associations. Only two women's associations responded. That showed that even the women were not aware of their rights and the necessity for rectification of the defect. As I found out that the public was not responsive I approached the then Advocate-General, Sri (then Sir) Alladi Krishnaswami Ayyar. I asked him to speak to the Governor and see that this Act was amended by means of an Act under section 93. Sri Alladi Krishnaswami Ayyar went to the Governor and pleaded with him. But the answer that came apparently was this:—Resistance to people in general and to freedom of the Indians in particular had its reactions with regard to this unfortunate proposed amendment relating to the Hindu widows—the then Governor seems to have said that this was a controversial legislation and therefore it should be passed only by a popular Government. The then Government and the same Governor did not find any difficulty in passing Acts several pages long with amendments running to hundreds of sections drastically revising several other Acts. But a simple Act like this with only one section did not meet with his sympathy. So much for the sympathy of the Englishman for the poor people of India. But we found that even though it was turned down here in other Provinces even the Advisers' Governments passed a legislation. Only in our Province we had to wait for the advent of a popular Government. After the advent of the popular Government the hon. Member, Srimathi Sithamalakshamma brought a Bill which contained a provision for giving retrospective effect. It was a non-official Bill. The Government however stepped in and said that they would be bringing a Bill. The matter was put to the party and it was carried in the party by a majority after a fight that it should have retrospective effect. Then it now goes into the Select Committee. Out of the three persons who could have fought for the rights of women two unfortunately were in the mufassal. And it was left to the hon. Muslim Lady Member to carry the fight single-handed. Now we have the Bill as it is presented to-day. It is somewhat unfortunate that we are now not in the Select Committee. The provision which torpedoes the retrospective effect is now before the House and a kind of wet blanket is laid upon the hon. Members of the House that they should not as a matter of fact do propaganda for the amendment of the hon. the Muslim Lady Member and the amendment of Sri Kaleswara Rao. I say that it is not a party matter at all. A thing which affects 2½ crores of Hindu ladies in the Province, how can it be treated as a party measure? It cannot be treated as a party measure. These are things which stand on the plane of humanity. I say it is up to us to see that the fullest justice is meted out. This kind of dealing justice is like giving 90 per cent or 85 per cent grudgingly of what a person is entitled to. Justice is full. I was listening to a number of arguments”

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THE DEPUTY SPEAKER:—"The House is not aware of any party mandate. Apart from mentioning that the hon. Member can plead with the House . . ."

* SRI A. VAIDYANATHA AYYAR:—"I am sorry, Madam. I will withdraw the references to the party but I shall leave the impressions. This is one method of putting things which cannot be put but it can be withdrawn.

"I was just now pointing out a number of things. If there is any case for retrospective application, it is in this particular case where you intended to do the right thing before and where you found that on account of a technical flaw four years afterwards the Act was being construed in a particular way, on account of some decision. It is here that retrospective effect should be given, because you did intend to give effect to the original Act. As a matter of fact it was being given effect to but subsequently it could not be done. In what other case can retrospective legislation be more valid or more proper than in the case of these 2½ crores of ladies? And there are many persons who in the course of the years between 1937 to 1946 have been left widows. Many of the people who have become widows and are left in this unfortunate position are in the village; at least 80 per cent of them would be from the country side. By denying retrospective effect you are denying justice to these very people who as a matter of fact are forced to look to this Act and to whom this Act ought to have been beneficially extended. I find that there is a sudden discovery that to give retrospective effect is a sin. I found the other day there was a retrospective legislation. Because the Congress Government went out of power in 1939, they said, that they should give retrospective effect to the Prohibition of Alienations Act from 1939, in respect of lots and lots of property which went away. And then when it went to the Select Committee, the Select Committee not having accepted it, the Government brought an amendment here in the House and wanted to go back. And with great difficulty I got the Government Members to accept my amendment and it has been passed with that amendment. The rumbling reverberations of my getting the amendment accepted by the Government are still being heard all over and is likely to be heard hereafter also. As a matter of fact something more will be heard for my temerity in trying to see that the age of retrospective laws is past. We are going to have a number of Bills which may be coming to-morrow giving retrospective effect with regard to the taking away of property which had been alienated from 1802 onwards. If anybody who got any property from the person called the zamindar that property will vest in the Government under the Zamindari Abolition Bill. We are able to swallow lots of things. What for? I have been searching all over since last night about this treatment of one class of persons whereby you would be throwing things into inextricable confusion and upset entire settlements. Why not in respect of this? At last the answer has dawned upon me and it is this. Women are still speechless. The voice of the women cannot

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be heard in spite of the fact that you, Madam, the Deputy Speaker, are there in the Chair. (Hear, hear.) (Laughter.) I wish by the time the amendment comes up, Madam, Deputy Speaker, will get down and then express her voice, not from the Speaker's place, but as one of the Members of the House. I appeal to the ladies there, who as a matter of fact, should not be allowed to be bullied for the purpose of not accepting this amendment. I withdraw the word 'bully', Madam, Deputy Speaker, because it is not parliamentary. (Laughter.) They should note that the fortunes of nearly 2 crores and 50 lakhs of women including one lakh of widows are in their hands and if they do not press for the amendment of the hon. Muslim Lady Member and support her, they will be failing in their duty, just as I feel, I will not be doing my duty if I did not put the case of their rights.

"What then is the difficulty in the way? The difficulties are nothing. You will find it stated that a good many people are likely to be disturbed in regard to their rights. As the hon. Lady Member pointed out these people knew it. They did not expect to get these rights. It was something like a prize in a horse race or in betting they got in 1941, by means of a decision after four years. They thought the original provision was right and they intended to retain it. The intention was there. Even the ordinary law says, if you really want to carry out a particular thing, which has not been effectively and specifically provided, you shall see it is so done so that the intention may be carried out. Has not the sovereign parliament got the capacity to see that its intention is as a matter of fact carried out? This popular legislature is not going to give it up. 1 p.m.

"Then, Sir, other difficulties have been pointed out. The hon. Lady Member's amendment does not go far enough. If there are son's widows why should they go back to their mothers? If there is any difficulty in their cases, it will vanish at once. It is stated: 'Supposing somebody has divided the property and the son as a matter of fact has really paid the debts. What happens for it?' If one member pays the debts, in the partition it is given effect to. It is asked: Why should we disturb a partition which has been given effect to? The Hindu Law takes note of ripping partition in several instances. A man has gone for the wars or elsewhere and is not heard of. When he returns the brothers are bound to return his share. Then there is the case of the son in the womb. There also the partition is ripped open. Then after a partition if a man finds that in his share of the property there is not something which belongs to him, he can bring in a suit and compel the other persons to make good the property. Are we not having that done every day?

"Then another most fallacious argument has been advanced which I am not able to follow. It is stated that the mother will take a worse position than the daughter-in-law and the grand-daughter-in-law. They forget that this is an argument against the

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Act itself being brought into operation. If the Government are going to oppose that Act itself, I can understand. This argument does not apply only to the amendment. It was intended that the widowed grand-daughter-in-law should be put in a better position than the mother. With regard to the daughter it has to be pointed out that she has a home in another place. So far as the daughter-in-law and the grand-daughter-in-law are concerned they have left their moorings and come to another place. If they have lost their husbands how are they to keep their body and soul together? Therefore that is hardly an argument against this amendment.

"Therefore, Sir, in all sincerity I say, 'Be true to your women-folk first.' I am finding plenty of sympathy bestowed on ryots and other persons who have simply walked into another man's land. All kinds of sympathy are there. Why are these people treated better than the women? Simply because women are speechless. The others know how to make their voice felt. They can send memorials and crowd round the gates of Government House. The poor ladies have nothing with which to fight except their small still voice. I expect the popular legislature to take note of the position of the helpless and speechless Hindu womanhood. Even now the best of intentions are being torpedoed. For seven years the widows have been hoping and now you are trying to push them into the ocean. It is wrong. It is not a thing which you must do. You must really be tender and careful when you are dealing with the rights of ladies in that unfortunate position. Therefore while I am happy that this Bill is going to be passed at least now after it has been shelved on several previous occasions, I hope that the Government will accept the position stated in the amendment of Srimathi Seethamahalakshamma. I hope that the Government will accept the amendment as far as they can in order to see that the ladies are restored to their original heritage."

* SRI A. KALESWARA RAO:—"Madam, Deputy Speaker, I fully endorse the view expressed by the previous speaker, the hon. Member from Madura, that in matters of social legislation there should be freedom of voting, because they are not things which were contained in the election manifesto and they were not matters on which we went to the polls. With regard to social legislation a party like the Congress Party can afford to have a place for the radicals as well as for the orthodox people. We should not compel orthodox people to vote for things which they do not like, nor should radicals and the reformers be bound to vote in a way which is against their conscience. In such matters there should be freedom of voting.

"Again I agree with my hon. Friend Mr. Vaidyanatha Ayyar that this Bill has come too late in the Province of Madras. An Act dealing with this matter was passed in 1937 and then amended in 1938 giving some rights in property to the unfortunate widows of three classes—widow of the man, widow of the pre-deceased son and widow of the pre-deceased son's son. These are really helpless

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people in society. The widows in their helplessness were getting some sort of maintenance from the father-in-law's family. That is the lot of the Hindu widow. Much has been said and written about this by great men. An Act was passed in 1937 in the Central Assembly as a result of the efforts of some reformers. Unfortunately after four years' litigation in which some of the unfortunate widows spent a lot of money to vindicate their rights and get an interpretation of the law in their own favour, the matter went up to the Federal Court and they said that this Act did not apply to agricultural land. As pointed out by Mr. Vaidyanatha Ayyar, really the widows in the villages require special protection. They are poor and they are helpless whether they be Brahman widows or Non-Brahman widows. The exclusion of agricultural property means the exclusion of 95 per cent of the property. There is very little by way of houses or shares or other movable properties. Agricultural property is the mainstay and the main property of the people in the Province. It is in regard to that that the power of the Central Legislature has been taken away and exclusive power has been vested in the Provincial Legislature under List II of Schedule VII of the Government of India Act. It is there that there has been a set-back and all the hopes of the poor widows have been shattered. They have been waiting for the legislation of the provincial legislatures. Fortunately some of the provincial legislatures under popular Government and the Advisers' Governments in others came forward and enacted laws applying the Act of 1937 to agricultural land also. We find such Acts passed in 1942, 1943 and 1944. That is, for seven years from the passing of the original Act in 1937 there have been Acts passed by the various Provincial Governments whether Advisory or popular. Therefore the matter was not forgotten. The matter was before the public and the widows were looking forward to a day when in this Province also a similar Act will be passed and their condition improved. As now revealed by Mr. Vaidyanatha Ayyar, there were attempts made here during the Advisory regime. Even the then Advocate-General took up the matter, but His Excellency the Governor was not pleased to help the widows in this respect. Therefore to say that so many transactions have taken place innocently is wrong. If men had entered into such transactions they were doing them in a *mala fide* way. They were in a hurry. They knew that some day or other an Act like this would be passed in Madras also and that if the Advisory regime did not do such a thing, the popular Government would take up the matter and do these things. Therefore why should we sympathise with people who wanted to become rich and enjoy the property at the expense of the poor and helpless widows? People have been shedding crocodile tears saying, 'The daughter suffers, the mother suffers,' and so on. The daughter comes in another family as the wife of somebody. If she is widowed, she gets the property. The mother has got a share along with the son. If this Act is not passed she will be entitled only to maintenance. The step-son will be benefited and then the son's sons, the brothers-in-law, the husband's brother's sons and so on.

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Three kinds of property are dealt with by this Act. Under the Dayabagha school, if the husband dies, his share of the property can be inherited by his wife or son. If there is no son the wife gets the property for life. If there is a son, or a son's son or a son's son's son up to three generations, the widow is entitled only to maintenance. That is the Dayabagha school of law. That is dealt with under this Act. It says that the husband's share should be distributed between the son and the mother. Similarly when the son leaves a widow, the widow gets a share along with his son. Similarly if the son's son leaves a widow she gets a share along with the son. That is justice and equity. This is not the case in the Mitakshara Law. The widow is utterly helpless. If a man leaves any property the whole property goes to the male members of the family such as the sons, son's sons, brother's sons, brother's grandsons and so on for some generations, to all the male members who are entitled to the joint family property. In that case provision is made that the woman must get her husband's share. Whatever is the share of the husband is now given to the widow.

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p.m. "There is also a third kind of property called the separate property. A man though living in a joint family may acquire his own property by his own earnings, by separate trade, etc., if the intention is proved that he wanted to acquire separate property. When the family property is shared by him then also it became separate property. The separate property goes to the son and the widow is entitled only to maintenance. The Act provides that the widow can get a share equal to that of the son. It is a beneficial measure. It tends to alleviate the economic position of the Hindu women. We must all sympathise with it. I must say, Sir, that the Government have been really negligent in having taken so much time from May 1946 when they came into power till practically two years have elapsed. Srimalathi Seethamahalakshamma wanted to introduce a Bill. The Government stood on false prestige, they did not like to proceed with her Bill, but wanted to introduce their own Bill. In that way, things have been mismanaged. The Bill has come very late. Are the widows responsible for the delay? Therefore why should the Government think that retrospective effect from 14th April 1937 should not be given to the Bill? I, Srimalathi Seethamahalakshamma; and our respected sister Begum Amiruddin have given notice of some amendments. The amendments given notice of by Begum Amiruddin are the mildest and I shall be pleased if the Government accept at least those amendments. The proposed proviso to Clause 3 is in line with the Acts of the Orissa and the Punjab Governments. If the property is partitioned, the hon. Lady Member says that she does not want to touch it. Let us have at least small mercies from the Government. In this very important matter touching lakhs of helpless women in our society, I appeal to the Government to be generous. They should not stand on legalistic theories. Madras lawyers have become

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known for their reactionary tendencies. I am sorry to say that they always look at things from a legalistic point of view. They have rich clients, and most of them possess large property. They generally identify themselves with vested interests and therefore lawyers' advice is dangerous. We go as reformers and radicals and as a progressive people determined to alleviate the sufferings of the unfortunate, the downtrodden, and the weak. This House is not a court and we are not here to interpret the law. This House is the highest sovereign body for the Madras Province with a population of 5½ crores. The lives, property and the honour of the people are in the hands of this legislature.

"With regard to agricultural land, even the Rau's Committee approve of this thing, namely, allowing the joint property to be shared as in the Dayabaga school. That means separate property. The Rau Committee's report clearly says that the Hindu Code if passed by the Central Legislature cannot be applied to agricultural land.

"Therefore what I say is: let us give up legalistic tendencies; let us look to equity and do justice to the helpless and unfortunate widows. Once again I appeal to the Government to accept at least the mildest amendments moved by Begum Amiruddin."

SRIMATHI V. LAKSHMI AMMAL :—"அக்கிராசனாதிபதி அவர்களே, நாம் இப்பொழுது சுதந்திரம் அடைந்திருக்கிறோம். இந்த சுதந்திரத்தில் இப்பொழுது ஸ்திரீ ஜாதியாகிய எங்களுக்கு சுதந்திரம் ஒன்றின்மேல் ஒன்றாக வந்துக்கொண்டே இருக்கிறது என்பதை இந்த சுதந்திரத்தில் நான் தெரிவித்துக்கொள்ள விரும்புகிறேன். நேற்று இந்த சட்டசபையில் ஸ்திரீ சமூகம் முன்னேறுவதற்கு இரண்டு சட்டங்கள் நிறைவேற்றினோம். ஸ்திரீகளுக்கு சொத்தரிமை வேண்டுமென்பதில் ஒரு பகுதியை இன்று நாம் நிறைவேற்ற கொண்டுவந்திருக்கிறோம். ஸ்திரீகளுக்கு சொத்து உரிமை வேண்டுமென்று ரொம்ப நாட்களாகவே ரொம்பப் பேர்கள் நம் நாட்டில் கிளர்ச்சி செய்துகொண்டிருக்கிறார்கள். அதிலும் "All-India Women's Association" ல் மிகவும் பாடுபட்டு வருகிறார்கள். அவர்கள் ஸ்திரீகளுக்கு சரிசமமான உரிமை வேண்டுமென்றும் ஸ்திரீகளுக்கு சொத்து உரிமை வேண்டுமென்றும் ஸ்திரீகள் எல்லா துறைகளிலும் ஆண்களுடன் முன்னணியில் வரவேண்டுமென்றும் அந்தக்காலம் முதற்கொண்டு பாரதியாரவர்களும் "ஆண்களும் பெண்களும் சரிசமானமாக வாழ வேண்டும் இந்த நாட்டில்" என்றும் சொல்லி இருக்கிறார்கள். அதற்கு அனுகூலமாக இப்பொழுது நாட்டில் சில அரிசுறிகள் தோன்றிவருகின்றன. நம் சகோதர ஆடவர்களுக்கும் நமக்கும் சம உரிமை கொடுக்கவந்து இருப்பதைக் கண்டு நாம் சந்தோஷப்படாமலிருக்க முடியாது. ஆனால் எனக்கு முன் பேசியவர்களாகிய ஸ்ரீமான் A. வைத்தியனாதுய்யர், A. காளேஸ்வர ராவ் அவர்களும் ஸ்ரீமதி பீகம் அமிர்யூதின் அவர்களும் இன்னும் எல்லோரும் இப்பொழுது Select Committee-ல் தீர்மானித்திருக்கிறபடி இல்லாமல் 1937-ம் ஆண்டில் மத்திய சட்டசபையில் சொத்து உரிமை வேண்டுமென்று பாஸ் பண்ணின காலத்திலிருந்தே இந்த Agricultural சொத்தில் பாத்தியதை இருக்கவேண்டுமென்றும் Retrospective effect கொடுக்கவேண்டுமென்றும் அவர்கள் சொன்னார்கள். எங்கள் எல்லோருக்கும் அது பூர்ண சம்மதம். அவர்களும் இதுமாதிரி எங்களுக்கு ரொம்ப பரிந்து பேசுவதற்கு எங்கள் ஸ்திரீகள் சார்பாக அவர்களுக்கு நான் சந்தோஷத்தைத் தெரிவிக்கிறேன். அவர்களுடைய திருத்தத்தை இன்னும் கவர்ன்மென்டார் எடுத்துக்கொண்டால் எங்களுக்கு

[Srimathi V. Lakshmi Ammal] [27th November 1947]

இன்னும் சந்தோஷமாக இருக்கும் என்பதையும் தெரிவித்துக்கொள்ளுகிறேன். ஆனால் நேற்று பார்ட்டி மீட்டிங்கிலும் Select Committeeயிலும் இந்த 'பில்' கொடுக்கப்பட்டிருக்கிற முறையில் திருத்தத்தை விட்டு. . . ."

THE DEPUTY SPEAKER :—" Party-ல் நடந்த சமாசாரங்களைப்பற்றி இங்கு சொல்லவேண்டாம்."

SRIMATHI V. LAKSHMI AMMAL :—" Party-ல் என்ன நடந்தது என்று சொல்லவில்லை. அங்கு முடிவானதைத் தான் சொல்லுகிறேன். ஆகையால் Select Committee-ல் தீர்மானித்திருக்கிறதைத் தான் இப்பொழுது கவர்ன்மென்டார் கொண்டுவிட்டுக்கொண்டிருக்கிறார்கள். Select Committee நடந்த போது சில மெம்பர்கள் இல்லை. அவர்கள் வர செளகரியப்படவில்லை. அந்த சமயத்தில் முடிவு செய்யப்பட்டது. நாம் இப்பொழுது Select Committee-ல் முடிவு செய்திருக்கிறதை எடுத்துக்கொண்டிருக்கிறோம். ஸ்ரீமான் A. காளேஸ்வராவ், பீகம் அபிரியுதின் அவர்களுடைய திருத்தத்தையாவது ஏற்றுக்கொண்டு ரெய்தால் சரி என்றார். அதை நானும் ஒப்புக்கொள்கிறேன். புருஷர்களை இழந்த சில ஸ்திரீகள் சொத்துக்கிடைக்கவேண்டுமென்று கோட்டுகளில் நடவடிக்கையில் இருக்கும் அவர்களுக்காவது அதில் கொஞ்சம் சொத்து உரிமைவரும். ஆகையால் அவர்கள் சொன்ன பிரகாரம் அதை ஏற்றுக்கொள்ளும்படி சொல்லுகிறேன். இந்த நாட்டில் சொத்து உரிமை அவர்களுக்கு இல்லாததால் எவ்வளவு கஷ்டப்படுகிறார்கள் என்பது நான் சொல்லாமலே எல்லோருக்கும் தெரிந்த விஷயம். ஸ்ரீமான் A. வைத்தியநாதராயர் அவர்கள் எவ்வளவோ ஸ்திரீகளின் நிலைமையை எடுத்துச்சொன்னார்கள். அவருடைய சொல் அநேகருக்கு ஏமாட்டேன் என்கிறது. அவரும் இரண்டு மூன்று தடவைகள் மிகவும் அழுத்தமாக சொல்லிக் காண்பித்தார்கள். இப்பொழுது அக்கிராசனம் வகித்த Madam Deputy Speaker அவர்களையும் கூட குறிப்பிட்டுச்சொன்னார்கள். ஆகையால் ஸ்திரீகளை அவ்விதமாக இனி அனாதரவு பண்ணுவது சரியில்லை என்பதை நம் சகோதரர்கள் எல்லோரும் தெரிந்துகொள்ளவேண்டும்."

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—" On a point of order, Madam Deputy Speaker. The hon. Lady Member, who resumed her seat just now, referred to things which happened in the party meeting, and she was prevented from making any such reference. But when the hon. male members made similar references more than once, the Chair did not raise any objection. (At this stage, the Speaker resumed the Chair.) I was just now referring to certain things which happened in the House when the Madam Deputy Speaker was in the Chair. My point of order is this. Madam Deputy Speaker objected to reference being made in the House to what took place in the party meetings when a lady member was speaking, but the Chair did not raise any objection when similar references were made by male members."

MR. SPEAKER :—" Probably the Deputy Speaker was not listening to the speech or it escaped her notice."

THE HON. DR. P. SUBBARAYAN :—" Please don't cast reflections. (Mr. Speaker: 'I am not at all casting reflections.') When the hon. Sri Vaidyanatha Ayyar referred to what took place in the party meeting, the Madam Deputy Speaker did pull him up. The hon. Gentleman is wrong in his statement."

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—" I am perfectly right in my statement of the case. Mr. Vaidyanatha Ayyar

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said that this should not be made a party question, and then Mr. Kaleswara Rao made a similar appeal to the House, and the Chair did not see anything wrong. But when a lady member referred to what happened in the party meeting, she was prevented from making any such reference. I want to know whether there is any difference in the treatment meted out to the lady members and the male members. I beg to submit that the point I have raised affects the right of the members of the House. Is it in order to allow a member to exercise a right, when he belongs to a particular sex, and deny the same right to another member who belongs to the other sex?"

MR. SPEAKER :—" This is not at all a point of order. I would like to hear the view of the Deputy Speaker, who was then in the Chair."

SRIMATHI C. AMMANNA RAJA :—" I do not know how the hon. Leader of the Opposition is making this mistake. When Mr. Vaidyanatha Ayyar referred to party decision and party mandate, I told him that we have nothing to do with them and that the House is not aware of them. I do not know whether Mr. Kaleswara Rao referred to party decision and so on. What I told with reference to Mr. Vaidyanatha Ayyar's remarks, I did tell with reference to the remarks of Srimathi Lakshmi Ammal also."

MR. SPEAKER :—" Srimathi Lakshmi Ammal will continue her speech to-morrow. I adjourn the House to meet again at 11 a.m. to-morrow."

The House then adjourned.

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APPENDIX I.

[Vide answer to starred question No. 453 asked by H. S. Hussain Sahib Bahadur at the meeting of the Legislative Assembly held on the 27th November 1947, page 661 supra.]

Steps taken by Government and proposed to be taken in future to safeguard the rights and improve the social, spiritual, economic, educational and political conditions of Harijans and Muslims in the Province.

HARIJANS.

1. *Social.*—In order to improve the social status of the Harijans and to remove their civil disabilities, the Government enacted the Removal of Civil Disabilities Act, 1938. Recently a bill to amend this legislation which seeks further to remove their civil disabilities has been passed by the Houses of the legislature. House-sites, wells, tanks, etc., for supply of drinking water, sanitary amenities, pathways, burning or burial grounds, etc., are provided by the Labour Department for the social amelioration of the Harijans. Government make grants to private bodies engaged in social uplift of the community and they have created a special fund of Rs. 1 crore called the Harijan Uplift Fund with a view to undertaking a colonization scheme for the benefit of the Harijans. The details of the scheme have not yet been finally settled.

Collectors of districts have been instructed to select sites for sinking wells in rural areas as far as possible near Harijan colonies and places accessible to them. The Government have directed that wells dug at the cost of the Government in the premises of Courts, police lines, offices, etc., should be used by the persons for whom they were intended, namely, litigants, policemen, employees in the offices, etc., as the case may be, irrespective of their community and if after serving their needs first, it is possible to extend the convenience to others, it may be done by the head of the office in whose compound the well is situate. Government are also issuing instructions that officials who go enquiring into the needs of the Harijans should actually go to the cheris themselves and not bring the Harijans to the place where they camp.

2. *Spiritual.*—By the passing of the Madras Temple Entry Authorization Act, 1947, Harijans have been enabled to enter any Hindu temple and offer worship therein in the same manner and to the same extent as Hindus in general.

3. *Economic.*—Under Board's Order No. 15 (38) specific areas of land in each village have been assigned to depressed classes for cultivation. Mr. Vaidyanath Sahib Bahadur : Valuable lands, they may be assigned to them in the case. Mr. Vaidyanath

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easy instalments. Under the Grow More Food Rules, preference in the matter of temporary grant is given to landless poor, the bulk of the landless poor being Harijans.

On representations made to the Government by the Harijans that they are experiencing difficulties in securing the rationed articles and that they may be exempted from the operation of the one year rule about the licences under the Madras Foodgrains Control Order (No. 11), 1945, to enable them to open rice ration shops, orders have been issued by the Government that the one year rule may be waived in case of genuine applicants belonging to scheduled castes provided they satisfy the other conditions.

On a representation from the members of the Legislative Assembly that Harijans including those who were converted to Christianity are not getting their due share of controlled and rationed articles such as mill cloth, yarn, foodgrains, firewood, sugar, etc., as the licensed dealers invariably belong to other communities, the Government have ordered that some shops may be located in Harijan quarters, Harijans being made the licensees in respect of such shops. The Collectors were asked to implement fully the above orders in granting licences to deal in cloth and yarn. The Government have also ordered that whenever applications from suitable Harijans with necessary qualifications are available they may be considered favourably for appointments in the Textile Department.

Co-operative societies have been organized for the Scheduled classes for various purposes such as supply of credit for their agricultural and domestic expenses, purchase of house-sites to provide dwelling houses, or the taking of land on lease or an assignment from the Government for purposes of cultivation. On the 30th June 1946, there were 2,328 such societies with 1.14 lakhs of members. These societies include the Kallars societies in Tanjore and Madura districts, the fishermen societies in Malabar and South Kanara and the societies for hill tribes in Vizagapatam and East Godavari districts. The Government have sanctioned special staff for the supervision of these societies.

The Government have exempted the Scheduled Class members of co-operative societies including land mortgage banks from the payment of all fees payable under the law of registration for the registration of documents and for obtaining encumbrance certificates in respect of applications for loans on the security of immovable property. Under the existing orders this concession will remain in force till 31st March 1950.

4. *Educational.*—Maintenance of schools, grant of scholarships, stipends and boarding grants, grants for the purchase of books, etc., grants to private educational institutions for the benefit of Harijans, are the ameliorative measures taken by the Labour Department for the Harijans.

The scholarships in the Madras Veterinary College are distributed in accordance with the principle of communal rotation based on the strength of each class. Candidates belonging to the

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Scheduled Castes who are admitted to the B.V.Sc. degree course in the Madras Veterinary College will be paid a scholarship of Rs. 40 per mensem whereas candidates belonging to other communities will be paid only Rs. 30 per mensem.

Instructions have also been issued to the Director of Veterinary Services to view liberally applications from Harijan candidates for admission into the Madras Veterinary College and to see that all Harijan candidates who possess the minimum qualifications required for admission are admitted to the course without reference to their marks in comparison with other candidates, i.e., a Harijan candidate need not be rejected on the ground that there are candidates with better marks or higher qualifications.

Three scholarships of Rs. 30 per mensem each are awarded to the backward and other communities including Harijans in each of the Agricultural Colleges, Coimbatore and Papatla. Two scholarships of Rs. 40 each per mensem are awarded to students from the Scheduled Castes by the Labour Department in each of the Agricultural Colleges.

The Director of Agriculture has been asked to issue instructions to the Principals of the Agricultural Colleges to view liberally applications from Harijan candidates for admission into the Colleges.

The Government have issued instructions to check discrimination against Harijans in schools. In the matter of admissions special facilities have been made for the reservation of seats to the extent of 10 per cent to Harijans in schools. As a means of solving the problem of untouchability, the opening of separate schools for Harijans will be discouraged. Steps are also taken to see that when schools are newly opened, they are located near Harijan cheris so that it may be convenient for Harijans to attend along with caste pupils. Harijans are eligible for full fee concessions up to III Form if they are poor under the Madras Educational Rules. Harijan girls in higher forms and Harijan boys in all forms are eligible for the half-fee concessions under these rules. The Government sanctioned in 1945-46 a scheme for the introduction of compulsory elementary education in selected villages in each district and the scheme is being extended year after year. Instructions have been issued to the Director of Public Instruction to select villages in backward areas as far as possible. Under the orders of Government, poor children of *Scheduled Castes and Muslims* reading in elementary schools under local bodies are supplied with books and slates free of cost. These books and slates should be utilized by the pupils during school hours and should not be taken home. The supply is left to the discretion of the local bodies and depends on the funds available with them. Harijan boys and girls in all schools and colleges are eligible for the special scholarships reserved for them by the Labour Department. In the Education Department though no special scholarships have been earmarked for the Harijan pupils

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direction has been given that in the award of the general scholarships preference should be given to the claims of the Harijan pupils.

In regard to Collegiate education, the Government are against fixing a rigid communal proportion for admission into Government Arts and Professional colleges. They have, however, issued instructions to the Principals of Government colleges that while making selections for admission to all classes in their colleges, they should exercise the greatest care in seeing that due representation is given to Non-Brahmans, to all minority communities, to Muslims, to Scheduled classes and to women. They have also been instructed that special consideration should be shown to Muslim women and Scheduled classes very few of whom ever reach the collegiate standard. From the academic year 1947-48, the Government have reserved 10 per cent of the seats in all Government Arts Colleges, Training Colleges and Law College, Madras, for Harijan students. In the matter of admission to Government Engineering Colleges, fresh instructions have been issued to the Principals of the colleges that the number of seats from each district should be fixed to the extent possible with reference to the ratio of the population of the district bears to the total population of all the districts in the Province. They have also been informed that the communal proportion fixed for representation in Government service should be kept in view and should be observed as far as practicable in the matter of selection of students from the various communities for admission into the Government Engineering colleges. This will enable Harijans to get their fair share of seats in such colleges.

In respect of Medical education the following concessions are admissible to *Harijans and Muslims* :—

(1) Women students of these communities and classes when admitted to the Medical colleges are exempted from the payment of entire tuition fees.

(2) Out of every twelve seats in the Medical colleges Muslims get two and Harijans one.

In the school of Indian Medicine, the following concessions are given to *Muslims and Scheduled Caste* students :—

(1) A stipend of Rs. 20 per mensem to two women students every year.

(2) Half-fee concession to all *Muslim and Scheduled Caste* students.

In the Central Board of Indian Medicine, one seat has been reserved for medical practitioners from the *Scheduled Castes* and one seat for practitioners in Unani system who are generally *Muslims*.

5. *Political*.—So far as local bodies are concerned, special representation through reservation of seats has been given to members of *Scheduled Castes and Muslims* with reference to their population in the local areas concerned in order to safeguard their interests in the administration of local bodies.

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MUSLIMS.

Educational and Spiritual.—Every improvement that is necessary and is possible is being effected in the existing schools. It is the policy of the Government to have complete schools wherever necessary. Quite recently schools for Muslim girls were started at Mangalore, Coimbatore, Madras and Tirur. Provision exists for religious instruction in all these schools. Religious instruction is a regular feature in all Muslim institutions. Muslims are admitted into all Government hostels. Conveyance facilities are provided in schools for Muslim girls of a certain age. Muslims are also eligible for full and half-fee concessions as the case may be under the Madras Educational Rules. There are in addition special scholarships for Muslims in Secondary schools and the number of scholarships has been increased this year. They are also eligible to receive general scholarship. They enjoy besides a large number of free scholarships in Government Muslim schools which are denied ordinarily to other communities. Three scholarships of the value of Rs. 30 each per mensem are awarded to the students from the Muslim community studying for the B.Sc. (Ag.) course in each of the Agricultural colleges at Coimbatore and Bapatla. The concessions enumerated in detail under the heading "Harijans" in the matter of their education in the Arts, Professional and Medical Colleges, and in the School of Indian Medicine (including the Central Board of Indian Medicine), are allowed to the Muslims.

Political.—The same concessions as are shown to Harijans in the matter of representation through reservation of seats in local bodies are also shown to Muslims.

APPENDIX II.

[Vide answer to starred question No. 468 asked by Sri V. Raghavayya at the meeting of the Legislative Assembly held on the 27th November 1947, page 678 supra.]

List of Deputy Collectors working under the Administrative control of other departments.

Designation and headquarters of the post.	Name of the present incumbent.
I. CIVIL SUPPLIES AND RATIONING.	
1 District Supply Officer, Anantapur	Sri M. Audikesavalu Nayudu.
	Khaja Mohideen Ahmed Sahib Bahadur (posted).
2 Do. North Arcot	Sri M. S. Srinivasa Ayyar.
3 Do. South Arcot	Sri A. R. Rajaratnam.
4 District Rationing Officer, Bellary	Sri S. Haridas.
5 District Supply Officer, Chingleput	Sri C. G. Venkataraman.
6 District Rationing Officer, Chingleput	H. Mohideen Badsha Sahib Bahadur (posted).
7 District Supply Officer, Chittoor	Sri C. Lakshminarayana Sastri.
	Syed Abdul Ahmed Sahib Bahadur (posted).
8 District Supply Officer, Coimbatore	Sri S. M. Balakrishna Pillai.
9 District Rationing Officer, Coimbatore	Sri C. G. Krishna Ayyar.
10 District Supply Officer, Cuddapah	Sri A. Kameswara Rao.
11 District Rationing Officer, East Godavari	Sri A. N. Raja Ayyar.

[27th November 1947]

Designation and headquarters of the post.	Name of the present incumbent.
12 District Supply Officer cum District Food Re-organization Officer, East Godavari.	Sri K. Kondala Rao.
13 District Rationing Officer, West Godavari	Sri D. Balasundaram Pillai.
14 District Supply Officer cum District Food Re-organization Officer, West Godavari.	Sri P. C. James.
15 District Rationing Officer, Guntur	Sri G. Sitaramiah.
16 District Supply Officer cum District Food Re-organization Officer, Guntur.	Muhamed Rahimatullah Sahib Bahadur.
	Sri K. Seshacharyulu (posted).
17 District Supply Officer, South Kanara	Sri M. Bhavani Sankar Rao.
18 District Rationing Officer, Kistna	Md. Mohideen Khan Sahib Bahadur.
	Sri N. Yeganti (posted).
19 District Supply Officer cum District Food Rationing Officer, Kistna.	Sri K. Subba Rao.
20 District Supply Officer, Kurnool	Khaja Mohideen Ahmed Sahib Bahadur.
	Sri M. Audikesavalu Naidu (posted).
21 Special Assistant to the Collector of Madras for Civil Supplies work.	Sheik Ahmed Sahib Bahadur.
22 City Rationing Officer, Madras	H. Mohideen Badsha Sahib Bahadur.
	Mr. A. F. Mascarenhas (posted).
23 Joint Secretary to the Commissioner of Civil Supplies.	Sri T. Prabhakara Rao Nayudu.
24 Assistant Regional Food Commissioner, Madras (Post under the Government of India).	Sri U. Kumarayya.
25 Deputy Controller of Food Rationing (North)	Khan Sahib Syed Abdus Subhan Sahib Bahadur.
26 Deputy Controller of Food Rationing (South)	Sri Rao Sahib N. C. Thomas.
27 District Supply Officer, Madura	Syed Abdul Azeez Sahib Bahadur.
28 District Food Re-organization Officer, Malabar.	Sri T. J. Jacques.
29 Deputy District Supply Officer, South Malabar.	Sri S. Moni.
30 Do. North Malabar.	Sri P. P. Gopalan Nair.
31 Personal Assistant to the Collector of Malabar for Civil Supplies work.	A. Kunhamed Sahib Bahadur.
32 District Supply Officer, Nellore	Sri G. Venkataswami Nayudu.
33 District Rationing Officer, Nellore	Sri N. Yeganti.
	Muhammad Mohideen Khan Sahib Bahadur (posted).
34 District Supply Officer, Ramnad	Sri S. Subramanya Pillai.
35 Do. Salem	Sri T. E. Thyagaraja Pillai.
36 Do. Tanjore	Sri T. K. Palaniyappan.
37 District Rationing Officer, Tinnevely	Sri G. Rajaratna Nader.
38 District Supply Officer, Trichinopoly	Sri K. V. Kannappa Mudaliar.
39 Do. Vizagapatam	Muhammad Ghouse Mohideen Sahib Bahadur.
40 Deputy District Supply Officer, Vizagapatam (North).	Sri C. Surya Rao.
41 Do. Vizagapatam (South).	Sri K. Dorairajan.

II—SCHOOL FOR THE TRAINING OF CLERKS.

1 Special Officer for the training of clerks, Madras ..	Sri D. Subbaraya Sastri.
2 Principal, School for the training of clerks, Cuddalore.	Sri N. Ramaswami Ayyangar.

III—SPECIAL ASSISTANT (EX-SERVICEMEN'S RESETTLEMENT).

1 North Arcot	Sri R. Anniah Nayudu.
2 Coimbatore	Sri K. Suppa Menon.
	Sri M. C. Govindan (posted).
3 Madura	Sri A. Somasundaram.
4 Malabar	Sri K. N. Sankunni Menon.
5 Tinnevely	Sri K. V. Venkatarama Ayyar.
6 Vizagapatam	Sri P. Thirupathi.

[27th November 1947]

Designation and headquarters of the post.

Name of the present incumbent.

IV—LABOUR.

- 1 Personal Assistant to the Commissioner of Labour, Madras. Sri V. Balasundaram.
- 2 Assistant to the Commissioner of Labour, Madras. Sri A. Uthandarama Pillai.
- 3 Labour Conciliation Officer, Coimbatore Mr. Henry Peter.

V—TEXTILE DEPARTMENT.

- 1 Assistant Commissioner (Textile Control), Madras. Sri S. Chidambaram Pillai (posted).
- 2 Assistant Provincial Textile Commissioner, Madras. Sri N. Kanakasundaram.
- 3 Inspecting Assistant Textile Commissioner, Madras. Muhammad Amaruddin Sahib Bahadur.
- 4 Do. Salem. Sri K. Vaidyanathan.
- 5 Do. Bezwada. Sri A. Satyanarayanamurthi Naidu.
- 6 Do. Madura. Sri S. Thayappa Tevar.

VI—LOCAL ADMINISTRATION DEPARTMENT.

- Revenue Officer, Corporation of Madras Sri T. S. Avudaiappa Pillai.

VII—DEVELOPMENT DEPARTMENT.

- Rent Controller, Madras Sri R. C. Joseph.

VIII—OFFICE OF THE DIRECTOR OF AGRICULTURE.

- Personal Assistant to the Director of Agriculture, Madras. Sri V. Seetharama Servai.

IX—OFFICE OF THE DIRECTOR OF INDUSTRIES AND COMMERCE.

- Personal Assistant to the Director of Industries and Commerce, Madura. Muhammad N. S. Quraishi Sahib Bahadur.

X—GOVERNMENT OF INDIA.

- 1 Deputy Commissioner of Andaman Islands and Ex-Officio Deputy Secretary, Home Department. Mr. H. J. Stooks.
- 2 Under Secretary, Government of India, War Department. Sri E. V. Damodaran.
- 3 Protector of Emigrants, Madras Sri Rao Sahib K. Kodandapani Pillai.
- 4 Do. Vizagapatam Sri K. V. Narasimha Rao.
- 5 Assistant Director of Employment, Madras .. Sri Rao Sahib R. Rajagopala Mudaliyar.
- 6 Do. .. Sri B. Joogappa.
- 7 Manager, Employment Exchange, Madras .. Sri K. S. Krishnaswami Ayyangar.

XI—COLONIZATION SCHEMES.

- 1 Administrative Officer, Wynaad Colonization Scheme. Mr. M. C. George.
- 2 Special Deputy Collector, Wynaad Colonization Scheme. Sri M. Achuthan Nair.
- 3 Special Deputy Collector for Araku Valley Scheme, Vizagapatam. Sri E. Ramanujadoss Nayudu.

XII—IRRIGATION DEPARTMENT.

- 1 Special Deputy Collector, Tungabhadra Project, Bellary. Sri B. Chelvanayagam Pillai.
- 2 Do. Sri E. S. Nagesa Ayyar.
- 3 Do. Sri K. S. Prakasa Rao.
- 4 Do. Syed Abdul Kareem Sahib Bahadur.

XIII—PRIVATE.

- 1 Diwan of Sivaganga Sri Rao Sahib N. V. Vaidyanatha Ayyar.
- 2 Diwan of Vizianagram Sri P. Ramachandra Rao Pantulu.
- 3 Commissioner, Tirumalai-Tirupati Devasthanams. Sri A. Jayaram Nayudu.

XIV—MISCELLANEOUS.

- 1 Assistant Secretary (Post-war Reconstruction), Madras. Sri P. Chinnaswami Thalaivar.
- 2 Secretary, Ceded Districts Economic Development Board, Madras (in additional charge of the post of Special Deputy Collector to look after the Punjab Refugees, Madras). Captain D. R. Sundaram.
- 3 Presidency Administration Report Officer, Madras. Sri C. Lakshminarayana (posted).

27th November 1947]

APPENDIX III.

[Vide answer to starred question No. 471 asked by Sri G. Kumaraswami at the meeting of the Legislative Assembly held on the 27th November 1947, page 682 supra.]

- | | | |
|--------------------|----------------|------------------|
| 1 Chinna Sankili. | 9 Gopalapuram. | 17 Gulumuru. |
| 2 Saravacota. | 10 Padmapuram. | 18 Venkatapuram. |
| 3 Kuddigam. | 11 Kasipuram. | 19 Metturu. |
| 4 Liviry. | 12 Khurigam. | 20 Peddamadi. |
| 5 Korada. | 13 Thalada. | 21 Bhamini. |
| 6 Baladur. | 14 Katragada. | 22 Pathapatnam. |
| 7 Chinna Solikiri. | 15 Nulakajoda. | 23 Ruguda. |
| 8 Hiramandalam. | 16 Singidi. | |

APPENDIX IV.

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1947 (L.A. Bill No. 4 of 1947), has the honour to make the following Report :—

1. The Bill was published in English in the *Fort St. George Gazette*, dated the 26th November 1946.
2. The Committee was appointed by the Legislative Assembly on the 11th February 1947.
3. The Committee met in the Committee Room, Fort St. George, at 5-30 p.m. on Tuesday, the 22nd April 1947, and again at 11 a.m. on Saturday, the 6th September 1947.
4. There was only one change made by the Select Committee and that was with reference to the date from which the provisions of the Bill should become operative. After some discussion, it was decided, by a majority, that the Bill should not apply to the property of persons who died intestate before the 26th November 1946, the date of publication of the Bill in the *Fort St. George Gazette*.

The Committee came to this conclusion after considering the views of Sri T. R. Venkatarama Sastriar and Sri Pappu Somasundaram, President of the Madras Advocates' Association. They agreed with their view that it was against the principles of jurisprudence to make any Act affecting rights to real property have retrospective effect. But since this legislation could be deemed to have been prominently before the public from the date of the publication of the Bill in the *Gazette* (26th November 1946), there was no particular harm in fixing this date for the purpose of retrospective effect.

[27th November 1947]

5. The Committee considered that it was not necessary to republish the Bill and authorized the Chairman to sign the Report.

6. A copy of the Bill as amended by the Select Committee is annexed.

Fort St. George,
6th September 1947.

K. BHASHYAM,
Chairman.

ANNEXURE.

[Note.—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

L.A. BILL No. 4 OF 1947.

A Bill for extending the operation of the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, to agricultural land in the Province of Madras.

Central
Act
XVIII of
1937.
Central
Act XI of
1938.

WHEREAS it is expedient to extend the operation of the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, to agricultural land in the Province of Madras; It is hereby enacted as follows:—

1. (1) This Act may be called the Madras Hindu Women's Rights to Property (Extension to Agricultural Land) Act, 1947.

Short title,
extent and
commence-
ment.

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

(3) It shall come into force at once.

Central
Act
XVIII of
1937.
Central
Act XI of
1938.

2. The term "property" in the Hindu Women's Rights to Property Act, 1937, and the Hindu Women's Rights to Property (Amendment) Act, 1938, shall include agricultural land.

The term
"property"
in Central
Acts XVIII
of 1937 and
XI of 1938
to include
agricultural
land.

3. Nothing contained in this Act shall apply to the property of any Hindu dying intestate before the 26th day of November 1946.

Saving.

Explanation.—A person shall be deemed to die intestate within the meaning of this section in respect of all property of which he has not made a testamentary disposition which is capable of taking effect.

THE MADRAS LEGISLATIVE ASSEMBLY:

Friday, the 28th November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

[* 472-A Q.—

THE HON. DR. P. SUBBARAYAN:—"The Hon. Minister for Industries is not here, Sir. Let the question be taken up later."

(At this stage the Hon. Sri H. Sitarama Reddi entered the House.)

THE HON. SRI H. SITARAMA REDDI:—"May I suggest, Sir, that the question^a may be taken up a little later?"

Strike of hotel employees in Madura.

* 472-B Q.—SRI R. V. SWAMINATHAN: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government are aware of the fact that Hotel Employees in Madura City are on strike; and

(b) if so, what action the Government propose to take to avert the inconvenience caused to the public?

THE HON. SRI H. SITARAMA REDDI:—" (a) Yes, Sir.

" (b) The Government have already referred the matter for adjudication to the Industrial Tribunal at Madura and have also prohibited the strike and lock-out."

SRI R. V. SWAMINATHAN:—"In view of the fact that the strike is going on now and about 3,500 employees are involved in the strike, and of the great inconvenience caused to the public, will the Hon. Minister be pleased to take immediate action in the matter, Sir?"

THE HON. SRI H. SITARAMA REDDI:—"I have already answered, Sir, that action has been taken in the matter."

DR. S. SUBRAHMANYA AYYAR:—"In view of the great inconvenience caused to the public, will the Government fix a time-limit within which the Industrial Tribunal will have to give its award?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, once the matter is referred for adjudication, it is the duty of the management to start the work and the labour to get back to work."

[28th November 1947]

SRI K. ANANDAN NAMBIYAR:—" May I know, Sir, whether the Government have intimated to the District Magistrate and the Police authorities that the strikers have been persuaded to get back to work? "

THE HON. SRI H. SITARAMA REDDI:—" Every necessary step is being taken after the matter has been referred to for adjudication."

SRI ALLURI SATYANARAYANA RAJU:—" May I know, Sir, what the grievances of the workers are? "

THE HON. SRI H. SITARAMA REDDI:—" I do not have all the list of grievances here, Sir."

SRI B. S. MALLIKARJUNA RAO:—" On a point of information, Sir, . . . "

MR. SPEAKER:—" No point of information at present. I have called on to the next question. The hon. Member will be given an opportunity to raise his question later. Question No. 473."

(The hon. Member was seen still standing in his seat.)

MR. SPEAKER:—" The hon. Member must know that when the Chair is standing, he should resume his seat. Order, order. I will not allow the hon. Member to speak now. Let the hon. Member resume his seat and put his question afterwards."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" I rise to a point of order, Mr. Speaker. To-day we find on the question paper about six questions standing in the name of the Hon. Premier relating to Firka Development and Police. May I point out, Sir, that when the main questions are put to one Hon. Minister who is in charge of a particular subject, there might be no objection to the written answer being read to the House by any other Minister, because the answer has already been prepared by the office and approved by the Minister in charge. But as regards supplementary questions arising out of the main question, they are put to the particular Minister who is in charge of the subject to elicit or extract information from him, because he is particularly acquainted with the subject and can answer it with authority. Sir, I cannot understand how the Hon. Leader of the House, Dr. Subbarayan, can reply on behalf of the Hon. Premier to supplementary questions. Whatever he says is only what he feels in the matter and whenever he gives an assurance or makes a commitment to the House, it is not binding on other Ministers or the Premier to carry it out. Apart from that, Sir, we find from the question paper, that there are some questions which refer to the Provincial Police over which the Hon. Dr. Subbarayan is not in charge now. I want to know whether he can reply to those questions, Sir."

[28th November 1947]

MR. SPEAKER:—" I think the Hon. Leader of the House has already replied to a similar question. It is my remembrance that he told the House that it is perfectly proper for one Minister to reply for another Minister."

THE HON. DR. P. SUBBARAYAN:—" Questions can be answered on behalf of the Minister concerned by any other Member of the Treasury Bench. This is the usual parliamentary practice and generally when a Minister answers a question, he should have all the information necessary to give any further information that is likely to be elicited in the form of supplementary questions and answers. And if any undertaking is given in the course of such answers by a Member of the Government, I may assure hon. Members of this House that it is binding on the Government as a whole and not merely on the particular person who gives the undertaking or assurance. Therefore, there is no question of any particular Minister being present to answer any question. It is a matter of convenience of the Members of the Cabinet, that any Member of the Government can answer for anybody else. That is the usual Parliamentary procedure."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" Sir, it is rather very unfortunate that the Hon. Leader of the House has not properly understood my point of view. It is the Hon. the Premier who is dealing with Firka Development and the Police and therefore . . . "

MR. SPEAKER:—" The Hon. Leader of the House has already told the House that Members of Government who answer questions are perfectly acquainted with the subjects concerned and that there is nothing wrong in that procedure."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" I want to know what are your views on the matter, Sir."

MR. SPEAKER:—" My view is that any Minister can answer any question on behalf of any other Minister. That is my ruling."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" On a point of information, Sir, can the Hon. Dr. Subbarayan in the present context be the conscience keeper of the Hon. Premier? " (Laughter.)

MR. SPEAKER:—" It is not a question whether he can be the conscience keeper or not, but the real point is whether one Minister can answer for any other Minister."

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—" How can he answer questions on Police, when he is not in charge of the Police portfolio, Sir? "

MR. SPEAKER:—" I think the Hon. Leader of the House has thoroughly explained the matter and he has already told the House that it is not against the usual parliamentary practice."

[28th November 1947]

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—"My submission is this, Sir. When the Police portfolio has been taken away from him ten days back, I maintain that he is not entitled to answer questions relating to Police in this House. Let the Premier come and reply to the questions, Sir."

MR. SPEAKER:—"I think the hon. Member has not understood what I have told the House. My ruling is that any Minister can answer questions on behalf of any other Minister. Let us pass on to the next question."

* 473 Q.—**SRI M. BAPINEEDU:**—"I am not putting my question, Sir."

Acquisition of property for a Fire Service Training School.

* 474 Q.—**SRI C. M. KOTHARI** (on behalf of Mr. B. W. Bachelor): Will the Hon. the Premier be pleased to state—

(a) whether the proprietor of Holloway's Gardens, Pantheon Road, has been served with a notice by the Collector of Madras that the Government intend to acquire this property for the purpose of a Fire Service Training School;

(b) whether the Government also intend to acquire two blocks of flats in Casamajor Road known as 'Maybreeze' and 'Manjolai' for this or any other purpose; and

(c) if the answers to either of the foregoing clauses are in the affirmative, whether Government will be pleased to state what overriding considerations of policy had led to the necessity of retaining residential property requisitioned during the war, or of acquiring fresh residential property involving the eviction of seven families at a time when the shortage of housing is so acute, and for a purpose which can easily be accommodated elsewhere, and would only cause annoyance to the people living in the neighbourhood?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) The Government decided so early as in April 1946 to acquire the buildings for the use of the Madras Fire Service with effect from the date on which they are vacated by the military. With a view to ascertain the probable cost of acquisition, the Collector of Madras requested the owner of the land in a letter, dated 17th September 1947, to state what compensation he required and on what basis. However, in view of the need for strict economy in expenditure and considering that the buildings are still under military occupation the question whether it is absolutely essential to pursue the proposals for acquisition is now under separate consideration.

" (b) No.

" (c) Does not arise in view of the answers to clauses (a) and (b) above."

[28th November 1947]

Instructions to take certain steps regarding Hyderabad.

* 475 Q.—**MOHAMED ABDUL SALAM SAHIB BAHADUR:** Will the Hon. the Premier be pleased to state—

(a) whether the Provincial Government have issued instructions to the District Officials (of the bordering districts of Hyderabad) to take certain steps regarding Hyderabad;

(b) if so, whether the Government will place on the table of the House the details of such instructions; and

(c) whether the Government will be pleased to place on the table of the House the instructions that this Provincial Government have received from the Central Government in the matter of Hyderabad?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) to (c) No instructions have been received from the Central Government. As regards instructions by the Provincial Government to their own officers, the Government must point out that normally instructions are given to the officers in a district with reference to the particular problems of the district, and such instructions are treated as confidential and cannot be published."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know, Sir, whether it is a fact that Muslim officers in the Police department, and Muslim Magistrates have been transferred from Kistna, Guntur and Kurnool districts and whether Muslim constables have been deprived of their arms in these districts and whether these acts were done under instructions of the Government?"

THE HON. DR. P. SUBBARAYAN:—"Transfers are usually made by the district officers concerned in the matter of non-gazetted staff. There is no question of any instructions from the Government. At the same time, considering the situation in which we are placed, the Government have got to take the utmost care to see that law and order are maintained and whatever is necessary for that purpose, will be done. The whole matter is of a confidential nature and I am not prepared to disclose any further information on this."

SRI V. RAGHAVAYYA:—"Is it not a fact, Sir, that certain subordinate officials in the border districts have not been doing their duties satisfactorily and impartially and that at least one Circle Inspector of Police has been found aiding in the subterranean activities in favour of the Hyderabad State?"

THE HON. DR. P. SUBBARAYAN:—"The Government are keeping a very careful watch over these matters and as I said, it is a matter of utmost secrecy, because the discipline of services is as important to the Government as to the public and therefore in the public interest, I am not prepared to disclose any information."

[28th November 1947]

Alleged blackmarketing activities of a textile business firm of Kavali.

* 476 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that one Tota Nagabhushanam of Kavali, Nellore district, has given a report to the X Branch Sub-Inspector of Nellore on 4th June 1947 against a particular textile business firm of Kavali alleging blackmarketing activities, evasion of income-tax and other offences against that firm;

(b) whether it is a fact that he delivered a number of account books and papers said to belong to that firm to prove the aforesaid allegations and also took a receipt from the X Branch Sub-Inspector;

(c) whether it is a fact that the District Judge of Nellore in his proceedings in Criminal Miscellaneous Petition No. 11 of 1947 has remarked as follows:—

“On the other hand the accounts produced before the C.I.D. Police and the detailed allegations made by him (Tota Nagabhushanam) in his petition, dated 12th June 1947, show that he has got a case to put forward and fit enough to be enquired into.”

(d) whether it is a fact that similar reports have been given by Tota Nagabhushanam to the Provincial Textile Commissioner, Madras, alleging blackmarketing sales of cloth by the same firm;

(e) whether it is a fact that the X Branch have not till now taken any steps to study the account books surrendered to them with the help of Tota Nagabhushanam;

(f) whether without doing anything they have shoved on the responsibility to the Textile Department;

(g) whether it is a fact that the Provincial Textile Commissioner in his turn tried to throw the responsibility against the X Branch in his endorsement No. Dis. 112341/47-E-3, dated 30th June 1947;

(h) whether both the departments by common agreement, as it were, tried to wash off the entire trouble by diverting the correspondence to the Income-tax Officer, Nellore;

(i) if so, whether the Government propose to institute a thorough enquiry into the matter; and

(j) whether the transaction amounts to several lakhs?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—“(a) Sri Tota Nagabhushanam did not give any report on 4th June 1947. But Sri V. Raghavayya, M.L.A., sent for the local ‘X’ Branch Sub-Inspector and orally complained on behalf of Tota Nagabhushanam who was also present. This was followed by a written complaint on 13th June 1947.

“(b) Yes.

“(c) Yes.

[28th November 1947]

“(d) No. A copy of the petition, dated 12th June 1947, addressed to the Superintendent of Police, ‘X’ Branch, was received by the Provincial Textile Commissioner on 28th June 1947.

“(e) & (f) As the allegations related to evasion of Income-tax Rules and Orders, the petition was forwarded in original to the Income-tax authorities. The account books were handed over by the ‘X’ Branch to the Sub-Magistrate, Kavali, on 8th July 1947 as per orders of the District Judge.

“(g) It is a fact that the papers received by the Provincial Textile Commissioner were forwarded to the ‘X’ Branch in his N.Dis. No. 112341/47-E-3, dated 30th June 1947. As the papers have been addressed to ‘X’ Branch and only copies sent to him for information, it was considered that investigations by two departments concurrently might clash. The reports were therefore sent to ‘X’ Branch.

“(h) Certainly not.

“(i) Does not arise.

“(j) There is no information. The Income-tax authorities are enquiring into the allegations contained in the petition of Tota Nagabhushanam.”

SRI V. RAGHAVAYYA:—“In view of the fact that the District Judge has given his opinion that the case deserves to be enquired into and there is sufficient material for an enquiry, may I know why so much time has been taken in studying the matter and the account books?”

THE HON. DR. P. SUBBARAYAN:—“I have already stated in my answer to the question in detail that the matter is under investigation and that all prompt action will be taken when the investigation is completed.”

SRI V. RAGHAVAYYA:—“Is it a fact, Sir, that none of these three departments has yet physically looked into the books and tried to know what the case is about?”

THE HON. DR. P. SUBBARAYAN:—“Well, Sir, I believe they have got the books, but I do not know what the hon. Gentleman means by ‘physically’. Physically, whether they have touched the books or not, I must ask the gentlemen concerned to say.”

SRI V. RAGHAVAYYA:—“By ‘physically’ of course I meant actually. Anyway, may I know whether in view of the magnitude of the transactions and the fact that actually the account books have been handed over to the Police and also in view of the fact that it is a matter where three departments have to study together, will the Government take the suggestion that all the three departments should study the books together and try to find out what the matter is, expeditiously?”

THE HON. DR. P. SUBBARAYAN:—“Sir, I am grateful for the suggestion of the hon. Member and action will be taken accordingly.”

[28th November 1947]

*Alleged Police shooting of Kisans in Mokeri,
Kurumbranad taluk.*

* 477 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Premier be pleased to state—

(a) whether there was a Police shooting of the Kisans in Mokeri in Kurumbranad taluk of North Malabar on 18th March 1947;

(b) whether there was any ban on the meeting in the locality on the said date;

(c) if the answer to (b) above is in the negative, why the police Sub-Inspector of Nadapuram went to the meeting place with a posse of constables and shot at the peaceful crowd;

(d) how many are wounded as a result of the shooting;

(e) whether the Government are considering to institute a non-official enquiry into the cause of the shooting;

(f) whether it is a fact that the Malabar Special Police is still camping in the locality.

(g) whether the Government have received any representation from the people of the locality about the atrocities committed by the Malabar Special Police and the Sub-Inspector of Police of Nadapuram; if so, what action has been taken; and

(h) whether the Sub-Inspector of Police of Nadapuram who was responsible for the shooting still continues in service in the same police station?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—“(a) Yes.

“(b) No.

“(c) The Sub-Inspector of Police, Nadapuram, went to the meeting to arrest P. K. Kunhiraman Nambiyar, an accused, who was wanted in C.C. No. 39 of 1947 on the file of the Additional First-class Magistrate, Calicut; and while he was effecting the arrest, the people in the crowd, at the instigation of the accused, openly attacked the Sub-Inspector and his men with lathis and stones. The Sub-Inspector and his men at first tried to disperse the crowd by a mild lathi charge but as they were in grave danger of being overpowered, the Sub-Inspector, in pure self-defence, opened fire at the attacking mob.

“(d) One.

“(e) No.

“(f) Yes.

“(g) Some representations about the alleged atrocities have been received and are being looked into.

“(h) Yes.”

[28th November 1947]

SRI K. ANANDAN NAMBIYAR:—“May I know, as a result of the people's attack on the police, whether the Police Sub-Inspector or the constables received any injury on that particular day?”

THE HON. DR. P. SUBBARAYAN:—“It is for them to judge; and they felt there was grave danger of their being overpowered.”

SRI PILLALAMARRI VENKATESWARLU:—“Arising out of the answer given by the Hon. Minister, may I know how the Government came to the conclusion that the accused instigated the people to come to his rescue?”

THE HON. DR. P. SUBBARAYAN:—“The Government come to such conclusions on the material that are presented to them and they are certain of what they do.”

SRI K. ANANDAN NAMBIYAR:—“May I know why the Malabar Special Police is still being allowed to camp in the same locality?”

THE HON. DR. P. SUBBARAYAN:—“For the simple reason that people belonging to the persuasion of the hon. Gentleman are rather troublesome.” (Laughter.)

SRI R. V. SWAMINATHAN:—“Arising out of the answer to clause (h), is it not advisable to transfer the Sub-Inspector, who is not able to manage the situation without opening fire to some other place?”

THE HON. DR. P. SUBBARAYAN:—“The Government do not think so.”

SRI V. RAGHAVAYYA:—“In view of the experience and the knowledge gained by most of the Hon. Ministers and Members as to what a mild lathi charge is, may I know whether in the future this lathi charge will be replaced by tear gas or some other more humane method?”

THE HON. DR. P. SUBBARAYAN:—“The Government will consider the matter that the hon. Gentleman has mentioned, most carefully; but there are occasions when even a lathi charge will be found necessary.”

SRI K. ANANDAN NAMBIYAR:—“May I know whether wherever the members of the Communist Party are, there the Malabar Special Police will also be camped?”

THE HON. DR. P. SUBBARAYAN:—“That depends upon the behaviour of the members of the party which the hon. Gentleman has mentioned.”

SRI R. V. SWAMINATHAN:—“I should like to know from the Hon. Minister, the policy of the Government regarding the transfer of officers, particularly those who are not able to keep cordial relations with the people in the locality.”

THE HON. DR. P. SUBBARAYAN:—“The Police know exactly what the opinion of the present Government is; and

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I have reiterated time and again that they are for public security and for the defence of the public; and I think the constables and even the officers understand this position of the Government. As I said, if there are any excesses which this Government think are excesses, they will naturally take the necessary action."

Training school system for the Judicial Ministerial Service.

* 478 Q.—SRI R. SUBBA AYYAR: Will the Hon. the Home Minister be pleased to state—

(a) whether the Government have received memorials regarding the abolition of the training school system for the Judicial Ministerial Service;

(b) if so, what the recommendations are, if any, of the High Court thereon; and

(c) what action the Government propose to take thereon?

THE HON. DR. P. SUBBARAYAN:—“(a) No.

“(b) & (c) Do not arise.”

Ration of rice in the Vriddhachalam taluk.

* 479 Q.—SRI S. PARAMANANDA RAYAR: Will the Hon. the Minister for Food be pleased to state whether the Government have taken any steps to issue full ration of rice to the mixed diet eaters of Vriddhachalam taluk, where millets are not now available?

THE HON. DR. T. S. S. RAJAN:—“A temporary shortage of millets was felt in the Vriddhachalam taluk owing to the non-arrival of allotments expected from Government of India's quotas and the unexpected difficulty experienced in transporting emergency quotas aggregating to 400 tons allotted from Tanjore and Ramnad. Permission was not granted for the issue of rice to mixed diet eaters as it was expected that these allotments would reach the scarcity area in time and also as rice was equally scarce. The situation in the taluk has since eased, the taluk having had more than seven weeks' stocks at the close of October 1947.”

SRI S. PARAMANANDA RAYAR:—“May I know whether it will not be in the interests of the public to abolish rural rationing in surplus taluks even when the system has not worked out to a fair success?”

THE HON. DR. T. S. S. RAJAN:—“It is a matter of policy which is under the consideration of the Government.”

SRI S. PARAMANANDA RAYAR:—“May I know whether frequent breakdowns of the rural rationing system have not happened even in surplus taluks like Vriddhachalam and Chidambaram?”

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THE HON. DR. T. S. S. RAJAN:—“So far the Government have not received information of the failure of rural rationing in surplus areas; when we do get information, we rush stocks and afford such relief as is possible.”

SRI S. PARAMANANDA RAYAR:—“May I know whether it is a fact that on many days the people of Vriddhachalam taluk were supplied foodgrains short of their prescribed ration quantity?”

THE HON. DR. T. S. S. RAJAN:—“All the ration shops have got directions as to the quantity which they have got to measure out to the card-holders; if there is no stock in hand, they say they have not got the stock in hand and therefore cannot give the ration. It is only when the available stock on hand allows it that the distribution is made; and if any person does not get his ration, that means either that the stock is not available in the ration shop or that it is expected very shortly.”

Season for manuring.

* 480 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the season for manuring has passed by in the months of May and June in Northern Circars and in early September in Nellore district;

(b) whether it is a fact that coupons for bonus to these districts were despatched for distribution only in the third week of October;

(c) whether it is a fact that the manures are not accepted by the ryots as they do not need them; and

(d) if so, whether the Government will agree to pay the entire bonus in cash?

THE HON. DR. T. S. S. RAJAN:—“(a) Yes, in respect of first crop paddy.

“(b) The Food Bonus coupons were supplied to these districts in the second week of October.

“(c) No. The Government are not aware of it.

“(d) No. Even according to the terms of the Paddy Bonus Scheme, as originally announced, the distribution of the bonus coupons was to commence only after September and the supply of oil-cake was to be made only from November onwards when the required amount of cake from the current year production of groundnut would be available. It was only because some quantity of the cake procured in the last year was available, the Government thought it better to distribute the cake even earlier so that the producers might use it for the current cultivation whenever possible. Therefore such of the producers as do not need the cake now can keep the coupons and purchase the cake later when it is needed.”

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SRI V. RAGHAVAYYA:—" May I take it that the Government have not got to-day the required amount of manure; that if all the coupon-holders will present the coupons to-day and ask for manure, there is no stock to meet all their legitimate demands; if that is correct, will the Government take to heed the advice given by the *Hindu* some time back that the Government was simply indulging in a terminological inexactitude by promising to give manure whereas in fact they were not able to do so? "

THE HON. DR. T. S. S. RAJAN:—" My answer to that is sufficiently clear. The Government accepted to give manure only from November onwards when the new crops come in, and whatever was delivered before was out of the surplus stock of the previous year. The Government are certain that they could meet the demand which they have promised to do and they are in a position to say that they could give bonus in terms of manure whenever the ryots want it in return for their coupons."

SRI V. RAGHAVAYYA:—" Was it not the intention of the Government to supply manure for the grow more food schemes in this year? "

THE HON. DR. T. S. S. RAJAN:—" The question of grow more food is intimately connected with the question of the grain purchase by the Government. Whoever offers grain is entitled to bonus and whoever has got a bonus coupon is entitled to manure."

SRI R. SUBBA AYYAR:—" May I know whether the Government have issued any instructions to Collectors of districts to issue manure only to coupon-holders and not to others? "

THE HON. DR. T. S. S. RAJAN:—" The coupon-holders have got a priority; when the coupon-holders have got their manure and there is surplus manure left over, then alone others are entitled to it and will get it."

M. S. ABDUL MAJID SAHIB BAHADUR:—" Are not the non-bonus coupon-holder producers of crops entitled to manure like groundnut cake, etc.? "

THE HON. DR. T. S. S. RAJAN:—" They are entitled to buy their manure in the open market, but they cannot demand it from the Government in so far as they have not surrendered their grain to the Government. In fact, the object of the bonus scheme is to encourage ryots to surrender their crops if the Government demand it, in return for which the Government give them the bonus coupons."

SRI R. SUBBA AYYAR:—" Are the Government aware that the cultivation season is practically over and many big landholders may not require these manure coupons offered by the Government and therefore the manure will be a waste? "

THE HON. DR. T. S. S. RAJAN:—" Manure is never a waste; again, the cultivation season is not over; the manure coupons can be held over and manure can be got for the next crop."

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SRI V. RAGHAVAYYA:—" Is it a fact that even now only those rich men who are entitled to bonus worth more than Rs. 2,000 are more speedily given these coupons and that the rest are not yet given the manure coupons? "

THE HON. DR. T. S. S. RAJAN:—" There is no such discrimination shown."

SRI M. S. PATTABHIRAMIAH:—" May I know if the petty landholders who own only two or three acres of land and who are unable to surrender their grain to the Government after meeting their own demands,—if they are denied these coupons, is it not a great injustice done to them? Are they not feeding themselves and are they not subjects of our Government? "

THE HON. DR. T. S. S. RAJAN:—" The question does not arise; it is purely a business proposition. Whoever surrenders his paddy to the Government gets the bonus coupons promised by the Government, and the Government are obliged to give them the manure they have promised; but with regard to the others, they can provide themselves with such manure as is available to them in the usual course; and the fact that they have not surrendered their paddy to the Government does not justify the Government in apportioning or even going out of the way to give them manure—which is very hard to get nowadays—and whatever they get they have to husband and distribute carefully to the bonus coupon-holders who are entitled to it."

M. S. ABDUL MAJID SAHIB BAHADUR:—" In view of the fact that most of the bonus coupon-holders are not taking delivery of these groundnut cakes, will the Government think it advisable to reserve some percentage of this manure for the non-bonus coupon-holders? "

THE HON. DR. T. S. S. RAJAN:—" I do not think Government are in a position to do it, because there is not enough of this groundnut cake. Moreover, they have got an obligation to the producers who surrender their foodgrains to the Government and so, they give this manure to these coupon-holders."

SRI V. M. RAMASWAMI MUDALIYAR:—" May I ask the Government whether the persons who surrender their grains voluntarily to the Government and who are given these bonus coupons, will be supplied with the manure at their own places or whether the Government expect them to take delivery of this manure coupons from the taluk offices? "

THE HON. DR. T. S. S. RAJAN:—" Bonus coupons are distributed by the Revenue authorities to the ryots in their own houses, but the ryots have to present them at the taluk offices and the manure will be distributed to them when it is demanded."

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Foreign articles imported into this Province.

* 481 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) the varieties of foreign articles imported into this Province since this Government was formed and the value of each variety;

(b) what are the new industries started in our Province to prevent the abovesaid import of foreign articles;

(c) whether the Government received any applications for starting new industries for producing the articles at present imported; and if so, the help given by the Government in each case;

(d) whether any new industries started during the war was closed; and if so, why;

(e) the list of industries started during the war and still working; and

(f) whether the Government propose to counteract the huge import of foreign articles and start new industries?

THE HON. SRI H. SITARAMA REDDI:—“(a) A list^a showing the articles imported into this Province from March 1947 to June 1947 and their value is placed on the table of the House.

“(b) A list^a of new industries permitted to be started in this Province is placed on the table.

“(c) Yes, Sir. The assistance sought generally is for capital issues and import permits. All deserving cases have been supported by this Government.

“(d) & (e) The Government have no information.

“(f) Restriction of imports is effected by the Government of India and it is understood that imports have lately been severely curtailed. The question of sponsoring further industries will be considered when the final report of the Industrial Planning Committee is received.”

SRI M. BAPINEEDU:—“Arising out of the answer to clause (b), may I know, Sir, what are the actual industries that have been started?”

THE HON. SRI H. SITARAMA REDDI:—“A list is furnished.”

SRI M. BAPINEEDU:—“This list furnishes only the names of industries that are permitted to be started and it does not contain the industries that have actually been started?”

THE HON. SRI H. SITARAMA REDDI:—“I should like to have notice.”

SRI C. M. KOTHARI:—“Will the Hon. Minister be pleased to state how many of the promoters have been able to raise their capital and in how many cases orders have been placed for the machinery?”

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THE HON. SRI H. SITARAMA REDDI:—“Circulars have been sent to all the promoters to furnish the information. The whole information is being tabulated in the department.”

BEGUM SULTAN MIR AMIRUDDIN:—“In these days of prohibition, may I know why foreign liquor, namely, whisky, has been imported in this Province to the extent of 3,591 gallons costing Rs. 3,80,707?”

THE HON. SRI H. SITARAMA REDDI:—“There are people in the Madras Presidency who want to drink whisky.”
(Laughter.)

SRI C. M. KOTHARI:—“Arising out of the answer, will the Hon. the Minister be pleased to consider favourably the applications of those who have been rejected and who are in the list?”

THE HON. SRI H. SITARAMA REDDI:—“The question will be considered.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“In view of the fact that the United Kingdom is not in a position to supply all the textile machinery required by those who have import licences, will the Government use their influence with the Government of India to amend the licences so that they can import machineries from the United States of America?”

THE HON. SRI H. SITARAMA REDDI:—“There is difficulty, Sir. My hon. Friend knows that it is not merely the question of availability. The Government are faced with the difficulty of finding an exchange other than sterling. I do not know what the Government of India are likely to do in this matter. Anyway, when an opportunity occurs to put the proposition I will write to the Government of India to consider the matter as favourably as possible.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Arising from the answer of the Hon. Minister, may I ask, Sir, whether in importing such large quantities of whisky into the Province, the Government took into consideration their policy of introducing prohibition in all the districts of the Province?”

THE HON. SRI H. SITARAMA REDDI:—“The import of whisky is allowed only into those districts where there is no prohibition. When prohibition is introduced all over the Province, there will be no question of import of whisky.”

BEGUM SULTAN MIR AMIRUDDIN:—“In view of the fact that the majority of Britishers have left this country and as the consumption of whisky in such large quantities in a hot country like India is most injurious to health, will the Government restrict the import of whisky in future?”

THE HON. SRI H. SITARAMA REDDI:—“The question of imports of foreign liquors rests with the Government of India. So far as the question of its affecting the health is concerned, I am grateful to the hon. Member for the very good suggestion she has made.”

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"While considering applications for granting permits to start industries, will the Hon. Minister give an assurance that no permits will be issued to foreigners like Birlas and Tatas but only to genuine Madrasis who wish to start such industries?"

THE HON. SRI H. SITARAMA REDDI:—"The class of people which my hon. Friend has mentioned are not foreigners but they are members and subjects of the Indian Union."

SRI D. V. RAMASWAMI:—"Arising out of the answer given to clauses (d) and (e), may I request the Minister to get the information?"

THE HON. SRI H. SITARAMA REDDI:—"I shall try to get the information."

SRI M. BAPINEEDU:—"In view of the long list of industries that have been permitted to be started, may I ask the Government whether there is any time-limit for these industries to be started?"

THE HON. SRI H. SITARAMA REDDI:—"I should like to bring to the notice of the hon. Member the difficulties of the promoters in starting the industries due to lack of sufficient materials and also the difficulties in getting the machinery from abroad. We must also take into consideration these things. Government has circularised, as I have already said, to the various promoters to send reports about the progress made in respect of each of these industries that they have undertaken to promote. After receipt of the information, the matter will be examined and steps will be taken to see that people who are not really doing any good work are eliminated and to bring in people who can start industries in this Province."

SRI R. V. SWAMINATHAN:—"May I know, Sir, whether after the separation of the Andhra Province, my hon. Friend, Mr. Salam, will become a foreigner to this Province?"

(No answer.)

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"My question was whether the Government should not prefer genuine Madrasis for granting these permits to start the industries instead of outsiders?"

THE HON. SRI H. SITARAMA REDDI:—"If Madrasis are prepared to start the industries, the Government will only welcome them."

Yarn ration cards.

* 482 Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) the number of yarn ration cards received by the Inspecting Assistant Textile Commissioner, Ramnad, from the Deputy Registrar of Co-operative Societies of the same district, for cancellation;

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(b) the number of dealers to whom the Inspecting Assistant Textile Commissioner has cut down the yarn supply with reference to the above yarn ration cards received from the Deputy Registrar;

(c) whether the Government have any scheme to bring all the weavers into the co-operative movement by fixing a time-limit by which all yarn ration card-holders should be made to join such society; and

(d) in cases of their failure to do so, what action the Government propose to take?

THE HON. SRI H. SITARAMA REDDI:—" (a) One thousand four hundred and twenty-three yarn ration cards were received for cancellation by the Inspecting Assistant Textile Commissioner from the Deputy Registrar of Co-operative Societies on 4th September 1947.

" (b) Seventy-eight dealers.

" (c) The Government hope eventually to bring all weavers into the co-operative movement. There is no scheme to introduce compulsion all over the Province. But the Government have a scheme under consideration to try compulsion as an experimental measure in a few selected compact areas fixing a specified time-limit. No area in Ramnad district is proposed to be included in the experiment.

" (d) It is proposed that in places selected for experiment, if any of the weavers fail to join, the supply of yarn to him should be cut off."

DR. S. SUBRAHMANYA AYYAR:—"In view of the fact that 1,423 yarn ration cards have been sent by the Deputy Registrar of Co-operative Societies to the Inspecting Assistant Textile Commissioner, Ramnad, is it not very strange that only 78 cards have been cancelled?"

THE HON. SRI H. SITARAMA REDDI:—"I furnished the information that is available with me."

DR. S. SUBRAHMANYA AYYAR:—"Are the Government aware that there are many weavers who work in more than one place and get more quota than what is usually allowed to them?"

THE HON. SRI H. SITARAMA REDDI:—"If the Government were aware, they would certainly have taken action immediately against them. The Government have been getting such information and they have been trying their best to eliminate such practice."

DR. S. SUBRAHMANYA AYYAR:—"Are not the Government aware of the fact that 1,423 ration cards have been seized by the Deputy Registrar of Co-operative Societies because they have not joined the co-operative society? Does it not show that these ration cards have got to be cancelled?"

THE HON. SRI H. SITARAMA REDDI:—"Steps will be taken to implement the suggestion."

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SRI R. V. SWAMINATHAN:—“ Arising out of the answer given to this question, may I know whether it is not an injustice to compel a weaver to join a particular institution in which he cannot have confidence? ”

THE HON. SRI H. SITARAMA REDDI:—“ Sir, there is a great demand that co-operative effort should be encouraged. Once a weaver joins the co-operative society, he gets more yarn than the normal quota. There is no harm done to the weaver if he joins the co-operative society; on the other hand, he gets more benefit and there should be no difficulty for any weaver to join the co-operative society.”

SRI K. ANANDAN NAMBIYAR:—“ May I ask the Government whether they are taking any stringent measures to find out black-marketing in yarn distribution and whether the quota of yarn to the weavers will be increased now? ”

THE HON. SRI H. SITARAMA REDDI:—“ The quota of yarn will be increased when more yarn becomes available.”

MR. SPEAKER:—“ We have ten more questions and we have got twenty minutes more. We will pass on to the next question.”

The Mettupalayam-Coonoor Bus Service.

* 483 Q.—SRI R. NADHAMUNI REDDI (on behalf of Sri T. K. T. N. R. Tatachari): Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the criminal case against the Mettupalayam-Coonoor Service, Coimbatore, referred to by the Hon. Minister for Transport on the floor of the House on 5th August 1946 has been disposed of by the court where it was pending;

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

(c) whether it is a fact that the Regional Transport Officer, Coimbatore, had issued five temporary permits for Coimbatore Town Service to the Mettupalayam-Coonoor Service;

(d) whether the said officer has given further extension of the abovesaid temporary permits;

(e) what was the consideration for such extension in spite of a pending prosecution against the grantee;

(f) whether the Government propose to cancel these temporary permits, as there is a criminal case pending against the proprietor of this company;

(g) whether the Government will place on the table of the House the report about the conviction of this proprietor of the Mettupalayam-Coonoor Service, under the Defence of India Rules, for offences under the Tyre Ration Order as stated by Government on the floor of the House on 7th February 1947;

(h) the reason for giving this service, town service permits at Coimbatore, when several other applicants with the same qualification were denied;

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(i) whether it is true that this company's proprietor has authorized certain illegal payments to be made to the staff of the Provincial Motor Transport Controller's office and whether photo copies of the said letters were handed over to the Hon. Minister for information and necessary action;

(j) if so, what action has been taken in the matter; and

(k) whether the Government will be pleased to place on the table of the House the history sheet maintained by the Regional Transport Officer, Coimbatore, in respect of the Mettupalayam-Coonoor Service?

THE HON. MR. DANIEL THOMAS:—“ (a) The case is still pending in the Court of the City First-class Magistrate, Coimbatore.

“ (b) The question does not arise.

“ (a) The attention of the hon. Member is invited to the answer given by the Hon. Minister for Motor Transport on the floor of the House on 7th February 1947 to clause (a) of Question No. 59. The answer then was: five permits were issued.

“ (d) The answer is in the affirmative.

“ (e) Public convenience.

“ (f) No representations have been made to Government requesting cancellation of the permits.

“ (g) The Government merely undertook to call for a report and it was called for and considered. No further action was, however, found necessary.

“ (h) The reasons for giving this service, town service permits at Coimbatore were—

(1) the urgent public demand for the increase in the number of buses in the town, and

(2) buses available with the companies to which permits were not issued did not satisfy the conditions which are necessary to permit them to ply on new routes.

The Regional Transport Authority after giving due consideration to all the applications granted permits to this company as well as to two other operators, viz., the City Transports and the Anamalais Bus Transport, Limited.

“(i) & (j) The attention of the hon. Member is invited to the answers given on the floor of the House by the Hon. Minister for Motor Transport on 7th February 1947 to the supplementary questions following question No. 59. The matter is still under investigation by the C.I.D.

“ The original answer given by Mr. Raghava Menon is as follows:

‘ It is true that the hon. Member has given certain documents to be passed over to the authorities and they have been passed over.’

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“(k) The Government do not consider it necessary to place the history sheet of the company on the table of the House.”

SRI K. BRAHMANANDA REDDI:—“Do the Government consider that public convenience is served only by giving permits to this particular company?”

THE HON. MR. DANIEL THOMAS:—“As a matter of fact, Sir, the permits were given to three companies and not to one particular company. These three companies conformed to the standards and they possessed the vehicles most suited for public convenience.”

Assistant Secretary, Central Road Traffic Board.

* 484 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the present Assistant Secretary, Central Road Traffic Board, was recalled to his original post in the Secretariat;

(b) if so, what was the reason to post this officer again to the Transport Department;

(c) whether it is a fact that this officer has bought a controlled car; and if so, whether such a purchase would be justified;

(d) whether it is a fact that this officer is in charge of granting permits to lorries in the Presidency;

(e) whether it is a fact that this officer shows partiality in dealing with such applications; and

(f) whether the Government will be pleased to state whether there is an enquiry of alleged corruption against this officer?

THE HON. MR. DANIEL THOMAS:—“(a) The answer is in the affirmative.

“(b) For administrative reasons he was posted again to the Central Road Traffic Board, in May 1946.

“(c) The answer is in the affirmative. Messrs. West India Match Factory surrendered a second-hand car 1940 Austin 10, as it was unsuitable for their purposes and asked for an allotment of a new car. The Provincial Motor Transport Controller fixed the price of the car according to the Used Motor Cars Control Order at Rs. 3,275 and allotted it to the Assistant Secretary, Central Road Traffic Board. The Provincial Motor Transport Controller considered that there was need for the Assistant Secretary to have a car and so allotted the car to him.

“(d) The answer is in the negative.

“(e) This does not arise.

“(f) The answer is in the negative.”

SRI K. ANANDAN NAMBIYAR:—“May I know, Sir, why it was found necessary to provide this particular gentleman with a car and may I ask whether he could have been given a better car than this used second-hand car?”

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THE HON. MR. DANIEL THOMAS:—“The hon. Member cannot have it both ways. The hon. Member cannot ask, why a car was allotted and if a second-hand car was allotted, why a better car could not be allotted.”

Scales of pay of hospital compounders.

* 485 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Education be pleased to state the new scale of pay fixed for the hospital compounders?

THE HON. SRI A. B. SHETTY (on behalf of Hon. Minister for Education):—“The new scale of pay for compounders is Rs. 35—1—60.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“On a point of information, Sir. There is a printer's devil in the printed question.”

MR. SPEAKER:—“When the Hon. Minister is answering the question the hon. Member cannot ask for point of information.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“Sir, the Speaker may see that the question is addressed to the Hon. Minister for Education and I do not understand how the question comes under his portfolio, instead of the portfolio of the Hon. Minister for Public Health?”

SRI G. KUMARASWAMI:—“Is it not a fact, Sir, that according to the revised scales of pay of compounders, those compounders who have put in a lot of service and who are on the eve of retirement will not at all be benefited?”

THE HON. SRI A. B. SHETTY:—“The matter was considered by the Cabinet Salaries Sub-Committee and that Committee fixed this scale.”

SRI K. ANANDAN NAMBIYAR:—“Will the Government consider the question of increasing their pay, Sir?”

THE HON. SRI A. B. SHETTY:—“The matter is under consideration.”

SRI S. NAGARAJA MANIGAR:—“Is it not a fact that in spite of the new scales of pay there is a dearth of compounders?”

THE HON. SRI A. B. SHETTY:—“It is true that there is a dearth of compounders and Government are taking action with a view to get a larger number of candidates for training as compounders by increasing the number of stipends.”

Candidates for the Teachers' Training School.

* 486 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Education be pleased to state—

(a) what steps the Government propose to take to attract the best type of candidates for Teachers' Training School; and

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(b) how many managements have been given extension of time by the Director of Public Instruction for implementing the G.O. No. 1154 of 5th June 1947, by which the managements of the aided schools have been asked to give Rs. 2 and Rs. 5 to the teachers (as the case may be) from their own resources?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“(a) With effect from 1946–47 Government have sanctioned enhanced rates of stipends to secondary and elementary grade teachers. The question of granting stipends to students undergoing training for B.Ed. or B.T. degree courses is also under consideration. The pay of the teachers have also been revised.

“(b) No orders have been passed by the Director granting extension of time till now. That may be considered after the applications for these extensions are all received.”

SRI K. ANANDAN NAMBIYAR:—“The Hon. Minister has stated that the question of granting stipends is under the consideration of Government. May I know how many rupees more these teachers will get?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“I am afraid the hon. Member has not followed my answer. Stipends have been revised from 1946–47. Previously they were given Rs. 8 and Rs. 12 for higher grade trained teachers as well as the secondary grade trained teachers. This rate has been enhanced to Rs. 12 and Rs. 18.”

Basic Training Schools.

* 487 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) how many students are studying in Basic Training schools;

(b) how many of them are boys and how many of them are girls;

(c) of those schools, how many are run by private bodies and how many by the Government; and

(d) whether the Government propose to send a fresh batch of teachers for training to Wardha; and if so, how many they propose to send this year?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“(a) 316.

“(b) 246 men and 70 women.

“(c) Out of the total number of seven training schools, five are under Government management, and two are run by private agencies.

“(d) Seven officers have already been deputed to Wardha.”

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SRI A. VEDARATNAM PILLAI:—“May I know what the contribution that Government is giving to those who start private basic training schools, Sir, and whether any building grants are also given?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“As far as I understand, no applications for building grants have been received for starting basic training schools. They will get the same grant which other training schools are likely to get.”

SRI A. KALESWARA RAO:—“May I know, Sir, how many such schools are maintained from the Kasturba Memorial Trust Fund in Andhra and Tamil Nad?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“That question must be put to the Trustees of that Fund themselves.”

SRI K. VARADACHARI:—“May I know what qualifications are prescribed for teachers in these Basic Training Schools?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“They must be L.Ts. with Basic Training.”

Employment of war-retained young officers.

* 488 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) how many war-retained young officers have already been employed and how many are yet to be employed;

(b) what are the recommendations of the Surgeon-General regarding the appointment of these officers;

(c) what is the policy of the Government regarding the recruitment of these and others appointed since 1940, into regular medical service; and

(d) how many vacancies are there at present in regular service and how many of these are reserved for war-retained men?

THE HON. SRI A. B. SHETTY:—“(a) The number of war-retained medical graduates who have so far been appointed as temporary Civil Assistant Surgeons is 133 and the number not employed under Government is 558.

The number of war-retained Medical Licentiates who have so far been appointed as Sub-Assistant Surgeons is 87 and the number not employed is 86.

“(b) The Surgeon-General has not submitted any recommendations regarding the employment of war service candidates except the proposals for the employment of certain officers as temporary Civil Assistant Surgeons from time to time.

“(c) The Government originally reserved all substantive and temporary vacancies for the appointment of war service

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candidates. Subsequently they decided that only 66-2/3 per cent of these reserved vacancies should be reserved for war service candidates and the remaining 33-1/3 per cent of the vacancies should be allotted to non-war service candidates who have held or are holding appointments in the Medical Service either after regular selection or on a temporary capacity.

“(d) The number of vacancies (permanent and temporary) in the cadre of Civil Assistant Surgeons, Class I, is 310, out of which 207 vacancies have been reserved for war service candidates by direct recruitment and appointment by transfer.

The number of vacancies (both permanent and temporary) in the cadre of Sub-Assistant Surgeons (Civil Assistant Surgeons, Class II) is 145, out of which 97 vacancies have been reserved for war service candidates.”

SRI S. NAGARAJA MANIGAR:—“May I know the time taken for selecting these candidates?”

THE HON. SRI A. B. SHETTY:—“They have been selecting candidates for all services from last year.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“May I know whether the Government are aware that in the matter of these war personnel great injustice has been done to Andhras since more Malayalees have been taken?”

THE HON. SRI A. B. SHETTY:—“Selection is not made on a regional basis, nor made according to communal rotation.”

M. V. HYDROSS SAHIB BAHADUR:—“In view of the figures furnished by the Hon. Minister, may I know whether the war-returned candidates will be given preference in the matter of appointment as Honorary Surgeons in the hospitals?”

THE HON. SRI A. B. SHETTY:—“The same proportion has been fixed for selection; 66-2/3 per cent for war-returned people and 33-1/3 per cent for other people.”

Dispensaries opened at the Famine centres.

* 489 Q.—SRI G. KUMARASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the dispensaries opened at the Famine centres of Kollipadu, Belamara, etc., of Narasannapeta taluk are still functioning; and

(b) if not, what steps the Government propose to take to see that they are reopened?

THE HON. SRI A. B. SHETTY:—“(a) & (b) No dispensary was opened at Kollipadu.

“Four hospitals were opened at Ichapur, Korlam, Palasa and Belamara for the exclusive use of the labourers of relief-charges at those places.

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“As these charges were closed from 1st October 1946, the hospitals were also closed and the question of re-opening them does not therefore arise.”

Civil Assistant Surgeons in service.

* 490 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of temporary Civil Assistant Surgeons now in service;

(b) the number of demobilized medical officers in the Presidency;

(c) whether any of those medical officers have been taken into civil service;

(d) on what basis have the Government adopted the policy of taking 66-2/3 per cent of Ex-Army Medical Officers and only 33-1/3 per cent of temporary Civil Assistant Surgeons into permanent services;

(e) whether selection for permanent services is going to be on the basis of the communal G.O.;

(f) whether the memorandum submitted by the “Ex-Army Medical Officers’ Association” has been considered; and, if so, what is the attitude of the Government to it;

(g) whether the Government have got any plan for the absorption of all available medical men into service;

(h) how soon and to what extent the Government propose to implement the Bhore Committee recommendations for expansion of Medical and Health service; and

(i) whether the Government have any proposal to publish a brochure explaining their health programme?

THE HON. SRI A. B. SHETTY:—“(a) There are 257 temporary Civil Assistant Surgeons (Men) and 33 temporary Civil Assistant Surgeons (Women).

“(b) The number of demobilized Medical Officers in the Presidency is 691.

“(c) Yes.

“(d) The percentages referred to apply to vacancies in all departments and not to Medical department only. After considering all aspects of the question the Government decided that this would be the most equitable distribution of the available vacancies between war service candidates and temporary Government servants.

“(e) The rule relating to communal rotation will not apply to the recruitment of candidates in the vacancies reserved for War Service candidates. But it will apply in the case of recruitment to vacancies reserved for Civilians.

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"(f) Yes. The Government have considered the several requests and orders passed have been communicated to the President of the Association.

"(g) No.

"(h) The Government's Post-war Reconstruction Schemes for the expansion of the Public Health and Medical Services follow generally the recommendations of the Bhoze Committee with certain differences as to set-up and personnel in the Medical and Public Health centres, rendered necessary by local conditions and availability of finance. The question of implementing these schemes has been engaging the attention of the Government for some time now. The Government have decided that in view of the present financial stringency, it will not be feasible to establish medical and public health centres on the lines proposed, on a Province-wide scale, but that 150 village centres and 25 group or taluk health centres should be set up in the quinquennium commencing from the current year, at the rate of 30 village centres and five taluk health centres each year.

"(i) No."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that the health of the people is the most important factor, will the Government see that more money is allotted for this purpose than for any other purpose?"

THE HON. SRI A. B. SHETTY:—"That matter will be taken into consideration."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know whether it is a fact that the Government, under the pretext of appointing ex-army men, have appointed people of Travancore, Mysore and other States?"

THE HON. SRI A. B. SHETTY:—"I presume the selected candidates belong to this Province or they have domiciled here."

Recommendations of the conciliation board regarding basic wages to municipal employees.

* 491 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) why the recommendations of the Conciliation Board appointed to conciliate the dispute between the municipal employees and the local bodies in July-August 1946 have not been published;

(b) whether the conciliators have heard the representations on behalf of the employees and their provincial federation; if not, why;

(c) whether it is a fact that two out of the three conciliators have recommended for a basic wage of over Rs. 20 to all municipal employees, and, if so, why the Government have not pressed the Municipalities to act accordingly;

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(d) whether the Government propose to remove the limitation imposed on the portion of the municipal finances which go to meet the salaries of the Health Department staff; and

(e) in view of the mounting cost of living and the enhanced dearness allowance given to the Government servants, whether it is proposed to revise the rate of dearness allowance to the employees of the local boards?

THE HON. SRI A. B. SHETTY:—" (a) The Government did not consider it necessary to do so.

" (b) Yes.

" (c) No.

" (d) No such limitation has been imposed.

" (e) No. Employees of local bodies get the same rates of dearness allowance as Government employees."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that the Municipal employees are paid lowest, will the Government consider the question of increasing their pay as per the recommendations made by the Committee?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir. The Committee recommended an increase of 25 per cent in their basic pay and that has been granted."

SRI PILLALAMARRI VENKATESWARLU:—"May I know whether the Government is aware of the fact that the increase of 25 per cent of the basic pay will come to only Rs. 2 and Rs. 1-8-0 and that this increment is hardly sufficient to meet the demands of the workers?"

THE HON. SRI A. B. SHETTY:—"That may be, but they are also given dearness allowance at the same rates as Government servants of the corresponding grades get."

Alleged prevalence of cholera in Peria Agraharam village, Erode taluk.

* 492 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware that cholera is prevalent in Peria Agraharam village, Erode taluk;

(b) if so, the number of deaths due to the attack;

(c) what action the Government have taken upon it;

(d) whether the people of the above village represented to the Government last year for protected water-supply; and

(e) what action the Government have taken on the representation?

THE HON. SRI A. B. SHETTY:—" (a) & (b) Yes. The village has been infected with cholera from 20th October 1947. There have been 25 attacks and 10 deaths so far.

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“(c) The Health staff are taking necessary measures to control the infection. Six hundred and seventeen persons have been inoculated out of a total population of about 1,000.

“(d) The Director of Public Health inspected the place in September 1946 and suggested the sinking of wells on the bank of the Kalingarayan channel and in the alternative, a regular water-supply scheme to all villages from Bhavani to Erode.

“(e) The Board of Revenue has been asked to consider the question of providing a protected water-supply for the Panchayat under the Rural Water Supply Scheme.”

[* 472-A Q.—MR. SPEAKER:—“ We have left over the short notice question of Sri T. S. Pattabhiraman (No. 472-A). We may take up that question now.”]

Hunger-strike of Sri R. Kuppuswami, M.L.A.

* 472-A Q.—SRI T. S. PATTABHIRAMAN: Will the Hon. the Minister for Industries be pleased to state whether the Government are aware of the fact that Sri R. Kuppuswami, M.L.A., is on a hunger-strike at the Government House from the morning of the 26th November 1947?

THE HON. SRI H. SITARAMA REDDI:—“ Yes, Sir. Sri Kuppuswami informed the Government about the 20th of November that he proposed to go on fast from the 26th November if the following three demands were not conceded:—

- (1) The Jayalakshmi and Kamala Mills, Coimbatore, should be reopened.
- (2) Workers in the Saroja Mills should be paid enhanced wages from 1st April 1947; and
- (3) Six days' wages, which were cut in the Saroja Mills for absenteeism, should be restored.

“The Government understand that the second of the above demands has already been conceded. The third demand has only recently been brought to the notice of the Government and conciliation will be attempted. As regards the closure of the Mills, the management felt that in view of the revision of wages and dearness allowance by the Industrial Tribunal, these small mills would have to face heavy losses if they had to work without retrenchment. Labour leaders accepted this position about losses before me and the Hon. Ministers of the Government of India. The Government have no power to compel the mills to reopen and felt that the Jayalakshmi Mills could not be ordered to be reopened unless the prices of cotton waste were controlled and that the Kamala Mills could reopen either after some retrenchment or on the basis of three shifts. Negotiations of a delicate nature are proceeding on the question of reopening both these mills and it will be awkward to give any further details at this stage. Government consider that when every attempt is

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being made to resolve the dispute, it is not just for anyone to resort to a fast or other extra-legal methods to coerce them into a precipitate decision.”

SRI T. S. PATTABHIRAMAN:—“ Is it not a fact that the Textile Labourers' Association, Coimbatore, presented a memorandum to the Hon. Minister and to the Industries Minister of the Government of India stating the facts fully and proving to the hilt that the contention of the mill owners were false and that these mills can be run economically and profitably? ”

THE HON. SRI H. SITARAMA REDDI:—“ I have already stated that it was admitted by the Government of India and me that there would be losses in running a small mill like the Jayalakshmi Mills and also the Kamala Mills if certain adjustments were not made.”

MR. SPEAKER:—“ Questions over.”

SRI B. S. MALLIKARJUNA RAO:—“ Sir, as this is a serious matter where an hon. Member of this House is on hunger-strike, I request that at least five more minutes be allotted for this question.”

(VOICES: “ Yes, Sir. The time asked for should be granted.”)

MR. SPEAKER:—“ I will allow five minutes.”

SRI P. NATESAN:—“ May I point out, Sir, that the Speaker has already declared the question time was over and is it fair to give five more minutes? ”

MR. SPEAKER:—“ Order, order. The thing is that there has been a request and because it is a reasonable request, I must allow it.”

SRI T. S. PATTABHIRAMAN:—“ Will the Government be pleased to instruct the Mill owners of Coimbatore, that if it is not profitable for them to run their concerns the Labour Association is prepared to run the mills and face the consequences? Will the Government see that this is done, Sir? ”

THE HON. SRI H. SITARAMA REDDI:—“ Sir, I have already stated that certain negotiations are being carried on and I would therefore appeal to the hon. Member not to press this point further because I expect that I would be able to show some favourable results very soon.”

SRI B. S. MALLIKARJUNA RAO:—“ Sir, I wish to know if the Hon. Minister or the Premier has personally approached the Member who is fasting and requested him to give up fasting? ”

(No answer.)

SRI PILLALAMARRI VENKATESWARLU:—“ Arising out of the answer of the Hon. Minister, may I know, Sir, whether the mills are running at a loss and whether the Government would take over the mills and run them on a profitable basis? ”

THE HON. SRI H. SITARAMA REDDI:—“ The question of taking over the mills is being considered.”

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SRI C. M. KOTHARI:—“ Is the Hon. Minister aware that the strike has been undertaken on a different ground that the prestige and the face of the hon. Sri Kuppaswami are being lost with the labour party? ”

(VOICES: “ Question, question.”)

(No answer was given.)

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“ Is it not necessary for the Government to make clear their policy with regard to these hunger-strikes so that it may be useful for the coming Ministry if the present one should resign? ”

(No answer.)

SRI B. S. MURTHI:—“ May I know, Sir, whether the Hon. Minister has appraised the member who is fasting about the negotiations that the Government are carrying on to facilitate the workers? ”

THE HON. SRI H. SITARAMA REDDI:—“ I believe so, Sir.”

MR. SPEAKER:—“ The five minutes allowed for the question is over.”

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

II.—ADJOURNMENT MOTION *RE* STRIKE SITUATION OF GUNTUR CHRISTIAN COLLEGE STUDENTS.

MR. SPEAKER:—“ Sri Venkateswarlu has given notice of a motion under rule 36. The motion reads as follows:—

‘ I hereby give notice to adjourn the business of the House to discuss the matter of urgent public importance, namely, the unwarranted interference of the Police in a peaceful strike of the 1,300 Guntur Christian College Students which was going on since about a month and which was made inevitable by the adamant attitude of the Principal of the said college and resulting in the arrests of about 100 students, the Police resorting to the brutal lathi charge seriously injuring the boys who are on a peaceful strike.’

“ I wish to know the attitude of the Leader of the House.”

THE HON. DR. P. SUBBARAYAN:—“ The hon. Gentleman himself admits that the strike has been in progress for over a month and therefore I say there is no urgency about this question.”

MR. SPEAKER:—“ As to the urgency, I am to decide whether it is so or not and not the Leader of the House.”

THE HON. DR. P. SUBBARAYAN:—“ I am submitting this only for your consideration. At the same time I have not got any further information about the lathi charge that the hon. Gentleman talks of and so even if there is an adjournment, I do not think it will be possible for me to give a satisfactory reply as to what is happening in Guntur with regard to these students. Therefore, Sir, I oppose this motion.”

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MR. SPEAKER:—“ As far as the urgency is concerned, the Chair is the one that decides it. I have admitted this motion. Now I am going to put it to the House whether it will give permission to Mr. Venkateswarlu to move the motion. Those who are in favour of the motion will please stand in their places. (Only Sri P. Venkateswarlu and Sri K. Anandan Nambiyar stood up in their seats.) (Laughter.) The House refuses to give permission to Sri Venkateswarlu to move the motion.”

SRI PILLALAMARRI VENKATESWARLU:—“ On a point of order, Sir. The Leader of the House said that he had no information to give in this matter. Because he is not having the Police portfolio, he had to answer like that. I believe the Prime Minister who is holding that portfolio might be able to give more information on the point and pending this, I would request for an half an hour debate on this matter.”

MR. SPEAKER:—“ I am not going to allow half hour debate and I have already informed this to the hon. Member when he met me in my Chamber. I more than once told the hon. Members of this House that any member of the Treasury Bench could answer for another Minister. I therefore request the House not to repeat such questions again.”

* **SRI V. RAGHAVAYYA:—**“ On a point of information, Sir, I wish to know from you whether you will be allowing an half an hour debate to-day on the question of the refugees on the border districts of Andhra. I do not think any embarrassment will be caused to the Government on this score because I have seen the Hon. the Revenue Minister expatiating on the relief he has been able to give the refugees in one or two speeches he delivered in Madras. Further about the arrangements made by the Madras Government to meet the refugee difficulties on the border lands I want to touch upon. I do not want to raise any point on the State administration which is beyond the pale of our Assembly's jurisdiction. I wish to bring home all these during the half an hour debate.”

MR. SPEAKER:—“ The hon. Member can put a short notice question and then if he is not satisfied with the answer, he can ask for an half an hour debate.”

III.—STATEMENT BY FOOD MINISTER ABOUT DROP IN PRICES OF PULSES.

THE HON. DR. T. S. S. RAJAN:—“ Day before yesterday a question was asked whether the prices of pulses have been brought down as a result of decontrol and I replied that I would get the information and give it to the House. I had wired for information and I have been in contact not only with the authorities but also the merchants and I have got the information and I am giving that for the information of the House.”

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"The Madras Food Grains Merchants' Association who were asked about the prices have given us the details. They say pulses imported from Middle East countries and from Hyderabad by private merchants have fallen as shown below:—

Blackgram for a bag of $2\frac{3}{4}$ maunds from Rs. 72 to Rs. 60. per bag.

Redgram from Rs. 72 to Rs. 60 per bag.

"The price of bengalgram which has not been decontrolled continues as before, viz., stands at Rs. 68 per bag of $2\frac{1}{2}$ maunds.

"The Collector of Madura who was contacted on this question has given some information. It shows that price of blackgram before decontrol was Rs. 75 per bag of $2\frac{3}{4}$ maunds and the present price is said to vary between Rs. 55 and Rs. 70 per bag.

"As regards redgram and greengram the price was Rs. 72 per bag and now it is said to range between Rs. 62 per bag and Rs. 65 per bag.

"It is also said that there is comparatively a free flow of pulses into the market and that the tendency is for the prices to come down.

"In West Godavari the price of blackgram has fallen from Rs. 75 to Rs. 60. Similarly with regard to redgram also the price has fallen from Rs. 80 to Rs. 60 a bag. As the fall seems fairly steep we have asked the Collector for a detailed report about it. The report is likely to be received tomorrow."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information, Sir, may I know from the Hon. the Minister for Food whether it is not a fact that the figures given by him and the position as explained by him show that the demand for these pulses are met by the supply and therefore the same thing may not apply to foodgrains?"

THE HON. DR. T. S. S. RAJAN:—"There is no question of foodgrains at all. The prices that I have stated apply to pulses. There is decontrol, and the information was asked as a result of this and that is the information I have given."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"My question has not been answered. With reference to the pulses the Hon. Minister's figures show that the supply is sufficient for meeting the demand."

THE HON. DR. T. S. S. RAJAN:—"The supply and demand question does not arise. I have given the information with regard to the prevailing prices and it is up to the hon. Gentleman to draw any conclusion he likes to draw."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"On a point of information, Sir. In regard to potatoes may I know whether after decontrol the price of potatoes are going on increasing and whether the Hon. the Food Minister is aware of this and what steps he is going to take to stop it from reaching very high levels?"

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THE HON. DR. T. S. S. RAJAN:—"I am aware that the 12.15 price of potatoes has gone up after decontrol; but the time for p.m. Government intervention has not arrived. We shall wait and see the reaction consequent on decontrol and see how the problem settles down after the reaction."

* SRI PILLALAMARRI VENKATESWARLU:—"As a result of the removal of control over the movement of sunnhemp the price has shot up from Rs. 25 a bag to Rs. 185. May I suggest that steps be taken to control it because this is just the season and there is one individual Mr. Kutumba Rao dealing in it and he has been arrested. May I know from the Government what steps the Government propose to take to satisfy the demand of the peasantry as this is the particular time when any steps can be taken with advantage?"

SRI M.S. PATTABHIRAMAIAH:—"May I know, Sir, if the question time has been extended."

MR. SPEAKER:—"Evidently the hon. Member has misunderstood the position. The Hon. Minister for Food has made a statement concerning the price position of pulses arising out of decontrol. Some hon. Members may have doubts and as points of information, they can ask one or two questions and the Hon. Minister is answering them."

THE HON. DR. T. S. S. RAJAN:—"The statement I made was with reference to pulses and the price of pulses after decontrol. With regard to sunnhemp seeds it is not a matter which is controlled and its price is not influenced by it. It is at open market rates at which prices are paid by the needy people and Government do not at present propose to interfere in the sale of it."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, might I revert to the question of pulses again as the matter is very important? Will Government find out whether the fall in prices is due to the supply being sufficient to meet the demand?"

THE HON. DR. T. S. S. RAJAN:—"The statement is about a matter on which the House wanted information; Government will call for further information and if I get it, I shall certainly inform the House about it."

SRI P. KANDASWAMI PILLAI:—"Will the Government, along with the question of prices of controlled articles, consider the question of quality of such things. Though increased prices are involved in going in for black-market, people are prepared to pay them as the quality of the rationed articles is much inferior to those obtained in the black-market. Will the Government make strenuous efforts to supply the best quality articles as far as possible and might I know what steps Government are taking in the matter now?"

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THE HON. DR. T. S. S. RAJAN:—"I do not know if the information called for arises out of the one that I have supplied to the House. Even so, I am prepared to inform the House that Government are purchasing paddy according to grades and there are three qualities of paddy and they are put out in the market according to their quality. It is open to the purchasers to buy such quality as are available and provided by Government. Beyond the range of supply which the Government has committed itself to, prices of other articles are not under the control of Government."

IV.—GOVERNMENT BILLS.

(1) THE MADRAS HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION
TO AGRICULTURAL LAND) BILL—cont.

MR. SPEAKER:—"We were discussing yesterday the Report of the Select Committee on the Madras Hindu Women's Right to Property (Extension to Agricultural Land) Bill. Discussion will now be resumed. Mrs. Lakshmi Sankara Ayyar will continue her speech." (The Deputy Speaker at this stage occupied the Chair.)

SRIMATHI V. LAKSHMI AMMAL:—"அக்கிராசனாபதி அவர்களே, ஹிந்து ஸ்திரீகளுக்கு சொத்து உரிமை வேண்டுமென்ற சட்டம் ஏற்கெனவே மத்திய சட்ட சபையாரால் நிறைவேற்றப்பட்டது. ஆனால், இன்று நாம் நிறைவேற்ற கொண்டுவந்திருக்கும் சட்டமானது அதில் ஒரு பகுதி. நில சொத்து உரிமை ஸ்திரீகளுக்கு வேண்டுமென்ற ஓர் பகுதியைத்தான் நாம் இன்று நிறைவேற்றக்கொண்டு வந்திருக்கிறோம். (இது சமயம் கனம் உப தலைவி அக்கிராசனம் வகித்தார்.) இந்த சட்டமானது பத்து வருஷத்திற்கு முன்னதாகவே மத்திய சட்ட சபையாரால் நிறைவேற்றப்பட்டது என்பதை எல்லோரும் அறிந்த விஷயம். ஆனால், இந்த பத்து வருஷத்திலிருந்தே இந்த நில உரிமையும் சொத்தும் இருக்கவேண்டுமென்பதுதான் எங்கள் எல்லோருடைய அபிப்பிராயமும். ஆனால், இப்பொழுது கவான்மெண்டார் அம்மாதிரி இல்லாமல் இந்த சட்டம் வெளியிடப்பட்ட நாளிலிருந்துதான் இந்த உரிமை கொடுக்கப்படும் என்பதாக தீர்மானப்படுத்தியிருக்கிறார்கள். Select Committee யிலும் அப்படித் தீர்மானமாய் இருக்கிறது. இம்மாதிரியான சட்டத்தை நிறைவேற்ற முன்வந்திருப்பதைப்பற்றி ஸ்திரீகள் சார்பாக நான் மறுமுறையும் சந்தோஷம் தெரிவித்துக்கொள்ளுகிறேன். ஸ்திரீகளுக்கு சொத்து உரிமை இருக்கிறது என்பதும் இந்த மாதிரி சட்டம் ஒன்று நிறைவேற்றப்பட்டிருக்கிறது என்பதும் கிராமங்களிலுள்ள கிராமவாசிகளுக்கெல்லாம் அநேகம் பேர்களுக்கு இன்னும் தெரியவில்லை. கிராமங்களில் அங்கங்கே இருக்கிற வக்கீல்கள்தான் இதை அறிந்திருக்கக்கூடும். அங்குள்ள படித்தவர்கள் அறிந்திருக்கக்கூடும். அநேகம் கிராமங்களில் சொத்து வைத்திருக்கும் அநேகம் ஸ்திரீகளுக்கு இந்த மாதிரி சட்டம் இருக்கிறது என்று இன்னும் தெரியாது. மத்திய சட்டசபையார் பத்து வருஷத்திற்கு முந்தியே இந்த சட்டத்தை நிறைவேற்றியும்கூட கிராமங்களில் இருக்கும் ஸ்திரீகளுக்கும் அநேகம் குடும்பங்களில் இந்த சொத்து உரிமையை அனுபவியாய் இருந்து கொண்டிருக்கிறார்கள். ஆகையால் இந்த சட்டத்தை அந்தந்த பாஷைகளில் விரிவாக இதை பிரசுரம் செய்து விளம்பரப்படுத்தவேண்டுமென்றும் பத்திரிகைகளில் விரிவாக எழுதப்படவேண்டுமென்றும் தெரிவித்துக்கொள்கிறேன்.

"ஸ்திரீகளுக்கு சொத்து உரிமை மிகவும் அவசியம் என்பதைப்பற்றி நேற்று பேசின நமது நண்பர் A. வைத்தியனாதையர் அவர்களும், A. காளையார் அவர்களும், சுகோதரி பீகம் அவர்களும், எடுத்துச் சொன்

THE MADRAS HINDU WOMEN'S RIGHTS TO PROPERTY (EXTENSION 751
TO AGRICULTURAL LAND) BILL

[28th November 1947] [Srimathi V. Lakshmi Ammal]

னார்கள். முன் காலங்களில் தான் நம்நாட்டு ஹிந்துக்கள் ஏக குடும்பமாக இருந்தார்கள். ஒரு குடும்பத்தில் ஒவ்வொருவருக்கும், ஸ்திரீகளுக்கும், ஆடவர்களுக்கும் தனித்தனி கௌரவம் இருந்து கொண்டு வந்தது. ஆனால் நாளுக்கு நாள் ஸ்திரீகள் தங்களுடைய புருஷனை இழந்து விட்டால் அவர்களுடைய கௌரவம் குறைந்து, புருஷன் இருக்கிற காலத்தில் எவ்வளவு கௌரவமாக இருந்தார்களோ அவ்விதம் இல்லாமல் அவர்களை அனாதைவாக விடப்பட்டுக் கொண்டு வந்திருக்கிறார்கள். இப்படி அனாதைப்பட்ட ஸ்திரீகள் எவ்வளவு கேவலமான நிலையில் இருந்துகொண்டு வருகிறார்கள் என்பது நான் சொல்லாமல் விளங்கும். நேற்று நமது நண்பர் A. வைத்தியனாதையர் எடுத்துச் சொல்லிய பிரகாரம் சமார் டீட்சம் ஸ்திரீகள் இப்பொழுது இதனால் சொத்து உரிமை இல்லாமல் மிகவும் வருந்திக் கொண்டிருக்கிறார்கள். அவர்களுக்கு பத்து வருஷத்திலிருந்து, இந்த உரிமை அளித்தால் மிகவும் சந்தோஷமாக இருக்கும். அவர்கள் கஷ்டப்பட்டு மலிருப்பார்கள். ஸ்திரீகளில் முக்கியமாக கிராமங்களில் உள்ளவர்கள்தான் நிலங்கள் கொஞ்சம் கொஞ்சம் வைத்துக்கொண்டிருக்கிறார்கள். ரொக்கமாக அநேகம் பேர்களுக்கு ரூபாய் சொத்து இருக்காது. ஏதோ ஒரு வீடு, கொஞ்சம் நிலம் இவைகள்தான் வைத்துக் கொண்டிருப்பார்கள். இந்த நிலையில் அவர்களுக்கு உரிமை இல்லாமல் போனால் அவர்கள் இதை இழந்து விடுவார்கள். ஆகையால் இன்று நில சொத்து உரிமை வேண்டுமென்று சட்டம் கொண்டு வந்திருப்பது மிகவும் பொருத்தமானது. கிராமங்களில் விவசாயிகள் அன்றாடம் வேலை செய்து சாப்பிடுகிறவர்கள். ரொம்பப் பேர்கள் அவர்களுக்கு இந்த சொத்துரிமை இல்லாமல் போனால் ரொம்பவும் கஷ்டப்படுவார்கள். அதிலும் ஸ்திரீகள் ரொம்பவும் சொத்து கஷ்டப்படுவார்கள். அவர்களுக்கு இந்த நிலஉரிமை சொத்து இப்பொழுதுவந்து என்னால் அவர்கள் எவ்வளவு சந்தோஷமாக இருக்கமுடியும் என்பதை நாம் அனுபவத்தில் பார்க்கலாம். இதை நாம் சுவதந்திரம் வந்தபிற்பாடு இந்த சட்டசபையில் ஸ்திரீகளுக்கு நிலஉரிமை சொத்து சட்டத்தை நிறைவேற்ற வந்திருப்பது நம் மாகாணத்தில் எல்லோருடைய ஆதரிக்கப்படக்கூடியது. எந்தக் காரியமும் முன்னேற்றமுடைய வேண்டுமென்றாலும் பொருளாதாரத்தான் முக்கியமாக இருக்கிறது. வேண்டுமென்றாலும் அடையவேண்டுமென்றாலும் பொருளாதாரம் ஸ்திரீகள் முன்னேற்றம் அடையவேண்டுமென்றாலும் பொருளாதாரம் அவசியம். அதில் அவர்களுக்கு முக்கிய உரிமை இருக்கவேண்டும். அவர்கள் முன்னுக்குவர் வேண்டுமென்றாலும் அவர்கள் தேசிய விஷயத்திலும் சமூக விஷயத்திலும் ஈடுபட்டு அவர்கள் தங்களுடைய கடமையைச் செய்ய முன்வா வேண்டுமென்றாலும் அவர்களுக்கு உரிமை ஆடவர்களுக்கு இருக்கிறமாதிரி இருந்தால்தான் அவர்கள் முன்னேற்றமுடைய முடியும். ஆகையால் இந்த நிலஉரிமை ஸ்திரீகளுக்கு வேண்டுமென்பதும் இந்த சட்டமானது முக்கியமாக நம் நாட்டினருக்கு, விவசாயம் நிறைந்துள்ள இந்த நாட்டிற்கு ரொம்பவும் வரவேற்கத்தக்கது. மற்ற மாகாணங்களில் இதை 4, 5 வருஷங்களுக்கு முன்னதாகவே நிறைவேற்றி இருக்கிறார்கள் என்பதையும் நேற்று நமது நண்பர் எடுத்துக்காட்டி இருக்கிறார்கள். அந்த காலத்திலேயே நாம் இதை நிறைவேற்றி இருந்தால் நம் சுகோதரிகள் இதுவரையில் அனுபவித்து வந்திருப்பார்கள். அதற்கு இல்லாமல்போனது நம் தர்அதிர்ஷ்டம்தான். இந்த 4, 5 வருஷமும் நம் மாகாணத்தில் advisory government நடந்து கொண்டிருந்தது. ஆகையால் ஸ்திரீகள் இந்த உரிமையை ஆரம்பத்திலேயே அனுபவிக்க முடியாமல்போய்விட்டது. இப்பொழுது இது சட்டமானால் ஸ்திரீகள் எல்லோரும் இந்த உரிமையை அடைந்து நம் நாட்டிற்கு இன்னும் வேலைசெய்வார்கள் என்றும் அவர்கள் ஆடவர்களுடன் சமபாத்தியதை அடைவார்கள் என்றும் எல்லோரும் உணரவேண்டும். நேற்று ஸ்ரீ A. வைத்தியனாதையர் அவர்கள் சொன்னபடி ஸ்திரீகளுடைய சப்தம் கேட்காமலேயே இருக்கிறது. ஒரு ஸ்திரீ இந்த சபைக்கு அக்கிராசனம் வகித்துக்கூட ஸ்திரீகளுடைய வார்த்தைகளை முன்னணியில் கேட்காமல் அவர்களுடைய கோரிக்கைகளை சரிவர எடுத்துக்கொள்ளப் பட்டாலும் இருக்கிறது என்று சொன்னார்கள். அது வாஸ்தவம்தான். அமுதப் பள்ளிதான் பரிகுடிக்கும். அந்த மாதிரி எவ்வளவுகவனம் ஸ்திரீகள் தங்களுடைய சுவதந்திரத்திற்கும்

[Srimathi V. Lakshmi Ammal] [28th November 1947]

பாத்யதைக்கும் அவர்கள் கிளர்ச்சி செய்கிறார்களோ அவ்வளவுக்கவ்வுளவு அதை அவர்கள் பெறமுடிகிறது. இதைப்பற்றி கிளர்ச்சிசெய்வதில் மும்முரமாக கிளர்ச்சிசெய்வது அகில இந்திய ஸ்திரீகள் சங்கம்தான். அவர்கள் மிகவும் கிளர்ச்சிசெய்கிறார்கள். இந்த சட்டத்தை நமது சகோதரி ஸ்ரீமதி சீதாமகாலட்சுமி அம்மாள் கொண்டுவர நினைத்தார்கள். ஆனால் கவர்ன்மெண்டு தரப்பில் இந்த சட்டத்தைக்கொண்டுவந்து நிறைவேற்ற இருக்கிறோம் என்று சொல்லப்பட்டதால் அவர்கள் இதைக் கொண்டுவர வில்லை. இந்த நிலையில் ஸ்திரீகளுக்கு பாத்யதை ஏற்படப்போகிறது என்ற விஷயத்தை நன்றாக கிராமங்கள்தோறும் பகிரங்கமாக தெரியப்படுத்த வேண்டும். பத்திரிகைகளில் ரொம்பவும் விஸ்தாரமாக இதை போடவேண்டும். அநேகம்பேர்சளுக்கு இம்மாதிரியாக நிறைவேற்றப்பட்டிருக்கிறது என்பதை தெரியவில்லை என்பதை நான் மறுமுறையும் தெரிவித்துக் கொள்ளுகிறேன். ஆகையால் ஸ்திரீகளுடைய இந்த பாத்யதையை எல்லோரும் ஆதரிக்கவேண்டும். அவர்களுக்கும் ஆடவர்களுடன் உரிமை உண்டு என்பதை ஒப்புக்கொள்ளவேண்டுமென்றும் கேட்டுக்கொண்டும் இந்த சட்டத்தை மலப்புரவமாக வரவேற்கிறேன். பத்து வருஷத்திலிருந்தே இதை அமுலுக்குக் கொண்டுவரவேண்டுமென்று ஒரு திருத்தம் கொண்டு வந்த பீகம் அடிகுடன், ஸ்ரீமான் A. கானேஸ்வர ராவ் அவர்களையும், ஸ்ரீமான் A. வைத்தியநாதய்யர் அவர்களையும் பாராட்டுகிறேன். ஸ்திரீகள் சார்பாக வாதித்துப் பேசியதற்காக என்னுடைய மனமார்ந்த வந்தனத்தை ஸ்திரீகள்சார்பாக தெரிவித்துக்கொண்டு நான் முடித்துக்கொள்கிறேன்.”

12-30
P.M.

* SRI K. VARADACHARI:—“Madam Deputy Speaker, I was an ardent supporter of the principle of the Bill even in the days when the Central Legislature passed the enactment which varied the Hindu Law of Inheritance and Succession and gave women a right to a share in the family property in the manner described by my hon. Friend Mr. Vaidyanatha Ayyar. As to the vicissitudes or the history of this legislation since 1937, it is unfortunate that the Madras Province could not have the benefit of the enactment for a long time, complications having been created by the decision of the Federal Court in the matter of the applicability of the Act to agricultural property. It is now ten years since that Act was passed and it is nearly five years and more since the Federal Court gave a finding on the question of the jurisdiction of the Central Legislature to enact with regard to agricultural property. Whatever it may be, we, in Madras, have risen to the occasion in spite of the delays caused in setting right the lacuna in this Act. But lawyers in this Province have been able to come to the rescue of women in so far as they found the remedy for this lacuna in the Central Act. In every suit for partition of family property wherein a woman claimed her share, it was invariably the practice of lawyers to advise their client to file in addition, suits for maintenance also along with the suit for partition, so that wherever courts found that property allotted to the share of a woman was insufficient to maintain her, they also granted decree for maintenance and made the maintenance charges a charge upon the agricultural property also. (An hon. Member: ‘In which district?’) In every district where there was a lawyer with any intelligence in him. I do not know if my hon. Friend Mr. Kaleswara Rao can assert that in his district such suits were not filed. Evidently my friend has not been in touch with the courts and so has not been able to know facts about these things.

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This is common property and in every district suits for maintenance have also been filed along with suits for partition. So that it cannot be said that women have suffered on account of the lacuna in the Central Act; so, much of the argument in favour of giving retrospective effect to this legislation falls flat on people like us who actually know that women have not suffered on account of this in the past. The benefit to be conferred upon them by this would be absolutely limited and even, in that limited field, the giving of retrospective effect would unsettle several arrangements that have been made during the last ten years. If it is the intention of my friends to give retrospective effect and help the women to re-gain property which they suppose they have lost—which is not according to me—even then they are not doing the right thing by the women themselves. It would simply mean in some cases the ripping open of disputes not between males on the one hand and females on the other but between females and females, between mothers-in-law and daughters-in-law; they would be driven to the courts and fall into the hands of lawyers who would fleece them of the little they possess and by the time the litigation is over, they would be rendered paupers; before they are allowed to enjoy the properties, the little they had already obtained would have disappeared. This is not the case in which you can allow a result of this kind to flow from what you are doing; it is not right and proper to hit the very persons whom we want to protect under this retrospective effect by creating complications in their affairs and driving them to courts especially as no injustice has been done in so far as courts have in the past invariably granted maintenance decrees in favour of women for making up the loss sustained by them in not being able to share in the agricultural property. Thus the case for giving retrospective effect has been very much weakened. Secondly, we are on the eve of parallel legislation being passed by this House wherein agricultural property is going to be the chief subject; there is the zamindari legislation which includes also inams; in inams in every district there may be question of partition not only as between males and males but also between females and females. Inams are going to come within our hands and since Government take away these lands, you cannot again ask that another substitute should be found for the loss of agricultural property in favour of women. In many cases complications of this nature will arise. Let us not land ourselves in a morass of confusion and create hardship to the very women whom we want to protect under an enactment in which retrospective effect is given to the so-called benefits conferred by the Central Act.”

* H. S. HUSSAIN SAHIB BAHADUR:—“Madam Deputy Speaker, let me thank you for having given me an opportunity to speak on this measure; it is a legislation that has been long overdue in this Province and it was really a great hardship to the Hindu women who could not, under the existing law, get a share in the agricultural lands belonging to their family. The natural

[H. S. Hussain Sahib Bahadur] [28th November 1947]

way of doing this is to give a legitimate share to women in all the property that belongs to the family. I am glad that in this particular regard the Hindu law is brought into consonance with the law of inheritance of the Muslims. Muslims long ago recognized that the women must have a definite share in the properties, both movable and immovable of their families and their rights have been protected under the law of Shariat and it is a happy sign of the times that that equitable law has been recognized not only in our country but all over the world. Therefore, Madam, I welcome this piece of legislation that is going to give what ought to belong to the women in Hindu society. They should not be left at any time to the tender mercies of their male relations for their maintenance hereafter. Even according to my hon. Friend Mr. Varadachari who spoke a little while ago there have been suits and suits, suits for maintenance and even apart from the shares that the women could get, they were obliged to go to the court and spend a lot of money for getting their maintenance. There are many instances all over the Province of widows being put to great hardship over the non-payment of maintenance. Therefore, they should have an absolute right in the property that they get and they should have the right of disposal of those properties that have been allotted to their share. It is perfectly natural and just. While welcoming this legislation, I would strongly recommend that it should be given retrospective effect so as to stabilize what has transpired till now and give the women a sense of security in the enjoyment of their share and it will not be out of place to mention here that in other provinces retrospective effect has been given by means of legislation with regard to this matter. I do not see any reason why in this Province that retrospective effect could not be given. I fail to see why my hon. Friend Mr. Varadachari should oppose it. I am sure that he himself would realize that having regard to the litigation that has been taking place all along, retrospective effect will set at rest for all time this question of maintenance. Even if the courts have granted maintenance according to him, the maintenance may not have been paid and I know in many instances, it is not being paid and the women are again compelled to go to court in execution proceedings. To avoid all this and to avoid court proceedings, to give retrospective effect will be the most appropriate thing that the Government could do and I heartily welcome this piece of legislation and I support it and strongly recommend that it should be given retrospective effect."

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P.M.

MRS. JEBAMONY MASILAMONY:—"கனம் தலைவி அவர்களே, 1937-ம் ஆண்டு சிய ஹிந்து மாசர்கன் சொத்தரிமை சட்டத்தையும், 1938-ம் ஆண்டு விலசாய நிலங்களின்மீதும் உரிமை வழங்கும் சீர் திருத்த சட்டத்தையும் நமது மாகாணத்தில் அமுலுக்குக் கொண்டுவர வந்திருக்கும் இந்த மசோதாவை நான் மனமகிழ்ச்சியுடன் ஆசரிக்கிறேன். ஹிந்து மாதர்கள் இவ்வுரிமைகளின்றி இவ்வளவு காலமும் இருந்து வந்தது நம் நாட்டின் உயர்வுக்கும் நாகரீகத்திற்கும் பங்கம் விளைவித்துக் கொண்டிருந்தது என்று கூறினால் மிகையாகாது என்று எண்ணுகிறேன்."

28th November 1947] [Mrs. Jebamony Masilamony]

இப்பொழுதாவது இந்தச் சட்டம் அமுலுக்குக் கொண்டுவருவது பற்றி எனது சந்தோஷத்தைத் தெரிவித்துக்கொள்வதோடு செய்வன திருந்தச் செய் என்ற பழமொழிக்கு ஒப்ப நம்பது நலம் என்ற அபிப்பிராயத் தையும் தெரிவித்துக்கொள்ள விரும்புகிறேன். இது சம்பந்தமாக Select Committee-யார் ஊர்ஜித தேது விஷயமாகச் செய்திருக்கும் ஒரே மாறுதல் சிபார்சை ஏற்றுக்கொள்வது உசிதமல்ல என்பது எனது உறுதியான அபிப்பிராயம். Select Committee-யார் செய்துள்ள சிபார்சும் ஏகமன தல்ல என்பதும் இங்கு கவனிக்கத்தக்கது. Select Committee-யார் அவர்கள் ஸ்ரீமன்களான T. R. வெங்கிட்டராம சாஸ்திரிகள், சென்னை வக்கீல் சங்கத்து தலைவர் பாப்பா சோமசுந்தரம் இவர்களின் அபிப்பிராயங்களின் மீதுதான் இந்த முடிவுக்கு வந்ததாக கூறப்பட்டிருக்கிறது. அவர் சட்டம் கடந்த காலத்தினின்றும் அமுலுக்கு வருவது சட்டஞான அடிப்படை தத்துவத்திற்கு மாறுபட்டது என்பதாக கூறி இருக்கிறார்கள். இது எனக்குத் திருப்தி தருவதாக இல்லை. ஏனெனில் நாம் இந்த சபையில் பல சட்டங்கள் கடந்த கால ஊர்ஜிதம் உடையனவாகச் செய்திருக்கின்றோம். இதை நமது நண்பர் ஸ்ரீமான் A. வைத்தியனா தய்யா கூட எடுத்துச் சொன்னார். அது மட்டுமல்ல, பிரஸ்தாப மசோதா விலும் 1946-ம் ஆண்டு நவம்பர்மீ 26-ம் தேதியிலிருந்து அமுலுக்கு வருவது என்று தான் வந்திருக்கிறது. இது அரைக் கிணறு தாண்டிய தற்கு ஒப்பாக அல்லவா இருக்கிறது என்பதை இச் சபையின் ஓ பகத் திற்கு கொண்டுவருவது எனது கடமை என கருதுகிறேன். மேலும் Select Committee-யார் சிபார்சில் பல்லாயிரம் ஹிந்து மாதர்கள் பாதிக்கப்படுவார்கள் என்று தெரிகிறது. இவ் விஷயத்தையும் ஸ்ரீமான் A. வைத்தியனா தய்யர் எடுத்தச் சொன்னார். நலம் செய்ய முன்வந்த நாம் எவ்வளவு தூரம் அதிக நலம் அநேகம் பேர் அனுபவிக்க சாத்தியமாகச் செய்வலாமோ அவ்வளவும் செய்வதுதான் பொருத்தம் என்பதாக கூறி இது சம்பந்தமாக வந்திருக்கும் திருத்தத்தை அச்சங்கத்தர் ஒத்துக் கொள்ள வேண்டுமென்ற விண்ணப்பத்துடன் இதை ஆதரிக்கிறேன். இந்தியா சுதந்திரம் பெற்றிருக்கிற நிலைமையில் இத்தகைய சட்டங்க னெல்லாம் ஹிந்து, முஸ்லீம், கிருஸ்துவர் என்ற பாகுபாடின்றி இந்தியர் என்ற ஒரே பொதுவான மனப்பான்மையில் ஏற்படுவது ஏந்நாளோ அந்நாளே இந் நாட்டிற்கு நன்னாளாக இருக்குமென்று கூறி அந்த மாதிரி சட்டங்களை நிறைவேற்றமாறு நான் கவர்ன்மெண்டை கேட்டுக் கொண்டு இந்த மசோதாவை ஆதரிக்கிறேன்."

THE DEPUTY SPEAKER:—"The Hon. Minister will now make his reply."

MUHAMMAD HUSSAIN SAHIB BAHADUR:—"I want to speak, Madam."

THE DEPUTY SPEAKER:—"No; I have already called upon the Hon. Minister to speak."

MUHAMMAD HUSSAIN SAHIB BAHADUR:—"I will be very brief, Madam."

THE DEPUTY SPEAKER:—"No; I have already called upon the Hon. Minister to reply to the debate."

THE HON. DR. P. SUBBARAYAN:—"Madam Deputy Speaker, I have heard hon. Members who have taken part in this debate with the care and attention that is due to them. There is wide divergence of opinion over this matter. My hon. Friend representing Madura-Melur Rural was giving us the facts as to what would happen if this legislation does not have retrospective effect. But I stand upon the principle that is a well understood

[Dr. P. Subbarayan] [28th November 1947]

principle of English jurisprudence under which we work, that retrospective effect should not be given lightheartedly in matters concerning properties specially because so many things might be ripped open which might lead to consequences which we cannot think of at the present time. I only quote to hon. Members the principle of the American Constitution which provides in the Constitution itself that no such retrospective effect to legislation should be given and so the Congress and the House of Representatives and the Senate in America are restricted by this provision in the Constitution itself. In England it is a well understood principle of English jurisprudence, because there is no written constitution as far as the English Government is concerned, but it is a well understood fact which is observed always that no retrospective effect with regard to this kind of legislation should be given. I personally, Madam Deputy Speaker, have been against giving retrospective effect to any kind of legislation undertaken by this House for the simple reason that people have had no notice and they do not know what the consequences would be if such retrospective effect is given. (Interruption by Sri A. Vaidyanatha Ayyar.) The hon. Member for Madura-Melur Rural reminds me of the Alienation of Lands Act. He knows as well as I do that he was able to carry through an amendment which, to a very great extent, has taken away the injury of retrospective effect which is given by that legislation. (Sri A. Vaidyanatha Ayyar: 'Same thing here'.) If the hon. Gentleman wants to have another say, he can have it on the amendment which is coming up. Interruptions of this sort, I rather deplore.

"The hon. Member representing the Madras City Muslim Women reserved seat talked over her interests in womanhood. I am at least pleased to hear from her that as far as women are concerned there are no communal divisions. (Laughter.) I hope the men will take the lesson the hon. Lady Member has given—both members belonging to my community and to her community—because I look forward to a time when communal considerations will not really play any part in the matter of either legislation or administration because religion is a matter of one's conscience. ('Hear, hear.')

At the same time I must tell her that often we get carried away by the rights of her sex. ('Hear, hear' and laughter.) In this unfortunate country, communal considerations being so rife, we seem to get divided into men and women as well. And women talk of women's rights without understanding the possibilities of what might happen if these rights are pressed to their logical conclusion! (Laughter.)

"Therefore, Madam Deputy Speaker, I am afraid I am not in a position to accept the question of retrospective effect, because as I have said I am a believer in not giving retrospective effect specially in legislation. ('Hear, hear.')

The hon. Lady Member has already made her speech on her amendment, and therefore I hope she will not make another speech on her amendments, because we have already heard the reasons for the amendment. With these words, I move that the Bill be taken into consideration."

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The motion that the Madras Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, 1947 (L.A. Bill No. 4 of 1947), as reported by the Select Committee be taken into consideration, was put and carried.

Clause 2.

* BEGUM SULTAN MIR AMIRUDDIN:—"Madam Deputy Speaker, I move—

(i) After the words "shall include" occurring in line 3, the words "and shall be deemed always to have included" shall be inserted.

(ii) The following provisos shall be inserted at the end:—

"Provided that where any person who, but for this Act, would have been entitled to any property, has been in possession or has made a transfer thereof, his possession till the commencement of this Act shall be deemed to be as lawful, and the transfer made by him shall be deemed to be as valid, as if this Act had not been passed:

"Provided further that any property that has been partitioned among the members of the family, orally, in writing or by a decree and any property on which a charge has been created by a decree shall be exempt from the retrospective operation of this Act."

"The purport of my amendment is that retrospective operation should be given to this Bill from 14th April 1937, the date of the passing of the Hindu Women's Rights to Property Act and not merely from 26th November 1946, the date of the publication of this Bill. The Hon. Leader of the House is reported in the Press to have stated that eminent lawyers had advised him to be careful in making this Bill retrospective in operation. Evidently, the Hon. Minister refers to the opinions of Mr. T. R. Venkatarama Sastri and Mr. Pappu Somasundaram. With reference to the views of the former, namely, Mr. T. R. Venkatarama Sastri, I may state that they cut at the very basis of the Hindu Women's Rights to Property Act and he is of the opinion that this Act itself needs to be modified. The aforesaid gentleman belongs to what may be called the old school of thought. (Hear, hear.) But views such as those entertained by that school are not in keeping with the time-spirit. Mr. T. R. Venkatarama Sastri and myself have held identical views on many matters, but, I am afraid, on this question of women's rights we have not been able to see eye to eye with each other."

THE DEPUTY SPEAKER:—"The hon. Member will continue her speech after lunch. I now adjourn the House till 3 p.m."

The House then adjourned for lunch.

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(After lunch—8 p.m.)

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I was referring to the opinions of Mr. T. R. Venkatarama Sastri on the subject. This gentleman is against the Hindu Women's Rights to Property Act, because in accordance with that Act, the widowed daughter-in-law is given preference to the daughter and the mother. But, Sir, when the daughter-in-law is rendered a widow, destitute and helpless and devoid of cheer in life, why should she not be given her right even to the exclusion of the mother and daughter? The daughter and the mother are to receive similar favoured treatment in the family in which they have been married, for in consonance with Hindu notions of marriage, a woman is deemed to have passed out from the family of her father to that of her husband, wherein she acquires new rights. My point is that the daughter-in-law in the modern age needs much better treatment and better rights both in Hindu and Muslim society than are accorded to her at present. I feel that no one should grudge to give the daughter-in-law her due rights when she is rendered a widow. Hence I do not concur with the views entertained by Mr. T. R. Venkatarama Sastri.

"Coming now to the opinion of Mr. Pappu Somasundaram, I shall at the outset read out an extract from it so as to enable you to judge his frame of mind. He says:

'As regards this Bill there is a good deal of justification for the view held among a fairly large section of the public and their representatives in the legislature that the proposed Bill must be given retrospective operation so as to undo the mischief or injustice done by the decisions declaring the parent Acts to be ultra vires so far as agricultural property is concerned, and to put them back in the position they would have held in relation to land but for these decisions.'

So, Sir, it is his view that there is a good deal of justification for our demand that this measure should be made retrospective from the date of the parent Act. It is true that later on he has observed that it is one of the soundest maxims of law that no law which affects vested rights should be made retrospective in operation. But my contention with reference to this point is that the individuals who have enjoyed the property of the widows cannot in equity, justice, fairness and under the rules of morality be deemed to have possessed vested rights therein. After the passing of the Hindu Women's Rights to Property Act of 1937, the right of ownership in such property really vested in the widow but pending the rectification of a lacuna that had suddenly cropped up in that legislation that property was being held by other individuals temporarily. Transactions on the basis of such temporary possession cannot be considered to have been bona fide, for those who alienated and purchased such property were fully cognizant of the fact that the same belonged to the widow and would be claimed by her as soon as the constitutional casualty was rectified."

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MR. SPEAKER:—"May I point out to the hon. Lady Member that she has taken much time on this point during the second reading stage?"

BEGUM SULTAN MIR AMIRUDDIN:—"I have to meet the arguments that have been put forward, besides this is a technical matter and it will not be easy for people to understand its implications unless I fully explain the same. It may be easy for lawyers to understand the point without much explanation but not so for other people."

MR. SPEAKER:—"And probably also male Members will not be able to understand." (Laughter.)

* BEGUM SULTAN MIR AMIRUDDIN:—"I have stated that my view is that in equity, justice and fairness those who have been in possession of the property of the widow since 1937 did not have a vested right therein. But despite this fact I have incorporated in my amendment such exemptions as would result in a minimum disturbance to acquired rights. In my amendment, I have provided for the exclusions of all transfers, which means, transfers for valuable consideration as well as gifts. Whereas Mr. Kaleswara Rao's amendment refers only to transfers made for valuable consideration, my amendment goes a step further; it includes gifts also. Further, I have excluded all cases of partition among the members of a joint family either orally or in writing or by decree. I have also excluded from the operation of the Act all cases of decrees giving charges on property. I may point out that the advice of Mr. Pappu Somasundaram has been on similar lines."

THE HON. DR. P. SUBBARAYAN:—"May I remind the hon. Lady Member that what Mr. Pappu Somasundaram says is: 'If retrospective effect is to be given it might be given'."

* BEGUM SULTAN MIR AMIRUDDIN:—"Yes, Sir. I was about to mention that. I was not going to hoodwink the members of this House. Mr. Somasundaram stated that even if this Act were to have retrospective operation it should provide a saving clause exempting from its scope all bona fide alienations for value, bona fide voluntary settlements and also cases of partition among the members of the family. But, Sir, I have gone even further. I have exempted all transfers whether bona fide or otherwise and also included cases of charges on property. As such my amendment is very modest and of the mildest nature. Why then should not the Government accept it? I may state that having been trained in a judicial frame of mind, I myself am generally against any measure being made retrospective in operation. But this Bill is different from other measures. This is a case where justice, equity and fairness require that the amending Act should be made retrospective from the date of the parent Act. The Government have, of late, been rather keen on enacting legislation with retrospective effect. As a matter of fact, few Governments seem

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to be so desirous of making their Acts retrospective as this Government. Nevertheless they are loath to take the necessary step where women's rights are concerned. Mr. A. Vaidyanatha Ayyar, who is an eminent lawyer of Madura, is also generally opposed to retrospective legislation. As a matter of fact he has been crying himself hoarse on the floor of this House against the decision of the Government to give retrospective effect to certain other Acts, but with reference to the Bill before us he has felt convinced that justice, equity and fairness and the down-trodden position of the womanhood of the land require that retrospective effect should be given to it. It is because of this that he is pressing his demand. The Hon. the Leader of the House stated that he was opposed to retrospective legislation, but the Government are implementing this principle in this Bill by making the measure retrospective from November 1946. All that I ask is that the period be extended to another few years. Sir, another lawyer, Sri K. Varadachari, who, I am sorry to note, is not in his seat at present, stated that widows were being provided with maintenance, hence their case did not call for much sympathy. But we are all well aware what this maintenance means, what a pittance it is, and after what amount of difficulty and litigation, the poor widows secure that pittance. Mr. Varadachari said that he was opposed to litigation. But, Sir, no one will believe that any lawyer is genuinely opposed to litigation. (Laughter.) (Mr. M. A. Salam: 'Question.') There can be no denying this fact for if there is no litigation lawyers cannot survive. I feel that it is not because Mr. Varadachari is opposed to litigation but because he is against women's rights that he expressed himself in the manner he did. Sir, the time has arrived when the widows of this land should be treated with greater humanity than is extended to them at present. Mr. Vaidyanatha Ayyar rightly emphasized that the Government are able to overlook the rights of women at the present time because women are speechless, voiceless and unable to assert themselves. I entirely endorse this view. I feel that there has been a slackening in the women's movement in this Province of late. Had this movement been as alive, as vigilant, as alert and as assertive as in the days when Dr. Muthulakshmi Reddi was the Deputy President of the Legislative Council of yore, the Government would not have disregarded the rights of women as they intend to do to-day. Sir, the Hon. the Leader of the House stated that eminent lawyers had been consulted. But I wish, Sir, he had taken the advice of the greatest lawyer of the land, namely, Mahatma Gandhi. Members of the Treasury Benches have been visiting Delhi frequently in order to elicit the opinions of the High Command and Mahatma Gandhi on various matters. I wish they had consulted the Apostle of women's freedom, namely, Mahatma Gandhi, in regard to this important subject also. With reference to widows Mahatma Gandhi has declared: 'The untouchable is not the only portion of suppressed humanity, the widow in Hindu society is no less.' Surely there is no greater champion of women's rights in India to-day than that great leader who is responsible for lifting the women of the land to those seats

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of authority and power which they are occupying. I therefore wish that this great leader had been consulted with reference to this important question. Sir, I shall conclude after alluding to what Mahatma Gandhi has stated with reference to legislation. He has thus observed: 'Legislation is mostly the handiwork of man and man has not always been fair and discriminate in the performance of that self-appointed task.' I hope the men Members of this House will vote in such a manner on this amendment as not to subject themselves once again to that rebuke. Sir, in the name of humanity, in the name of justice, fairness and equity for the down-trodden, the suppressed, the oppressed, the voiceless Hindu widows of this Province, who have approached me through various organizations in Andhradesa, Tamilnad and the Karnataka, I appeal to the Members of this House to regard this question in its human aspect and not to bring to bear on it any considerations of party politics. With these words, Sir, I wish to commend my amendment to the House for acceptance."

MR. SPEAKER:—"I want to know from Mr. Vaidyanatha Ayyar whether he is seconding the amendment."

* SRI A. VAIDYANATHA AYYAR:—"I am seconding it, Sir. I feel it a proud privilege to have the honour of seconding the amendment moved by the hon. the Lady Member. On this question my heartiest sympathy goes to the Leader of the House, the Home Member, on whom has fallen this unfortunate duty of running counter to the opinion which if he would examine his heart he would find to be entirely in my favour. He has got the heart of a gentleman of utmost chivalry; he is so generous that we have only to appeal and we will get it. On him to-day has fallen this unfortunate duty. I wish he would rise to the occasion and show himself to be first a gentleman and Leader of the House and Home Member afterwards. You will find that the argument against the amendment is that it gives retrospective effect. You will find that it has not even the virtue of being correct. Any legislation if it is not to have retrospective effect should take effect from the date of its passing. But what is the legislation that the Government have now placed before us? It is a legislation to operate from the 26th November 1946 and we are going to have this legislation in December 1947. For one year they have given retrospective effect to-day. How can they say that in pursuance of an American law or a British law or under the conscience of that law they should not now give retrospective effect. They are giving retrospective effect to a certain extent. Sir, I am unable to understand the conscience of this Government. On another occasion you found that because the Congress Government left its office in 1939 and after that somebody began to alienate property the conscience of this Government was able to go back nearly ten years and have a retrospective legislation. The Hon. the Leader of the House may say: 'Oh! You were not in favour of retrospective effect and we accepted your amendment.' I ask him to kindly remember that the retrospective legislation was there

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subject to the amendment. The amendment only saved bona fide transfers for valuable consideration. But the retrospective legislation was nevertheless there. It contains all those items which were not bona fide, it contains all transactions which were not supported by valuable consideration. I hope the Leader of the House will take it that when he takes the stand that the previous Act was not giving retrospective effect he is not strictly accurate. It gave retrospective effect subject to a qualification.

"Sir, I must congratulate the solitary sentinel for the rights of womenhood—albeit for the rights of the widows of the Hindu community of this Province—who was at her post before and during the Select Committee's sittings. In this Assembly, here her voice alone is heard for saying what is fair and just. It will be quite unchivalrous and unjust to leave her alone to fight the battle for others and in their favour. It is a pleasure to see how far she has stood for the purpose. After all she wants so little leaving almost everything. Therefore what would be left would be the barest minimum. She says 'any person who would have been in possession of a property'; so far as this person is concerned, his possession shall be deemed to be legal. That means he can eat away the money accruing for seven years. Then 'any transfer that has been made', that transfer is held to be valid so that any man can walk away with the property provided there has been a transfer. Then any sons who have divided the property can say to the mother: 'We have divided the property into six shares and therefore you shall not be entitled.' So much for the case of the mother. What about the case of a sister-in-law who was a member of a joint family with four brothers-in-law and who had become a widow during the period from 1937 till now? What happens to the widow supposing the brothers-in-law had divided the property either orally or by a partition deed knowing that an Act is certain to come. Most of the hon. Members were so severely critical on the last occasion and they said there would be misdeemeanour and therefore they would not show sympathy with such persons. Now Begum Amiruddin says by her amendment that even if there had been a private partition, the poor widow may not be entitled. If it had been by a decree it shall not be pursued. If there is a charge it shall not be pursued. What is then left? So far as properties have not been partitioned till to-day and if those brothers continue to remain as one family without division then the poor brother's widow and the mother will be entitled for a share. I say it would be grossly unjust to say that if a person lost her husband between 1946 and 1947 she would be entitled to a share from her sons or brothers-in-law and not so in the case of a person whose husband died before 1946 and after 1937. The Act says that we shall go back only up to 1946 and our sympathy is a somewhat narrow elastic sympathy if we say that it cannot go beyond that. I would put it to the Leader of the House, because he is a sportsman always and I believe he is a sportsman ever, that by consulting the lady Members of this House, let us see whether the lady Members vote on this amendment and let us accept the sum total of their votes and see in whose

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favour it is. As a matter of fact that is a matter which has already been decided, because I find that the Hindu lady Members of this Assembly have presented a requisition for a meeting in regard to the amendment giving retrospective effect. I say that it is sufficient sanction for me to say that this should be accepted and properly accepted by the Government. I beg of you and tell you once again that so far as this is just, that has to be supported. It does not become insupportable because it comes from the right side of the House instead of from the left side. I may say that on this occasion the right side is the right one as I can see it. If we should be true to the pledge that we have taken, namely, that we shall be true to our conscience as to what we feel to be just, that pledge we have to carry out. As a matter of fact if we remember the mother to whom we are born, the sisters with whom we have come into the world, the daughters born to us, the woman we have wedded, let them get justice at our hands, and the Government is bound to support the amendment of Begum Amiruddin."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, there have been two vehement speeches on this amendment and all sorts of appeals have been made to my generosity as a son, to my generosity as a husband, to my generosity as a father. I happen to be all the three of them fortunately, because I had a mother, I have a daughter and I have a wife. (Laughter.) (A voice: 'What about sisters!') But unfortunately I have no sisters. (Sri A. Vaidyanatha Ayyar: 'All these are your sisters.') Sir, humanity being large, I acknowledge Mr. Vaidyanatha Ayyar's correction and I regard every woman as my sister.

"At the same time there are difficulties which I explained when I moved for the consideration of this Bill. There is no question of sportsmanship, there is no question of generosity of heart. I am afraid I have been brought up in a hard school of legal training and I cannot get away from the fact that there are difficulties pointed out by eminent lawyers like Mr. T. R. Venkatarama Sastriar who was himself a Member of the Hindu Law Reform Committee, and has suggested various reforms for the protection of the rights of women. At the same time I feel that it is a long period of ten years which has now lapsed since the passing of the Deshmukh Act and since then many cases have gone before Courts, and many properties have exchanged hands. As I have already said I have been brought up in a school which is against any kind of *ex post facto* legislation, which I think from the point of view of the English Jurisprudence which we follow in this country is correct. Of course, Mr. Vaidyanatha Ayyar referred to what happened in this very House. As I said I was myself loath to giving retrospective effect. But people were carried away by sentiment. They had particular instances in their minds which they thought were done wrongly and that perhaps carried them to conclusions which they might not have come to if those particular instances were not before them. Mr. Vaidyanatha Ayyar says that we are giving retrospective effect now. That is true.

[Dr. P. Subbarayan] [28th November 1947]

It is in order to satisfy the sentiment of people like him. Personally even that I might not have been in favour of. But the Select Committee felt as people have had sufficient notice and as this measure was published on a particular date and people knew that this would be passed into law, naturally they entered into transactions knowing that the Act was coming. Then they were themselves to blame. That is the reason why the date 'November 1946' is put in the measure. However much I may sympathize with the point of view of the hon. Member representing Muslim ladies of the Madras City I am afraid I am constrained to oppose this amendment."

3-30
p.m.

The amendment was put and declared lost.

(Begum Sultan Mir Amiruddin demanded a poll.)

(The Division bell was rung.)

MR. SPEAKER:—"This is the second time we are taking a poll in this House. If hon. Members have any difficulty, they may please tell me. While poll is being taken and before the result is announced, no hon. Member should leave the Chamber or enter the Chamber. I request the hon. Members of the Upper House to leave this Chamber."

(Poll was taken. While poll was being taken, one hon. Member, Mr. Shah Alam Khan, entered the House by mistake and took his seat.)

SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, an hon. Member has just entered the House."

MR. SPEAKER:—"The hon. Member who has just entered the House should leave the House."

(The hon. Member withdrew.)

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of information, Mr. Speaker."

MR. SPEAKER:—"Not now."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of order, Mr. Speaker."

MR. SPEAKER:—"Even the point of order may be raised after I have announced the result of the poll."

Ayes:

- 1 M. S. Abdul Majid Sahib.
- 2 K. Anandan Nambiar
- 3 Begum Sultan Mir Amiruddin.
- 4 W. J. Fernandez.
- 5 H. S. Hossain Sahib.
- 6 M. V. Hydross Sahib.
- 7 Jaffar Mohideen Sahib.
- 8 M. Kuran.
- 9 Srinathi R. Lakshminpathi.
- 10 Mahin Sohamud Sahib.
- 11 P. K. Moldeen Kutty Sahib.

- 12 Mohamed Abdul Salam Sahib.
- 13 Haji Mohammad Ismail Sahib.
- 14 N. Muhammad Anwar Sahib.
- 15 Muhammad Hussain Sahib.
- 16 Muhammad Ismail Sahib.
- 17 M. Muhammad Ismail Sahib.
- 18 Muhammad Raza Khan Sahib.
- 19 Pillalamuri Vekateswarlu.
- 20 T. Prakasam.
- 21 K. M. Seethi Sahib.
- 22 A. Vaidyanatha Ayyar.

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Noes:

- | | |
|-----------------------------------|--|
| 1 Alladi Aaron Rao. | 45 Ponnambala Gounder. |
| 2 N. Annamalai Pillai. | 46 V. Ponnuswami Gounder. |
| 3 M. Bapineu. | 47 K. Raghavan. |
| 4 The Hon. Sri M. Bhaktavatsalam. | 48 K. Rajaram Naidu. |
| 5 K. Bokkai Gowder. | 49 Rokkam Ramamurthy. |
| 6 K. Brahmanandam Reddi. | 50 N. P. Ramiah. |
| 7 A. Chandu. | 51 N. Rangaswami Reddi. |
| 8 O. Chengam Pillai. | 52 S. K. Sami Gounder. |
| 9 M. P. Damodaran. | 53 Sangam Naidu, Palavalasa. |
| 10 A. Devanaya Iyah. | 54 V. S. Sankarasubramanya Mudaliyar. |
| 11 D. Durairaja Pandian. | 55 Aluri Satyanarayana Raju. |
| 12 M. A. Eswaran. | 56 Bhupatiraju Satyanarayana Raju. |
| 13 The Hon. Sri B. Gopala Reddi. | 57 Gona Seetharamaswami. |
| 14 C. K. Govinda Nayar. | 58 K. Shanmugam. |
| 15 N. Govindaswami Nayudu. | 59 Srimathi Vallabhaneni Sitamahalingamma. |
| 16 K. Iswara. | 60 The Hon. Sri H. Sitarama Reddi. |
| 17 D. Kadirappa. | 61 Kallur Subbarao. |
| 18 K. Kamaraja Nadar. | 62 P. Subbiah. |
| 19 P. R. Kandawami Gounder. | 63 R. Subba Iyer. |
| 20 P. Kandaswami Pillai. | 64 The Hon. Dr. P. Subbarayan. |
| 21 L. S. Karayalar. | 65 Dr. S. Subrahmanya Ayyar. |
| 22 K. Koti Reddi. | 66 A. Subrahmanyam. |
| 23 S. Krishnan. | 67 The Yuvarajah of Pithapur (Rajarao Venkata Mahipathi Gangadhara Ram Rao Bahadur). |
| 24 K. Kulasekara Doss. | 68 R. V. Svarnataun. |
| 25 P. S. Kumaraswami Raja. | 69 R. Thangavelu. |
| 26 K. T. Kunhi Kammaran Nambiar. | 70 T. K. T. N. R. Tatachari. |
| 27 The Hon. Sri V. Kurmayya. | 71 M. D. Thyagaraja Pillai. |
| 28 Srimathi A. V. Kuttimalu Amma. | 72 A. Vedaratnam Pillai. |
| 29 Pandu Lakshmanaswami. | 73 Kankipati Veeranna Padal. |
| 30 Srimathi V. Lakshmi Ammal. | 74 Nukala Veeraraghaviah. |
| 31 K. Linga Raju. | 75 P. S. Veluchamy Gounder. |
| 32 Palamaner U. Mallayya. | 76 Gottumukkala Venanna. |
| 33 M. Marimuthu. | 77 B. Venkatachalam Pillai. |
| 34 K. A. Nachiappa Gounder. | 78 Pyndah Venkatanarayana. |
| 35 R. Nadhamni Reddi. | 79 B. Venkatanarayana Reddi. |
| 36 Meduri Nageswara Rao. | 80 Gopavaram Venkata Reddi. |
| 37 M. G. Nates Chettiyar. | 81 Ammapet P. Venkatarama Ayyar. |
| 38 V. C. Palaniswamy Gounder. | 82 The Hon. S. Kala Venkata Rao. |
| 39 M. Pallam Raju. | 83 Nivarthi Venkata Subbayya. |
| 40 M. S. Pattabiramaiah. | |
| 41 T. S. Pattabiraman. | |
| 42 S. K. Paliya Kudumbar. | |
| 43 M. P. Periyaswami. | |
| 44 Perumalla Nayudu. | |

Neutral:

1. B. S. Mallikarjuna Rao.

MR. SPEAKER:—"Ayes 22; Noes 83; Neutral 1. The amendment is lost."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of order, Mr. Speaker. Is it in order for the Hon. Minister Dr. T. S. S. Rajan to occupy the Governor's Box upstairs and from there look down upon us?" (Laughter.)

MR. SPEAKER:—"The Hon. Dr. Rajan is not a Member of this House. I have asked the Members of the Upper House to leave this Chamber. Naturally he has gone up to see the voting from there."

[Mr. Speaker] [28th November 1947]

"Then, Mr. Kaleswara Rao who has given notice of an amendment is not in his place. Moreover, it is in substance the same as that of Begum Sultan Amiruddin, which has been lost. I shall therefore put clause 2 to the vote of the House."

Clause 2 was put and carried.

Clause 3.

THE HON. DR. P. SUBBARAYAN:—"Sir, might I point out for the consideration of the hon. Member that the omission of clause 3 would mean that there will be no retrospective effect at all. The clause provides for effect being given to the measure from the date of the publication of the Bill. That was the amendment carried in the select committee. Does the hon. Member want no retrospective effect at all?"

MR. SPEAKER:—"Moreover, according to the practice in the British Parliament, amendments for the omission of the whole clause are not in order. The best thing is to oppose the whole clause and vote it down. Some other time, I shall bring the relevant portion in May's Parliamentary Practice to the notice of the House."

BEGUM SULTAN MIR AMIRUDDIN:—"Then I am not moving the amendment standing in my name, Sir."

Clauses 3 and 1 and the Preamble were put one by one and carried.

THE HON. DR. P. SUBBARAYAN:—"I move, Sir—

'that the Bill be passed into law.'

I do not think that any words are necessary from me in regard to this motion, because all that can be said in favour of the Bill was said when the Bill was introduced by my hon. Friend Mr. Bhashyam. I have also stated the reasons for bringing forward this Bill when I moved the motion that the report of the select committee be taken into consideration."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to record my dissatisfaction at the limited scope of the measure that is shortly to find a place on the Statute Book. It is indeed a matter for regret that the members of the Congress Party who but a few months ago at one of their party meetings voted in favour of making this Bill retrospective in operation from the date of the original Act of 1937 reversed their decision a couple of days ago. I cannot understand what has transpired during this interval to bring about this change. As far as I see, nothing has occurred to account for the reversal of their attitude towards women's rights. As a matter of fact, the amendment that I moved would have eliminated to a considerable extent any hardship that might have arisen in consequence of the measure being dated back

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to 1937. I had provided even more safeguards than those suggested by Mr. Pappu Somasundaram. But the Government were not inclined to accord to the widows their full rights. When in Bombay, Bihar and the United Provinces the Advisers' Government felt no difficulty in making this self-same Act retrospective in operation from 1937, it passes one's comprehension why a popular Government has refused to act likewise. When a foreign Government came forward to do justice to womanhood, surely women expected better treatment at the hands of a popular Government. Sir, I wish to emphasize that the women of the land will be sorely disappointed with the Bill as it is to be passed to-day in this House. I am surprised to find that some of the women members also, like Mrs. Lakshmi Sankara Ayyar,—though they spoke in support of my amendment, when it came to voting, could not withstand the party influence. I understand that the women members of this House have been unanimously in favour of my amendment and that they sent in a written requisition to the Hon. the Premier urging him to accept it. Some of them in their speeches appealed to the Government to accept the amendment that I had brought forward; but the paradox of it is that when they were asked to record their votes, with the solitary exception of Mrs. Lakshmi pathi, the former Minister of Public Health, the women legislators voted to the detriment of the widows of the land. This is indeed astounding!"

MR. SPEAKER:—"In the third reading stage, the hon. Member should not discuss anything that is not in the Bill. She should confine her remarks to the clauses that are actually in the Bill and not refer to things which are not in the Bill."

* BEGUM SULTAN MIR AMIRUDDIN:—"I do not wish to speak further on this Bill except to record my dissatisfaction at the limited scope of the benefits that it will confer on Hindu widows. I am sure this will have a bad repercussion on the womanhood of the land."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, with great dissatisfaction I rise to speak at the third reading stage of the Bill. When the amendment was being discussed, I hoped that most of the Congress Members who spoke in favour of the amendment would naturally vote for the amendment, but I find I was wrong. I am surprised to find that in matters of social legislation the Congress Party has not given its members freedom to vote. That is why most of the lady members of the Congress have voted against the amendment. It will be an eye-opener to the electorate and they will know to which party they should vote next time. Especially the women voters will take careful note of the fact and see whether they should vote for the Congress Party or any other party. The rights of women have been sabotaged as it were. That is why . . ."

SRI K. BRAHMANANDAM REDDI:—"On a point of order, Mr. Speaker. In view of the advice just now given to the hon. Member Begum Sultan Mir Amiruddin, may I ask whether the speech of the hon. Member speaking now is in order?"

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MR. SPEAKER:—"In spite of my advice, if the hon. Member goes on speaking like this, how many times am I to draw his attention?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am not able to understand the point of order, Sir."

MR. SPEAKER:—"I told the hon. Lady Member that she should confine her remarks on the third reading of the Bill to the clauses contained in the Bill."

SRI PILLALAMARRI VENKATESWARLU:—"The speech is quite in order. Only the hon. Gentleman is not able to understand the logic behind it. I am glad, Sir, the Congress Party has passed this Bill though it is a bit belated. With these words, I support the motion."

THE HON. DR. P. SUBBARAYAN:—"I have no remarks to offer, Sir."

(Srimathi V. Lakshmi Ammal rose to speak.)

MR. SPEAKER:—"The hon. Member cannot speak now after I have called the Hon. the Leader of the House to reply."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, is there any rule to the effect that no member of the House has a right to speak after you have called the Leader of the House or the Mover of the Bill to reply?"

MR. SPEAKER:—"It is only the ordinary rule. After the Member of the Government has replied, no other Member has a right to speak. I can also quote a recent instance in the House of Commons. But with the permission of the House, a Member can speak any number of times. That was introduced only recently. The ordinary rule is that after the Government Member has replied no other member can speak. But if a Member has moved an amendment he can reply, and then the Government Member can again reply to the reply of the Member who has moved the amendment."

SRI K. BRAHMANANDAM REDDI:—"Even after the Speaker has called the Leader of the House to reply, cannot an hon. Member rise to give a personal explanation? When the hon. Member Begum Sultan Amiruddin was speaking on the third reading of the Bill, she said something about the conduct in voting of Mrs. Lakshmi Sankara Ayyar. Now Mrs. Lakshmi Sankara Ayyar desires to offer a personal explanation in order to make her position clear."

MR. SPEAKER:—"Personal explanation is altogether different. It can be given at any time. The hon. Lady Member can make her position clear."

SRIMATHI V. LAKSHMI AMMAL:—"அக்கிராசனாதிபதி அவர்களே, சீசோதரி பீகம் அமிர்யூதின் அவர்கள், நான், அவர்கள் கொண்டுவந்த amendment-ஐ ஆமோதித்துவிட்டு இதற்கு விரோதமாக வோட் செய்தேன் might எடுத்துச் சொன்னார்கள். நான் சொன்னது என்னவென்றால்

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அவர்கள் கொண்டுவந்த amendment-ஐ கனம் மந்திரி அவர்கள் எடுத்துக்கொண்டால் எனக்கு சந்தோஷம் பூர்ணமாக இருக்குமென்றும் அவர்கள் வரவேற்காமலி நந்தாலும் எடுத்துக்கொள்ளா விட்டாலும் Select Committee Report-ஐ பூர்ணமாக ஒப்புக்கொள்ள வேண்டுமென்றுதான் நான் சொன்னேன்."

MR. SPEAKER:—"A very brief explanation! That is what is required from the hon. Members."

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

(2) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947.

THE HON. SRI KALA VENKATA RAO:—"I beg to move under rule 111 of the Madras Assembly Rules that—

'the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 30 members to consider the Bill, 20 members from the Assembly and 10 members from the Council.'"

MR. SPEAKER:—"Let the Hon. Minister move the motion regarding the joint select committee first and the motion regarding the Bill afterwards. Then it will be clear to the House."

THE HON. DR. P. SUBBARAYAN:—"Might I point out for your consideration that the select committee will be a consequence of the introduction of the Bill. Therefore the Hon. Minister will have to introduce the Bill first and then move that it be referred to a Joint Select Committee of both the Houses. Afterwards the Hon. Minister can say whatever he has got to say, and there will be discussion on the Bill. Then the question whether the Bill should be referred to a Joint Select Committee will be voted upon. That will be the proper procedure."

THE HON. SRI KALA VENKATA RAO:—"I beg to introduce the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, and move, under rule 111 of the Madras Assembly Rules, that the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 30 members to consider the Bill, 20 members from the Assembly and 10 members from the Council."

"I feel that to-day is one of the proudest days in my life in that I have been given the opportunity to move this Bill before this Honourable House. In 1945, the Congress decided to contest the provincial elections and published their election manifesto. The concerned portion of the manifesto runs as follows:—

'The reform of the land system which is so urgently needed in India involves the removal of intermediaries between the peasant and the State. The rights of such intermediaries should therefore be acquired on payment of equitable

[Sri Kala Venkata Rao] [28th November 1947]

compensation. While individual farming or peasant proprietorship should continue, progressive agriculture as well as the creation of new social values and incentives require some system of co-operative farming suited to Indian conditions.'

I may say that a distinguishing characteristic of the statements regarding the postwar problems made by the leading statesmen of the world has been the emphasis placed on the social objectives. Such social objectives should also be positive. The days when the State was simply a police State are over, and we are in a century when each State is playing a positive role in the economic regeneration of its people. We are for a better world and for a better life for mankind. The era of freedom will be achieved only after human welfare and social security become the main concern of the nations. We should all realize that the country has far advanced in its political and social ideas. People in the rural parts are already fighting for their rights. I have once said on the floor of this Assembly that the paddy fields are the battlefields where mighty issues have to be fought and won. Therefore I beg to state that beneath the thin crest of rural life there boils a mighty lake of lava that will one day submerge the land. We should take cognizance of this fact and so arrange the scheme and scope of our legislation so as to meet the demands that surge forth from the suffering hearts of millions of peasants that live in our Province and in the country. I can never believe that it is right that some should be born into this world ready booted and spurred to ride and others readily saddled and bridled to be ridden. The revolutionary significance of Gandhiji lies in his attempt to release the energies contained and the endurance of the Indian people that everywhere stirred the minds of man. You are aware that it was Mahatma Gandhi who first said that all land belongs to Gopal. In starting the first stage of this reform, we are only following the ideals enunciated by Mahatma Gandhi the great man who has won our freedom. I would also like to state that if we wait, it will be too late when the clock will strike. We should learn lessons from things that have occurred in other parts of the world and prepare ourselves to march forward and be abreast of the demands that are being made by the peasants in this country. Our agrarian policy must be so framed and organized on a homogeneous and sound basis that there will be no more landlords and the tenants will be the full-fledged owners of the land they till. The reform of the land system should take precedence over other reforms. It is necessary and urgent as such reform is the first indispensable step in relieving the peasant and giving him some breathing space. That alone will lay the foundations of rural reconstruction and of a democratic State. It is a matter of national concern calling for deliberate and farsighted national policies, not only for conserving human resources and providing for national security, but also for promoting well-founded prosperity and securing social stability.

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"Now, Sir, I would like to give a short account of the land tenures in this country. First of all, I would like to quote three ancient authorities to show that from the beginning the land in India belonged to the tillers of the soil and not to the king who ruled over the country. Jaimini, in a Sutra, says: 'The King cannot make a gift of his kingdom, for it is not his as he is entitled only to a share of the produce by reason of his affording protection to his subjects.' Savaraswami, who commented on Jaimini Sutra says: 'The King cannot give away the earth because it is not his individual property. It is common to all beings enjoying the fruits of their labour on it.' Sayana, who also commented on Jaimini Sutra, says: 'The King's sovereignty consists in punishing the guilty and protecting the good nor is the land his property for what is yielded by land as the fruit of labour on the part of all beings must be enjoyed by them as their own property.' I have got many more authorities but I do not like to quote all of them here. I will only say that Mr. Colebrook in his Essays has definitely stated: 'The monarch has not the property of the earth. His earthly power is for the Government and the realm for the collection of taxes.' With this I would like to finish my reference to the authority of the ancient Hindu law-givers.

"Next, Sir, later in our history our country was ruled by Muslim monarchs. I would also like to state what Moslem Divines have said about this matter. Modena Sharibazz has said: 'He who is tributed from the land has no property in it.' Muhammad in Hedaya fourth chapter, says: 'Whoever cultivates lands does thereby acquire the property of them.' Mr. Galloway, in his translation of Abu Hanifa, says: 'The land of Sayad of Iraq is the property of its inhabitants.'

"I have shown to you that the ancient Hindu and the later Muhammadan rulers were guided by their own books which clearly state that the land belongs to those who till the soil and that the king is entitled only to receive a tribute from the land to meet the expenses of administration and governance.

"I now come to the British period. In the British period, what is known as the Permanent Settlement came into vogue. Pitt's India Act of 1784, Section 39 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, a moderate tax but Cornwallis thought of the Permanent Settlement. The Government in England wanted that the settlement must be according to the 'laws and constitution of India', but Lord Cornwallis went beyond that scope and framed what is known as the Permanent Settlement. On the eve of the Permanent Settlement, rent collectors were known in India as 'farmers of land revenue'. Referring to the state of the country in those days, and to the farmers of land the great British Statesman and Liberal, Edmund Burke, said: 'An endless and hopeless prospect of new flights of birds of prey and passage with appetites continually renewing for food. The cries of India are given to seas and winds to be blown about in

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every breaking of the monsoon over a remote and unhearing ocean.' The Permanent Settlement Regulation XXV, Patta Regulation XXX, Karnams' Regulation XXIX and Regulations XXVII and XXVIII of 1802 were passed on the same date, 13th July 1802."

4-15 p.m. "The preamble to the Permanent Settlement Regulation runs as follows:—

'Whereas it is known to the zamindars, raiyats 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 to the zamindars or other persons for the continuance of a moderate land-tax; that on the contrary frequent inquiries have been instituted by the ruling power, whether Hindu or Muhammadan, for the purpose of augmenting the assessment of the land revenue; that it has been customary to regulate such augmentations by the inquiries and opinions of the local officers appointed by the ruling power for the time being; and that in the attainment of an increased revenue on such foundations, it has been usual for the Government to deprive the zamindars, and to appoint persons on its own behalf to the management of the zamindaris, thereby reserving to the ruling power the implied right and the actual exercise of the proprietary possession of all lands whatever; and whereas it is obvious to the said zamindars, mirasdars, raiyats 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 the zamindars and other landholders, their heirs and successors, a permanent property in their land in all time to come, and to fix for ever a moderate assessment of public revenue on such lands, the amount of which shall never be liable to be increased under any circumstances.'

Sir, this is the preamble of the Permanent Settlement Regulations and you would have marked the words 'a permanent property in their land in all time to come' used in it.

"Now, who were those persons to whom this Sannad-i-Milki-Istimirar according to the Permanent Settlement Regulations were granted? No less a person than Sir George Campbell wrote as follows:—

'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

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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 exercise great authority as farmers-general and handed it down to their successors.'

"Sir, I should also like to state in fairness to them that some of those descendants of the ancient Rajahs who lost their sovereignty and became feudatory chiefs under the British Government or under the native Hindu kings, who were ruling the territories at that time were also given these Sanad-i-Milkiyat-Istimirar. I should like to mention one important point about this term 'permanent property in the land in all time to come.' The plea is also now being put forward that because these words are used, the Settlement is a permanent one and that nobody has a right to interfere with this and that the zamindars should continue as long as the sun and the moon are in the heavens and that their proprietary ownership of the soil should also be consigned to them.

"Sir, I should like to state in this connection that when the Governor-General of India gave permission for the introduction of this Permanent Settlement in Madras, he also gave the following instructions to the Government of Madras:—

'In expressing his approval of these arrangements the Governor-General distinctly informed the Government of Madras that the acknowledgment of a proprietary right in the zamindars who were then in possession, or in the proprietors who were about 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 way, subject to the authority of the zamindars or other landholders; nor was it to be understood as preventing the Government from passing any laws which might be considered expedient for the protection of the ryots.'

"These were the instructions given, but in the wording of the Permanent Regulation even these instructions of the Governor-General were set at naught and a language which can be deemed to mean something otherwise was introduced into the Sanad. This is also borne out by another quotation which I should like to read to the House in this connexion. The following is an extract from the fifth report made by Mr. Hodgson on the Province of Dindigul, dated 28th March 1808. Details of this can be found in Part I of the Prakasam Committee Report:—

'Paragraph 35.—It was not at that period known, and I regret much to say, is not now generally admitted that two rights could under the words "proprietary rights," in the Regulations, exist; that the cultivators could possess, one right, and the zamindars, another; yet both be distinct rights. It was argued, that

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the words "proprietary right," so frequently used in the Regulations, and so formally confirmed by Sanad-i-Milkiyat-Istimirar on all zamindars, hereditary or by purchase, was an unlimited right; that is, an undefined power, or a power to be exercised according to the direction of the proprietor, over all the land of the zamindari or estate. It is declared to be inconsistent with "proprietary right," that the proprietor should be guided by any other rule than his own will, in determining his rent; and emigration, under this interpretation, is admitted to be the only relief from an excessive rent. This mode of reasoning would not, perhaps, have gained so much ground, if it had been within the means of all, to have obtained the perusal of the interesting discussions on the subject, between the Right Honourable Marquis of Cornwallis and Sir John Shore, the Bengal Regulations, and the proceedings of the Board of Revenue at Madras, on proposing the introduction of the Permanent System. If general access to these documents could have been obtained, or means had been taken to circulate them or at least the part which bears on this subject, it would have been distinctly seen that the first principle of the permanent system was to confirm and secure the rights of the cultivation of the soil. "To confirm and secure" are the terms which must be noted, because no new rights were granted, nor any doubts entertained upon the following leading features of their right, viz.:—

First.—That no zamindar, proprietor (or whatever name be given to those persons), was entitled by law, custom or usage, to make his demands for rent, according to his convenience; or in other words.

Second.—That the cultivators of the soil had the solid right from time immemorial, of paying a defined rent, and no more, for the land they cultivated.

Paragraph 36.—This right is inherent, in all the cultivators, from the most northern parts of India, to Cape Comorin. I shall have the occasion hereafter to show, how the right came to be of more or less value in different parts of the Indian Empire.

Paragraph 37.—The "proprietary right" of zamindars in the Regulations is, therefore, no more than the right to collect from the cultivators, that rent which custom has established, as the right of Government, and the benefit arising from this confined, first to an extension of the amount, or 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.

Paragraph 38.—Such is my interpretation of zamindari proprietary right; and such it stands proved to be, in all the documents I have referred to.

Paragraph 39.—Paley, in his Philosophy, defines property in land to be a power to use it to the exclusion of others.²

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Sir, this was the report of Mr. Hodgson in the year 1808 and you will thus see that even in the days of Permanent Settlement, the officers of the Government held that the zamindar's rights in the land were only limited and entirely different from what they now claim and want to stick to even in the year 1947.

"Then, Sir, I must also refer to another important Regulation passed on the same date, namely, the Patta Regulation. To understand the full meaning of these words, we must refer to the preamble of Regulation XXX of 1802 that was passed on the same date. It runs as follows:—

'It being advisable that the existing indefinite mode of dividing the produce of the earth, and of accounting for customary ready money revenue, should be abolished to the end, that the cultivators and under-tenants of land may have the benefit and protection of determined agreements in their dealings with superior landholders and farmers of land, and it being necessary to the security and comfort of the cultivators and under-tenants, that the terms of such agreement should be made specific to the end, that the 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 the pattas between the proprietors or farmers of land or Aumils, and under-tenants, under-farmers or ryots.'

'The words "defining the amount to be paid by him" in section 14 of the Permanent Settlement Regulations convey the same meaning as the words "determinate agreements" referred to in the preamble of the Regulation XXX.'

"Sir, after these Regulations were passed, the Government gave Sanad-i-Milkiyat-Istimirar to these farmers of land whom they called the zamindars and then in turn those zamindars or whatever they might be called, were asked to give pattas to their respective tenants in their own estates. That is the position, Sir, of the zamindars. But soon, it was found that oppression reigned supreme, that the zamindars were not giving the pattas, that the land was not being cultivated, that rack-renting began and that there were as many as 18 or 20 demands of various kinds from the tenants, by way of abwabs, gratifications and other illegal levies, apart from the rent that the zamindar was entitled to from the tenant. If there was a marriage in the house of the zamindar, there must be some payment by the tenant; if there was a festival, there must be another payment. If there was a procession or a feast or any special occasion, collections must be made from the tenants. Such exactions became prevalent. In addition to all these things, the representatives of these landholders also began to make collections for themselves with the result that there was so much of rack-renting. That is how the ryot was oppressed in those days and therefore the Government thought it better to define the intentions of the Regulation of 1802. So, in the year

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1822, the Government again published two other Regulations, namely, Regulations IV and V of 1822. I would like to take the House to those two Regulations. The first is entitled 'a Regulation declaring the true intent and meaning of Regulations XXV, XXVIII and XXX of 1802, so far as they relate to the rights of the actual cultivators of the soil,' and it states that 'doubts having occurred regarding the meaning and construction of the Regulations enacted for ensuring the prompt realization of the rents due and payable by the actual cultivators of the soil, either to the officers of Government on the public account, or to zamindars or others entitled to receive the same by inheritance, or purchase, or in virtue of special grants issued by the ruling authority on terms of a Permanent or Temporary Settlement of the Land Revenue.' . . . 'It is hereby declared that the provisions of Regulations XXV, XXVIII and XXX of 1802 were not meant to define, limit, infringe, or destroy the actual rights of any description of landholders or tenants.'

"The preamble of Regulation V of 1822 states that 'the provisions of Regulations XXVIII and XXX of 1802, have been found insufficient for the due protection of the ryots, the powers conferred on landholders being prompt and summary, and the defence of ryots only by regular suit, the cost of which is beyond their means. Therefore the summary jurisdiction of the courts ought to be transferred to the Collectors in such cases, and in those of sudden and violent disputes regarding the occupancy, cultivation and irrigation of land, referred to in Regulation XXXII of 1802, and that provision should be made for deciding by panchayat disputes regarding arrears of rent and rates of assessment, and the occupancy and cultivation of land.'

4-30
p.m.

"These two regulations, Sir, clearly show that even the administrators of 1802 in those days—when there was little or no contact between the rulers and the subjects of the country—deemed it necessary to define their attitude with reference to the regulations of 1802 which were being misinterpreted and which in the course of their administration were being used for a nefarious purpose.

"Then, Sir, I would like to trace the history of this zamindari business; and when I use the word 'zamindari' let me remind you that I mean every one of the estates that are defined to-day in the Estates Land Act. I would now take you to another stage; the years 1862 to 1865 when legislation was attempted which culminated in the Rent Recovery Act of 1865. In 1865 the Government undertook legislation to clarify the position and passed the Rent Recovery Act. This Act applied not only to relations between the zamindar and his ryots, but also to those between the Government and their ryots and between the ryots and their sub-tenants. As regards rates of rent, it laid down as a primary principle that all contracts for rent, express or implied, shall be enforced. Other considerations, e.g., local usage, waram, etc.

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were only to be applied in the absence of a contract. In 1871, the Madras High Court held that the tenure of the zamindari ryot even where based on the exchange of patta and muchilika was liable to termination at the will of the zamindar, at the end of any fasli. This decision led to a very marked increase of rents in the northern part of the Province and the Board of Revenue moved the Government to legislate to secure to the ryot the permanent right of occupancy which was his by the law of Manu and subsequent custom. The investigation of this question and the preparation and examination of a series of Bills lasted till 1908 when the Madras Estates Land Act was passed. By this Act, occupancy right was accorded to every zamindari ryot subject to payment of the lawful rent.

"In this connexion, I may say that in section 11 of the Rent Recovery Act of 1865, there was a jumble of the whole affair. The people referred to were both Government and the ryotwari patta-dar as well as the zamindar and his pattadar. But if you see the 1863 draft of the Bill, you will be convinced that the original idea was not at all to apply the enhancement of rent question, etc., to the zamindari tenant at all. This question also is very ably discussed in the Prakasam Committee Report. Though I have been often referring to that report, I am very sorry I could not carry out the suggestion of the hon. Mr. Prakasam to supply copies of that report to hon. Members of this House, as I find from the Government Press that almost all the copies were either distributed or sold away; but copies are available in the library of this Legislature, and any member can take a loan of the report, etc., from some friend of his or even from me. Therefore, Sir,

SRI T. PRAKASAM:—"Cannot more sets be now made available to the Members?"

THE HON. SRI KALA VENKATA RAO:—"If any more sets are available, I have no objection to distribute them to the Members, but my information is that sufficient number of copies are not available. (An hon. Member: 'Why not have a second edition?') A second edition will cost about Rs. 3 lakhs and by the time the edition is made ready, I think the zamindaris themselves will go out. (Interruption by the hon. Sri T. Prakasam.) I am very sorry I cannot accept the statement of my leader that the zamindars will not go so soon."

SRI T. PRAKASAM:—"The Hon. Revenue Minister said the other day, Sir, that in the working of this Bill, it will take at least four years before the zamindars can actually be sent out."

THE HON. SRI KALA VENKATA RAO:—"But I also stated more than once that when once this Bill becomes law, there would be no more zamindars in this Province, because we are going to take over all the estates ourselves. And if I have stated four years, I only meant that the course of settlement would take four years and not the taking over itself. I do not want to be misunderstood on that point, Sir.

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" Now, Sir, we come to the Estates Land Act of 1908. It has been an unfortunate feature in the history of this legislation that whatever was contemplated as legislation in this respect, always took ten years to be achieved. In 1803, the Bengal Settlement came and the Madras Settlement in 1802-03. Then in 1898, the first Madras Estates Land Act was drafted, and it was passed only in the year 1908. The Prakasam Report was prepared in 1937 and we have had to wait for the fruition of that report till 1947, which will result in the abolition of the zamindaris themselves. I would like to state that what the Bill made ready in 1898 contemplated, did not become actual law in 1898; there were a number of modifications with reference to the enhancement of rent and other things. Further amendments were being made to the Estates Land Act even in the year 1945. I may state that no principle was laid down regarding the amount of rent except that the existing rent should be presumed to be fair and equitable till the contrary was proved. Provision was made for enhancement of money rents on application to revenue courts on specific grounds such as increase in the value of the crops, improvements effected by the landholder, etc., and for reduction of rent on the opposite grounds. Enhancement of "waram" rents and of money rents permanently payable at a fixed rate or rates was forbidden and also the enhancement of money rent above the usual waram in the area. That was the scheme of the Madras Estates Land Act of 1908 in the main.

" Then, in the working of this Act of 1908 many difficulties were found. In many zamindaris in this Province, particularly in the north, the zamin ryots pay far more assessment on their lands than what ryots in adjacent Government villages pay on similar lands. In many cases, these rates are unconscionably high and oppressive. The zamin ryots cannot, in fairness, be made to pay for like lands more than what the ryots in ryotwari areas pay. In many zamindaris, there are large areas of forests which require to be maintained as forests on grounds of the general welfare of the public. The zamindars treat these areas as being purely their private property and most of them have little regard either for the interests of their successors or for the interests of the general public. Areas which were once forests and yielded an annual revenue to the proprietor are now barren rocky hills yielding only grass at certain times of the year. Expecting some preventive legislation, these forests have been cut and devastated in the last few years. A Bill was passed in 1946 to protect these forests. In most estates, the tanks and other irrigation sources have not been attended to for decades past and are in a most neglected state. High rates of wet assessment are still being collected from the ryots. Originally the interests of the ryots and of the zamindar in regard to the repair of irrigation sources were the same. The ryots paid generally half waram to the zamindar. In his own interest, the zamindar had to keep the irrigation sources in repair, so that the crop might be as full as possible. With the passing of the Madras Estates Land Act, 1908, this state of affairs came to an end. There is now little to induce

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a landholder to repair irrigation sources and this is grossly unfair to the zamin ryot. The bulk of the estates in this Province are still unsurveyed. When there is no survey to fix the position of a ryot's holding and where the assessment varies with the crop grown, the sum paid as rent by the cultivator is apt to vary and the cultivator has to pay what is fixed by the estate karnam. The Madras Estates Land Act, 1908, even after the lapse of forty years has not achieved all its objects owing to the failure of proprietors to avail themselves of its provisions, especially those relating to survey and record of rights, and to the repair of irrigation works. With the recognition, by the Madras Estates Land (Amendment) Act of 1936, of inam villages in certain circumstances as estates, the number of small estates has also increased. Conditions in most of these estates are so unsatisfactory that even though sentiment or family pride stands in the way, the zamindars are beginning to realize that the zamindari system is as burdensome to work for the proprietor himself as it is difficult for the tenants to endure.

" The next important stage in this business was the appointment of the Estates Land Enquiry Committee in 1937, popularly known as the Prakasam Committee and I shall refer to it in future as that. In 1937, while the last Congress Ministry was in office in this Province, a committee was appointed 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. The hon. Mr. Prakasam was the Chairman of the committee. The committee presented its report to the Legislature in 1938, and it was discussed in the Assembly in January 1939.

" The report of the Estates Land Act Committee occupies a number of volumes but the more important points of the majority recommendation may be summarized as follows:—

'The rent payable to the zamindar was originally nothing more than the rajabhagam or Government's share of the crop and was identical with the payment which in Government areas is known as assessment. The framers of the Permanent Settlement intended that it should effect not only a Permanent Settlement of the zamindar's peishkash but also a Permanent Settlement of the ryots' rent. If the provisions of the various regulations issued in 1802 had been interpreted properly, this intended result would have been secured. But owing to the failure of the Patta Regulation and the erroneous judgment of courts imbued with English ideas of the relation of landlord and tenant, the zamindar has been able, in practice, to raise the rents of his ryots and these practices have, on occasions, been upheld as legal by the courts. The Rent Recovery Act of 1865, owing to the fact that it dealt with all kinds of rent, applied to the zamindari ryots' rent also the principle of settlement by contract, which was contrary to the intentions of the Permanent Settlement. Similarly although the draft Bill of 1898 went back to the pure doctrine of the framers of the Permanent Settlement in providing that the rates of rent which were in force

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in the year preceding the Permanent Settlement were to be adopted, the Act of 1908 which eventually passed dropped this historically sound and beneficent provision and recognized the status quo as far as rents were concerned. The majority of the committee, therefore, recommended:

(1) *that the present state of affairs brought about by errors of administration, judicial pronouncements and legislation should be abolished and that the position which the framers of the Permanent Settlement intended to establish by their regulations should be substituted and for that purpose all rents in zamindari should be fixed at the figures in force in the year preceding the Permanent Settlement (in most cases 1801);*

(2) *that where the rent of 1801 was in kind it should be commuted at the grain prices which prevailed in that year; and*

(3) *that rents on land which were waste in 1801 should be fixed at the rates applicable to adjacent lands of similar quality which had been occupied in 1801.*

“ They also recommended:

(a) *That all occupation of land which had at any time been communal land should be made illegal;*

(b) *that all forests should be declared the property of the village community;*

(c) *that all right to the control of irrigation in estates should be appropriated by the Government;*

(d) *that every ryot should be given the right to work the minerals in his land and in any waste or poramboke land subject to the payment only of seigniorage to the Government; and*

(e) *that the recovery of arrears of zamindari rents should be effected by Government under the Revenue Recovery Act and that a percentage charge should be made for such recovery.*

In regard to inams, the conclusion of the Estates Land Act Committee was that it was wrong to have included inam villages within the definition of ‘ estate ’ in the Estates Land Act, 1908. They accordingly proposed that a separate legislation be undertaken in regard to inams.

“ The Provincial Legislature passed a resolution in 1939 urging the Government to bring in legislation to implement the majority recommendation. The necessary memorandum for legislation was accordingly prepared and circulated. A draft Bill called the Madras Estates Land Revenue Bill, 1939, was prepared. This Bill relates only to permanently settled estates and does not apply to inams. Opinion among the then Ministers was not uniform. In October 1939, when no definite conclusions had been reached, the Ministry demitted office.

“ At this stage, I would like to refer to another important Estates Enquiry Committee which was appointed by the Government of Bengal known as the Floud Commission. The Bengal

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Land Revenue Commission which was appointed by the Government of Bengal in 1928 to examine the land revenue system of Bengal in its various aspects, with special reference to the Permanent Settlement, recommended buying out all tenure-holders between the Government and the cultivator in that Province. Its conclusion was that whatever might have been the justification for the Permanent Settlement, it was no longer suitable to the conditions of the present time and that the zamindari system had developed so many defects that it had ceased to serve any national interest. The Commission's view was that the system should be replaced by one which would bring the actual cultivators into the position of tenants holding directly under Government by acquiring the interests of all classes of rent receivers. The Bengal Land Revenue Commission however had to deal with problems very different from that of Madras. In Bengal, there is no difference in principle between zamindari and Government areas since the latter are merely regarded as estates in which Government are the zamindar and rents in the zamindari and Government estates are on the same level. In Madras, on the contrary, there is the problem of a difference in taxation levels between zamindari and Government areas.

“ Well, Sir, after the Congress Government left office, you are aware that we had to face two great national movements, the individual Satyagraha of 1941 and then the August movement of 1942 and the Congressmen had to be in jails. There was no representation of the popular representatives in the Legislature inasmuch as there was no Legislature in those days. Therefore, Sir, the legislation that was contemplated in 1939 though it did not seek to abolish the Permanent Settlement had to be delayed till 1946 when our Government took office. In 1946, the Congress Government began to examine the question over again and I must say in all fairness that during the years 1939-46, when the Advisers were in charge of this Province, they also made an attempt with reference to this legislation. They even proposed that these Zamindaris should be abolished and began to examine the question in a thorough and detailed manner. As a matter of fact, they sent definite proposals for the abolition of Tirumalai-Tirupati Devasthanam to the Secretary of State who, as can be expected, turned down the proposal at least till the end of the war.

“ Then, Sir, our own Government in 1946 decided two things, one to proceed with the Bill as was drafted in 1939 with some modifications with the aim to reduce the rent recoverable from the ryot to an amount which is equal to that fixed in 1802 and to make other modifications in the Act. They also resolved to abolish the zamindaris. They moved a resolution in the Legislative Council in the early part of this year and before that resolution could be moved in this House, the Government decided that it was better to proceed with the abolitionary legislation than to have a legislation in terms of the land revenue bill which was drafted earlier. The reason which prompted the Government to come to this view was this. In February 1947, His Majesty's Government in England announced

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that they would quit India by June 1948. As I have said earlier, the Secretary of State was prone to turn down any proposal for the abolition of the zamindaris and therefore the Government felt in the year 1946 and the early part of 1947 that they should not delay the relief that ought to be given to the tenant, and therefore, they thought of a legislation which need not go to the Secretary of State for approval. The statement of 20th February 1947 made it clear that the British were to quit India on a particular date or by a particular date. It put some courage into the heart of the Government in seeking the abolition of the zamindaris at one stroke because the presumption was that when the British were about to quit, they would not seek to obstruct any progressive legislation in this country. Fortunately, events moved quicker than anticipated and the British had to quit on the memorable day of August 15th, 1947 and with the adaptation of the Government of India Act, much of the obstruction that was placed under the 1935 Act relating to the abolition of zamindaris was laid at rest because the new Act gives sovereign power to the Indian Union and its constituent units. The sovereignty of this Legislature is only limited by the sovereignty of the Central Legislature and there is no outside or extraneous power which could obstruct or control any progressive legislation which the representatives of the people seek to put on the Statute Book nowadays. Therefore, Sir, we should thank our Providence and the efforts of Mahatma Gandhi and other leaders in this country for having gone apace with the scheme of abolishing the zamindaris. I may also state in this connexion that our right to have this legislation was even recognized by the Joint Parliamentary Committee which worked and prepared the 1935 Act; they say:—

‘We do not dispute the fact that the declaration 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 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 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. We recommend therefore that the Government should be instructed to reserve for the signification of His Majesty’s pleasure any Bill passed by the Indian Legislature which would alter the character of the Permanent Settlement.’

Therefore, Sir, even as early as 1933, the framers of the Government of India Act realized that it is within the competence of the Indian Legislature elected by popular franchise and the Government which is responsible to such a Legislature to bring in measures

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for the abolition of the Permanent Settlement itself. Therefore, it we had not brought about this legislation before, it was only due to the fact that the British Government as such had effective control over the administration of this country. Now that the British have quitted the shores of India, even as the Joint Select Committee has envisaged, we, as the representatives of the people and we, as a Government responsible to the legislature elected by the people of this Province, are entitled to bring in a measure which seeks to abolish the estates in this Province.”

MR. SPEAKER:—“The Hon. Minister may continue his speech to-morrow. I went to know how many hours does the Hon. Minister want for his speech.”

SRI T. PRAKASAM:—“May I request the Hon. Speaker to give me permission to distribute to the hon. Members of this House some literature on this subject which I have printed?”

MR. SPEAKER:—“With whom are they now? I wish the Hon. Member had given them to me for being distributed.”

SRI T. PRAKASAM:—“I will give them, Sir.”

MR. SPEAKER:—“The hon. Member may give them to me or to my clerk and I will see that they are distributed. Now, about the duration of the time for this debate, the Hon. the Leader of the House and the Hon. the Leader of the Opposition are both of the opinion that I should allot three days for this motion, excluding to-day. We are not taking to-day into account as the Hon. Minister has not yet concluded his speech.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“We require ten days.”

MR. SPEAKER:—“I will consider the suggestion to-morrow, but for the present, I have allotted three days and I shall give my final decision to-morrow.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“I understand that hon. Mr. Prakasam, wants two days for himself.” (Laughter.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“In view of what has transpired to-day, I request you, Sir, to permit me to modify the agreement which I had with you. I may say that I will agree to three days excluding the time taken by Mr. Prakasam and the Hon. Minister.”

MR. SPEAKER:—“We shall take up that question to-morrow. I now adjourn the House till to-morrow eleven o’clock.”

The House then adjourned to meet again at eleven o’clock on Saturday, the 29th November 1947.

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APPENDIX.

STATEMENT I.

[Vide answer to starred question No. 461 asked by Sri M. Bupineedu at the meeting of the Legislative Assembly held on 25th November 1947, page supra.]

The quantity and value of articles imported into this Province from March 1947 to June 1947 are as below:—

Description of article.	Unit.	March 1947.	
		Quantity.	Value. RS.
Imports—			
Chemicals and chemical preparations—Ammonia and salts thereof—Others	Cwt.	1,260	4,14,317
Other sorts	..	..	10,81,300
Drugs and medicines—Other sorts	..	..	6,04,309
Fruits and vegetables—Dried, salted or preserved—Other sorts	Tons.	1,627	9,16,435
Glass and glassware—Others	..	..	3,74,228
Grains, pulse and flour—			
Barley	Tons.	3,663	5,70,422
Pulse	Do.	6,839	36,47,714
Rice in the husk	Do.	862	1,73,500
Rice not in the husk	Do.	9,203	25,20,000
Do.	Do.	5,276	13,70,877
Wheat	Do.	25,509	45,72,702
Other sorts	Do.	53,115	1,02,41,630
Hardware—Other sorts	..	..	4,09,737
Instruments—			
Electrical goods and apparatus not enumerated	..	..	3,17,277
Wireless apparatus—Complete wireless receivers.	Nos.	3,410	6,49,718
Machinery and millwork—			
Locomotives including those for railways—Railway locomotive engines and tenders and parts	..	..	3,20,311
Other than locomotives—Oil engines and parts	..	..	2,70,593
Electrical machinery	..	..	15,42,101
Boilers	..	..	2,82,639
Metal—Working machinery	..	..	2,84,818
Oil crushing and refining machinery	..	..	1,94,495
Textile machinery	..	..	12,52,854
Other sorts of machinery	..	..	9,02,193
Metals and ores—			
Aluminium	Cwt.	2,786	3,52,719
Brass	Do.	12,683	7,57,258
Iron or steel	Tons.	865	4,72,065
Oils—mineral—			
Fuel oils—Other fuel oils	Galls.	1,359,482	2,50,875
Kerosene in bulk	Do.	3,876,209	19,71,130
Petroleum, dangerous, etc.—			
Motor spirit	Do.	4	2
Paper and pasteboard—			
Printing paper	Cwt.	15,561	6,56,704
Writing paper and envelopes	Do.	3,477	8,57,849
Old newspapers in bales and bags	Do.	22,085	5,42,664
Printing and lithographic machinery and materials.	..	..	2,50,157
Provisions, etc.—			
Farinaceous food—			
In bulk	Cwt.	5,800	2,88,208
Other sorts	Do.	7,055	3,12,561
Condensed milk, etc.—			
Dried or powder—whole	Do.	16,074	36,02,973

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Description of article.	Unit.	March 1947.	
		Quantity.	Value. RS.
Spices—			
Betelnuts	Cwt.	17,741	10,38,247
Cloves	Do.	474	14,020
Starch, dextrine and farina—Sago flour	Do.	13,322	3,11,097
Stationery (excluding paper)—			
Pencils	Doz.	277,657	3,35,170
Other sorts	..	..	4,10,673
Textiles—Cotton, raw	Tons.	137	3,84,952
Toilet requisites (not specified elsewhere)	..	..	9,20,709
Vehicles (excluding locomotives, etc., for railways)—			
Cycles imported entire or in sections	Nos.	4,776	4,40,910
Motor cars (including taxi-cabs)	Do.	279	12,83,015
Motor omnibuses, motor vans and motor lorries—Chassis	Do.	60	2,42,360
Parts of mechanically propelled vehicles and accessories other than of air-crafts (excluding rubber tyres)	..	..	3,61,120
Postal articles not specified	..	..	8,28,440
Other articles	..	..	1,01,00,620
Total, Imports			5,96,57,666

Description of article.	Unit.	April 1947.	
		Quantity.	Value. RS.
Arms, ammunition and military stores			3,57,592
Chemicals and chemical preparations (excluding chemical manures and medicines)			5,93,351
Drugs and medicines (excluding chemicals)			10,45,123
Dyeing and tanning substances—			
Barks for tanning	Cwt.	21,009	2,64,973
Other sorts	Do.	13,912	3,30,945
Fruits and vegetables—Dried, salted, etc.—			
Cashewnuts	Tons.	1,698	4,31,293
Other sorts	Do.	1,650	9,40,304
Glass and glassware—Others			5,71,656
Grains, pulse and flour—			
Gram	Tons.	230	2,02,078
Pulse	Do.	503	2,55,566
Rice in the husk	Do.	4,812	12,51,234
Rice not in the husk	Do.	18,641	53,42,692
Wheat flour	Do.	21,505	41,37,864
Other sorts	Do.	9,420	15,78,472
Hardware—Others	..	..	4,30,664
Instruments, etc.—			
Electric wires and cables rubber insulated	..	..	6,05,794
Wireless apparatus complete	Nos.	3,481	4,15,716
Others	..	..	23,74,583
Machinery—			
Electrical machinery—Others	..	..	17,52,594
Textile machinery—Others	..	..	12,10,534
Other sorts	..	..	8,54,982
Manures (excluding oilcakes)	Tons.	8,160	19,07,172
Metals and ores—			
Aluminium	Cwt.	2,646	3,53,176
Brass	Do.	7,468	5,84,867
Copper	Do.	5,722	4,70,046
Zinc or spelter—unwrought	Lo.	12,005	4,81,402
Oils—Mineral—			
Fuel oils	Galls.	1,170,528	3,35,104
Other fuel oils	Do.	827,751	1,53,082
Kerosene, in bulk	Do.	4,379,933	23,37,675
Lubricating oils—Other lubricating oils	Do.	212,169	3,04,275
Petroleum, dangerous, etc., motor spirit	Do.	314,333	1,80,639

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Description of articles.	Unit.	April 1947.	
		Quantity.	Value. Rs.
Paper and pasteboard—			
White printing paper, etc., News printing	Cwt.	14,883	4,89,013
Other sorts of writing paper	Do.	3,003	2,36,733
Old newspapers in bales and bags	Do.	36,273	7,41,584
Other kinds of paper	Do.	3,402	3,61,185
Provisions, etc.—Milk—Evaporated or condensed (whole)	Do.	6,747	3,04,375
Spices—Betelnuts	Do.	9,014	5,17,274
Stationery—			
Pencils	Doz.	228,255	2,50,062
Other sorts	..	..	5,04,101
Textiles—			
Cotton, raw	Tons.	971	33,29,811
Wool, raw	Lb.	151,978	2,09,762
Artificial silk—Piecegoods entirely made of art silk.	Yds.	96,230	3,01,940
Toilet requisites (not specified elsewhere)	..	..	4,58,598
Vehicles, etc.—			
Cycles imported entire or in sections	Nos.	3,399	3,40,395
Wagons and parts for Railways	..	..	..
Motor cars (including taxi cabs)	Nos.	186	8,39,840
Parts of mechanically propelled vehicles and accessories other than of air-crafts (excluding rubber tyres)	..	..	4,53,268
Postal articles not specified	..	..	3,13,830
Other articles	..	..	80,81,603
Total, Imports	..	..	4,99,91,690

May 1947.

Description of articles.	Unit.	May 1947.	
		Quantity.	Value. Rs.
Arms, ammunition and military stores—Explosives.	..	..	..
Building and Engineering material, etc.—Asphalt.	Tons.	4,547	6,70,622
Chemicals and chemical preparations, etc.	..	..	8,67,860
Drugs and medicines, etc.	..	..	11,82,975
Dyeing and tanning substances	..	..	11,67,473
Glass and glassware, etc.	..	..	5,81,316
Grains—			
Beans, dry	Tons.	806	4,03,287
Gram	Do.	818	5,77,107
Pulse	Do.	1,470	9,30,575
Rice not in the husk	Do.	29,034	84,02,760
Hardware, etc.	..	..	5,68,341
Instruments, etc.	..	..	16,20,086
Liquors—Whisky	Galls.	3,591	3,80,707
Machinery—			
Oil engines—Others	Nos.	109	3,22,842
Parts of steam engines—Others	..	..	2,33,351
Electrical—Others	..	..	11,36,965
Textile Spinning machinery	..	..	5,03,665
Other sorts	..	..	14,79,489
Manures (excluding oil-cake)	Tons.	4,069	9,86,073
Metals and ores—			
Aluminum	Cwt.	1,007	1,44,581
Brass	Do.	8,795	5,87,424
Oils-mineral—			
Fuel oils—			
Deisel oils	Galls.	1,476,894	4,32,671
Other fuel oils	Do.	1,965,863	4,49,741
Kerosene, in bulk	Do.	2,287,441	11,76,365
Lubricating oils—other lubricating oils	Do.	819,269	13,13,125
Petroleum, dangerous, etc.—Motor spirit	Do.	2,61,270	15,66,837
Paper and pasteboard—Paper	Cwt.	64,161	19,97,120
Provision and oilman's stores	..	..	45,67,407
Spices	..	..	6,09,540
Stationery	..	..	10,91,377

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Description of articles.	Unit.	June 1947.	
		Quantity.	Value. Rs.
Textiles—			
Cotton, raw	Tons.	204	6,14,315
Silk—Silk, raw and cocoons—Other sorts	Lb.	33,141	5,09,254
Artificial silk—Piecegoods made entirely of art silk	Yds.	192,910	7,01,178
Vehicles (excluding locomotives for railways)—			
Motor cars	Nos.	255	11,37,752
Motor omnibuses, motor vans and lorries imported with bodies	Do.	28	2,04,449
Chassis	Do.	88	3,91,249
Tobacco, unmanufactured	Lb.	849,598	21,95,206
Toilet requisites (not specified elsewhere)	..	..	10,43,197
Postal articles not specified	..	..	4,46,367
Other articles	..	..	1,21,95,077
Total, Imports	..	..	5,53,56,624
Arms, ammunition and military stores	..	..	2,27,318
Chemicals and chemical preparations, etc.	..	..	7,07,882
Cork manufactures	Cwt.	533	2,73,472
Drugs and medicines, etc.	..	..	9,01,048
Dyeing and tanning substances—			
Barks for tanning	Cwt.	3	355
Other sorts	Do.	10,577	3,55,220
Glass and glassware, etc.	..	..	6,19,837
Grains, pulse and flour—			
Barley	Tons.	3,989	5,98,265
Beans, dry	Do.	772	3,52,082
Pulse	Do.	334	2,18,475
Rice not in the husk	Do.	29,765	87,50,188
Wheat	Do.	..	..
Other sorts	Do.	980	4,10,870
Instruments, apparatus, etc.	..	..	15,84,092
Machinery and millwork	..	..	32,88,891
Manures (excluding oil-cake)	Tons.	2,919	6,35,541
Metals and ores—			
Brass	Cwt.	10,552	8,03,866
Copper	Do.	5,079	4,61,946
Oils-mineral—			
Kerosene, in bulk	Galls.	8,00,066	4,62,693
Lubricating oils—Other lubricating oils	Do.	319,995	5,35,382
Petroleum dangerous, etc.—Motor spirit	Do.	2	9
Paper	Cwt.	49,646	22,70,835
Provision and oilman's stores	..	..	15,56,212
Spices	..	..	5,79,984
Stationery	..	..	6,24,818
Textiles—			
Cotton, raw	Tons.	821	23,43,576
Artificial silk—Piece-goods made entirely of art silk.	Yds.	170,613	4,90,008
Tobacco, unmanufactured	Lb.	522,508	16,00,333
Toilet requisites (not specified elsewhere)	..	..	6,00,074
Vehicles (excluding locomotives, etc., for railways)—			
Motor cars including taxi-cabs	Nos.	246	11,59,350
Other articles	..	..	81,8,624
Total, Imports	..	..	4,09,95,969

STATEMENT II.

A List of Industries which have been permitted to be started in this Province.

Sugar Industry—Installation of new factories.

1. Sir T. S. Venkataraman, Promoter of the Panjanatham Sugars, Limited, Tiruvadi, Tanjore.
 2. Sri S.B.P. Pattabhi Rama Rao, Promoter of the Ramachandrapuram Sugars, Limited, East Godavari district,

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Sugar Industry—Installation of new factories—cont.

- 3 Sri M. Madhava Rao, Promoter of the Rayalaseema Sugars, Limited, Hindupur, Anantapur district.
- 4 E. P. S. Albuquerque, Promoter of the West Coast Sugars and Allied Products, Limited, Mangalore.
- 5 Sri R. V. Guruswamy Nayudu, Promoter of the Kamala Sugar Mills, Limited, Udumalpet, Coimbatore.
- 6 Sri W. P. A. Sundarapandian, Promoter of the Madura Sugar and Allied Products, Limited, Madura.
- 7 The Cauvery Sugars and Chemicals Limited, Namakkal.
- 8 The Etikoppaka Co-operative Agricultural and Industrial Society, Etikoppaka.
- 9 A Co-operative Society in Chittoor district.
- 10 Godavari Sugars, Limited, Tanuku.

Expansion of the existing factories.

- 1 The Deccan Sugar and Akbari, Limited, Pugalur.
- 2 Sri Rama Sugar Mills, Limited, Bobbili.
- 3 The Kirlampudi Sugar Mills, Limited, Kirlampudi.

Vegetable oil industry.

- 1 The Madras Oil Products, Limited, Madras.
- 2 The Hindupur Vegetable Oils and Refineries, Limited, Hindupur, Anantapur district.
- 3 The Guntur Vegetable Oil Industries, Limited, Guntur.
- 4 The Kanchi Oil Mills Limited, Big Conjeevaram.
- 5 Sri Kamakshi Oil Mills and Soap Industries, Limited, Tindivanam.

Tobacco industry.

- 1 The Tobacco Company, Limited, Ongole (Tobacco Redrying Plant).
- 2 The Indian Cigarette Manufacturers, Limited (Roundabout Madras).

Sugarcane farms.

The Kirlampudi Sugarcane Farms, Limited, Kirlampudi.

Cement industry

Serial number and name of district.	Name of firm or person.	Capacity in tons per annum.
1 Tinnevely	The India Cements, Limited (Sri S. N. N. Sankaralinga Aiyar ..	100,000
2 Kurnool	Sri Rao Bahadur B. P. Satha Reddi ..	50,000

Vanaspathi industry.

- 1 The Vizagapatam Vegetable Oil Products, Limited, Bobbili, Vizagapatam district.
- 2 The Madras Vanaspathi, Limited, Villupuram, South Arcot district.
- 3 The Sudarshan Oil Mills, Limited, Katpadi, North Arcot district.
- 4 The Bharat Vanaspathi Manufacturing Company, Limited, Tadepalli, Guntur district.
- 5 The Karnataka Vegetable Oils and Refineries, Limited, Hospet, Bellary district.
- 6 The "Vegetols," Limited, Chittoor, Chittoor district.
- 7 The East Asiatic Company, Limited, Madras.

Textile industry.

Serial number and name of district. (1)	Name of the mill. (2)	Name of the promoter or proprietor. (3)
I. Extensions.		
1 Trichinopoly ..	The Trichinopoly Mills, Limited.	Messrs. The Trichinopoly Mills, Limited, Post Box No. 17, Trichinopoly.
2 Coimbatore ..	Sri Balasubrahmanya Mills, Limited.	Messrs. Sri Balasubrahmanya Mills, Limited, Singanailur, Coimbatore.
3 Do. ..	The Kumaran Mills, Limited.	Messrs. The Kumaran Mills, Limited, Post Box No. 107, Peelamedu, Coimbatore.
4 Do. ..	The Palamalai Ranganathan Mills.	Sri R. Ramakrishna Nayudu, Coimbatore, Partner of the Managing Agents.
5 Madura ..	The Mahalakshmi Textile Mills, Limited.	Messrs. The Mahalakshmi Textile Mills, Limited, Madura.

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Textile industry—cont.

Serial number and name of district.	Name of the mill.	Name of the promoter or proprietor.
I. Extensions—cont.		
6 Coimbatore ..	Sri Sarada Mills, Limited ..	Messrs. The Vijayalakshmi Mills, Limited, Post Box No. 11, Coimbatore.
7 Do. ..	The Vijayalakshmi Mills, Limited.	
8 Do. ..	The Thirumurthi Mills, Limited.	Sri R. V. Guruswami Nayudu, Proprietor of the Managing Company, Udumalpet, Coimbatore.
9 Do. ..	The Asher Textiles, Limited.	Messrs. The Asher Textiles, Limited, Avanashi Road, Tiruppur.
II. New Mills.		
10 Bellary ..	The Rayalaseema Mills, Limited.	Messrs. The Rayalaseema Mills, Limited, Bellary.
11 Cuddapah ..	The Kama'apuram Spinning and Weaving Mills, Limited.	Sri K. S. Krishnamurthi, Wholesale Handloom Cloth Merchant, Kama'apuram.
12 Bellary ..	The Karnataka Spinning and Weaving Mills, Limited.	Sri Rao Bahadur Y. Mahabaleswarappa, Landlord, Merchant and Commission Agent, Bellary.
13 Anantapur ..	The Rayalaseema Textiles, Limited.	Sri M. L. Narayanaswami, Landlord and Distiller, Talpatri (Managing Director).
14 Do. ..	The Anantapur Spinning and Weaving Mills, Limited.	Sri A. G. Palanishnan, General Manager, Vaadaraja Motor Service, Tiruppur, Coimbatore district.
15 Kurnool ..	Tungabhadra Textiles, Limited.	Sri M. Madhava Rao, Businessman and Banker, No. 4, Griffith Road, Thyagarayanagar, Madras.
16 Tinnevely ..	The Tuticorin Spinning and Weaving Mills, Limited.	Sri A. M. M. Chinnamani Na'ar, Cloth Merchant and Commission Agent, Tuticorin.
17 Do. ..	The Karthikeyan Mills, Limited.	Sri A. R. M. Velayudha Mudaliyar, Yarn Merchant and Director of A. R. M. Velayudha Mudaliyar & Co., Limited, No. 4/92, Main Road, Ambasamudram.
18 Do. ..	The India Textiles, Limited.	Sri S. Chenniappa Mudaliyar and Sri S. M. Ramasubrahmanya Ayyar, Mudaliappapuram Street, Kalladukurichi Post Office, Tinnevely.
19 Do. ..	The Ganapathy Mills, Limited.	Sri S. S. Arunachalam Pillai, Partner, Sankar Mills, Tinnevely.
20 Ramnad ..	The Virudunagar Textiles, Limited.	Sri S. S. Natarajan, No. 2/21, First Line Beach, Madras.
21 East Godavari ..	The Ramabhadra Textiles, Limited.	Sri S. B. P. P. tabirama Rao, Kumara Zamindar of Kapileswarapuram, Mylapore, Madras.
22 Kistna ..	The Krishna Textiles, Limited.	Sri S. R. Y. Ramakrishna Prasad, M.A., B.L., Zamindar of Mungurulu, etc., estates, No. 5, Venkatanarayana Road, Thyagarayanagar, Madras.
23 Madura ..	The Srinivas Mills, Limited ..	Sri P. S. Mani Ayyar, Director and Dubasi, Indo Burma Trading Company, etc., No. 4, Mandayan Asari Lane, Madura.
24 Malabar ..	The Cannanore Spinning and Weaving Mills, Limited.	Sri Kayiath Damodaran, Merchant, Cannanore.
25 Trichinopoly ..	The Peerdan Textiles, Limited.	Mr. J. Loomchand Sait, Tennur, Trichinopoly.
26 North Arcot ..	The Rajeswari Mills, Limited.	Sri M. A. Govindaraja Mudaliyar, K. M. Manicka Mudaliyar & Co., Dharmapet, Gudiyattam.
27 Tinnevely ..	The Murugananda Mills, Limited.	Sri G. Subramanya Pillai, Golden Palace, West Circular Street, Tinnevely.
28 Madras ..	The Kandan Textiles, Limited.	Messrs. Kandan Textiles, No. 8, Second Line Beach, Madras.

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Textile industry—cont.

Serial number and name of district.	Name of the mill.	Name of the promoter or proprietor.
II. New Mills—cont.		
29 Coimbatore	The Kannabiran Mills, Limited.	Sri K. Venkataswami Nayudu, B.A., B.L., Director—Janardana Mills, Limited, The India Life Benefit Assurance & Co., Ltd., Town Co-operative Bank, Ltd., Standard Bank, Ltd., and Kammavar Akudam, Ltd., Singanallur, Coimbatore.
30 Do.	The Ramakrishna Mills, Limited.	Sri R. Doraiswami, Manager, The Vijayalakshmi Mills, Limited, Coimbatore.
31 Do.	The Kadri Mills, Limited	Sri V. Ramaswami Nayudu, Cloth Merchant, Coimbatore.
32 Guntur	The Hemalatha Textiles, Limited.	Sri G. Narasimha Rao, Merchant, No. 20-B, Govindappa Naick Street, Madras.
33 Malabar	The Aaron Spinning and Weaving Mills, Limited.	Messrs. The Aaron Spinning and Weaving Mills, Limited, Pappinisseri P.O., North Malabar.

List of other industries for which capital issues have been sanctioned.

Name.	Purpose.
1 The Meelec Nutriment and Pharmaceuticals, Limited (Sri K. V. Subba Rao).	Pharmaceutical drugs.
2 The South India Glass and Enamel Works, Limited, Salem.	Glass.
3 The National Chemicals, Limited, Masulipatam (Sri A. Ramamurthi).	Chemical, soda ash, etc.
4 The Micrite and Mica Products Co., Gudur (Sri P. V. Raghava Reddy).	Mica.
5 Andhra Pharmaceuticals, Limited, Bezwada	Drugs and Pharmaceuticals.
6 The Sree Rama Chemicals, Limited, Madras (Rajah of Venkatagiri).	Sulphuric acid and cement.
7 Subhodaya Publications, Limited, Madras (Sri C. Nageswara Rao).	English Daily Paper.
8 New Era Manufacturing Co., Palghat, Malabar (Mr. Samuel Aaron and others).	Brush manufacture.
9 Malabar Oil Mills, Limited, Narath P.O., Parasnikkudani, North Malabar (Sri K. V. Kunhiraman Nayar).	Oil mills.
10 Coimbatore Oil and General Industries, Limited (Sri G. Ramaswami).	Do.
11 India Services (Coimbatore), Limited	Radio and electrical goods.
12 The Techno Oil Refineries, Limited, Calicut (Sri P. B. Kurup).	Oil milling.
13 The Rayalaseema Refineries, Limited, Cuddapah (Sri M. L. Narayanaswami, Distiller, Tadpatri).	Do.
14 Tuticorin Salt Refineries, Limited, Tuticorin (Sri M. M. Gurunath).	Salt and chemicals.
15 Modern Housing and Construction Co., Limited, Madras (Sri S. Krishna Ayyar).	Building.
16 Amer-Hind Manufacturers, Limited, Katpadi (Sri T. S. Anantha Raman).	Typewriter ribbons and carbons.
17 The Hindustan Radios, Limited (Sri T. S. Venkata Raman).	Assembling of radio parts.
18 Stanes Amalgamated Estates, Limited	Amalgamation of coffee and tea estates.
19 Oriental Building Society, Limited	Building.
20 Super Radio Co.	Import of radio parts.
21 Home Properties, Limited	Raise constructions.
22 Link Industries, Limited	Consumer goods.
23 Marine Industries, Limited	Deep-sea fishing and allied industries.
24 South Indian Flour Mills	Flour manufacture.
25 Southern Chemicals, Limited (Applicants—National Electrical and Chemical Industries).	Chemicals.

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List of other industries for which capital issues have been sanctioned—cont.

Name.	Purpose.
26 Link Chemicals, Limited (Applicants—Factors, Limited).	Soda ash.
27 Electric Laundry at Calicut	Washing machinery (no capital issue).
28 United Glass Works, Limited	Glass.
29 United Metalware Manufacturers, Limited, Madras	Utensil manufacture.
30 Rayalaseema Paints, Limited	Paints, varnishes and lacquers, etc.
31 Modi and Modi, Madras (manufacture of agricultural implements).	Import of machinery only.
32 The Furnima Straw Boards and Paper Mills, Limited.	Paper and straw boards manufacture.
33 Sri Krishna Rice Mill Stores, Madras	Rice mill stores.
34 Papanasam Paper Mills	Paper.
35 Andhra Patrika	Newspaper.
36 The Nellore Permanent Fund, Limited	
37 Daily Thanthi	Newspaper.
38 Murley Industries	Glass, soaps, etc.

List of oil mills for which licences have been issued.

1 J. Krishnamurthy, Krishna Oil Mills, Dhone, Kurnool.
2 Sogu Venkataramanayya Setty, Sri Venkateswaraswami Oil Mills, Dhone, Kurnool.
3 Jonnalagadda Padmanabiah Setty, Merchant, Dhone, Kurnool.
4 Venkateswaraswami Oil Mills, Tadpatri, Bezwada.
5 Sudersan Oil Mills, Katpadi, North Arcot.
6 The Pollachi Trading Company, Coimbatore.
7 Saraswathi Mills, Coimbatore.
8 Raichoti Veeranna & Sons, Adoni, Anantapur.
9 Oil Products Corporation, Limited, Cuddalore.
10 Krishnamurthy Rao, Railway Military Contractor, Vriddhachalam.
11 Southern Oil Mills, Virudunagar.
12 The Madras Electric Lamp Manufacturing Co., Limited, Messrs. Gammies, Limited, Madras (Mrs. V. Ganapathy).
13 M. L. Narayanaswami, Tadpatri (through Messrs. Volkart Brothers).
14 Abdul Jameel and Abdul Salam and Company, Ranipet.



THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 29th November 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Issue of basic coupons for petrol.

* 492-A Q.—SRI P. NATESAN: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that basic coupons for petrol are issued against quantity available for the quota; and

(b) if so, what is the necessity for reducing the quantity as from 26th November 1947?

THE HON. MR. DANIEL THOMAS:—“(a) Basic or ordinary coupons for petrol were fixed by the Government of India about two years ago in the case of motor cars and motor cycles on the basis of the horse-power of the vehicle and the unit was doubled in October 1946.

“(b) The Government of India have reduced the petrol quota for this Province by 12·18 lakhs for the current quarter ending 31st January 1948. In view of the drastic cut, an all-round reduction in the rations for all classes of vehicle has been made.”

SRI P. NATESAN:—“Is it not a fact, Sir, that supplementary coupons have been issued on the basis of petrol available for the current quarter?”

THE HON. MR. DANIEL THOMAS:—“Sir, this cut was made early in November, I believe, and therefore supplementary rations should have been issued earlier.”

SRI P. NATESAN:—“May I know if the Members of the Legislature will continue to get the petrol that is allotted to them now?”

THE HON. MR. DANIEL THOMAS:—“Subject to the necessary cut, Sir.”

MUHAMMAD RAZA KHAN SAHIB:—“In the case of those who have not taken petrol for the basic coupons, the Government have cut it down to 50 per cent. I want to know what happens to those who have already taken it, with the result we are put to a great disadvantage?”

THE HON. MR. DANIEL THOMAS:—“If the hon. Member will refer to the Press Note issued some time ago, he will see that the position has been made clear there and extra rations drawn in November will be adjusted for the month of December.”

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SRI P. NATESAN :—" In view of the fact that the Legislative Assembly Members have a lot of work in their constituencies, will the Hon. Minister consider the desirability of not cutting down their rations? "

THE HON. MR. DANIEL THOMAS :—" May I put it to the hon. Member that when the general public have been asked to make sacrifices, the hon. Members of the House should also share in such sacrifices."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" May I ask whether the Government have made any list of essential services to whom full quota will be allowed and another list of non-essential services to whom 33-1/3 per cent cut will be made and whether there is any scheme for making the cut according to the needs of persons or classes concerned? "

THE HON. MR. DANIEL THOMAS :—" As regards the general position of allotments to various classes of vehicles and various kinds of users, I made a statement in the Council in September last and I will place that statement before the House on Monday morning. So far as the classification of essential and non-essential users are concerned, only a general indication has been made in the Press Note. I think it has been indicated that for touring officers and medical men, the cut will be 33-1/3 per cent and for others 60 per cent. So far as the other classes of essential users are concerned, the Provincial Rationing Officer has got the authority to exercise his discretion."

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—" May I know from the Hon. Minister whether any cut has been made in the ration allotted for the Ministers? "

THE HON. MR. DANIEL THOMAS :—" Well, Sir, so far as the Ministers are concerned, there is no specific allotment, but I believe, Ministers also will see that they cut down their ration of petrol to the barest minimum possible."

M. S. ABDUL MAJID SAHIB BAHADUR :—" May I know, Sir, whether the reduction made by the Government of India applies to future distribution or to distribution made already? "

THE HON. MR. DANIEL THOMAS :—" Sir, whatever may be the terminology used, it applies to the quarter ending 31st January 1948."

SRI A. VEDARATNAM PILLAI :—" Sir, is there any cut in the petrol allotted for agricultural purposes? "

THE HON. MR. DANIEL THOMAS :—" My statement in the Legislative Council shows that we have taken special care to see that agricultural licensees are not adversely affected by the cut, but in the present very difficult situation I do not know whether agricultural licensees also will have to share the cut."

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SRI P. NATESAN :—" May I know if this 33-1/3 per cent reduction is applicable also to public utility companies, particularly electricity companies, for the simple reason that if there is an electrocution accident happening at a distance of about 25 miles from the headquarters it will be impossible for the electricity concern to take any steps in the matter? "

THE HON. MR. DANIEL THOMAS :—" I think such deaths are more the concern of medical people than electricians."

ABDUL HAMEED KHAN SAHIB BAHADUR :—" May I know whether the Hon. Minister realizes that during the worst days of the war when petrol was not available as much as it is available to-day, the cut was not made to the extent to which the cut is sought to be made now and whether the Government will take action in the matter in order to see that this drastic cut is not made by rendering their services, essential or otherwise, absolutely innocuous and making it impossible for medical men and others to do their humanitarian duties. Therefore, in order to prevent all these disasters taking place, will the Government of Madras take up the matter seriously with the Government of India to see that sufficient petrol is given to this Province for at least the essential services? "

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

THE HON. MR. DANIEL THOMAS :—" *Vis-a-vis* the Government of India the Madras Government are in entire sympathy with the plea put forward by the hon. Member. My statement in the Legislative Council will show what strenuous efforts the Government of Madras have been making in order to get an increased quota, but in view of the overall situation which the Government of India is facing now, we have to abide by their decision and I believe, as soon as the emergency is over and the situation is eased we shall be able to get additional quotas from the Government of India and necessary communications are being addressed to the Government of India in this matter."

M. V. HYDROSS SAHIB BAHADUR :—" May I know, Sir, whether this cut will affect the State buses that are run by the Government in the City."

THE HON. MR. DANIEL THOMAS :—" The hon. Member may put a separate question on it."

SRI V. RAGHAVAYYA :—" Are the Government aware, Sir, that most of the agricultural licensees for whom about 60 gallons are given, they are misusing the petrol, invariably by selling it even in blackmarket and will the Government prevent such misuse and see that the petrol so saved is diverted to the more beneficial purposes of M.L.As.?"

THE HON. MR. DANIEL THOMAS :—" Well, Sir, I am glad the hon. Member has made it out that the cut in the ration granted to agricultural licensees will to some extent prevent

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blackmarketing, but I do not know whether the hon. Member is right in claiming that the quantity saved should be allotted to Members of this House."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it not a fact, Sir, that Members of the Legislature have been included in the list of men engaged in essential services?"

THE HON. MR. DANIEL THOMAS:—"Very much so, Sir."

SRI R. V. SWAMINATHAN:—"Is the Hon. Minister aware of the fact that still petrol is sold in the blackmarket even though they have made a drastic cut in rations?"

THE HON. MR. DANIEL THOMAS:—"It is due to sinful human nature."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer given by the Hon. Minister that the Ministers also will reduce their ration as far as possible, will the Hon. Minister give the same privilege to the Members of the House and allot the previous rations to them?"

THE HON. MR. DANIEL THOMAS:—"It is expected that Ministers will also reduce their touring to the barest minimum as a result of the cut in the general rations."

MUHAMMAD RAZA KHAN SAHIB:—"My question was, we have to take only 50 per cent of the basic rations in future, i.e., those who have not taken rations as far, but what about the case of those who have already taken the rations in full and what are the Government going to do in their case. I would also like to ask another question. We find the Hon. the Leader of the House is missing in the House. What is the matter with him, Sir?"

THE HON. MR. DANIEL THOMAS:—"I may say the Hon. the Leader of the House is not absent by reason of petrol. So far as the first part of the question is concerned, I think I have made the position already clear. I am afraid that either I have not been clear or the hon. Member has not followed my answer. My answer was that any person who has drawn full petrol according to the original allotment, that is, at the rate of 2 gallons per unit, it will be worked out on the basis of three months allotment at the rate of one gallon per unit and whatever is drawn in November will be deducted from the total quantity."

SRI P. NATESAN:—"May I know if the Hon. Minister will consider the desirability of grading his 33-1/3 per cent which is supposed to be the minimum cut?"

THE HON. MR. DANIEL THOMAS:—"I am not sure where is the question of grading in this. We have divided supplementary ration into two classes: those whose services are essential and those whose services are non-essential. So far as the essential services are concerned, the cut is only one cut, i.e., 33-1/3 per cent and in the case of non-essential

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services the cut is 60 per cent and so far as the other essential users, like goods vehicles; are concerned, instructions have been issued to Area Rationing Officers to make a cut of 20 per cent for such vehicles and in the case of vehicles used by the Civil Supplies and such other departments recommended by the Collectors and the Board of Revenue. So, the question of grading is not possible, because if we have to effect 30 per cent cut in the entire quantity no ration cut would be effective and we cannot meet the situation, unless the cut is something over 30 per cent."

SRI PILLALAMARRI VENKATESWARLU:—"My question was, just as the Ministers who are allowed discretion to restrict their tours, Members of the House, who have also to go to their constituencies to explain things to the people, may be allotted sufficient petrol leaving the discretion to them to restrict their tours, instead of Government themselves cutting down their rations?"

(No answer.)

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the scarcity of petrol now, will the Hon. Minister issue orders not to sell any more motor cars to any more purchasers in future and also see that the full ration is restored to the Members of the Legislature?"

THE HON. MR. DANIEL THOMAS:—"So far as the first part of the question is concerned, I should like to know from hon. Members if they will agree to the suggestion of the Hon. Leader of the Opposition."

MR. SPEAKER:—"Q. Nos. 492-B, 493, 494 and 495 will be taken up at the end. The Hon. Leader of the House has written to say that he has some other urgent work. Now we will take up question No. 496."

Payment of bonus in cash.

* 496 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have received a communication from the District Food Committee of Nellore recommending that the entire bonus offered by the Government may be paid in cash instead of the present system of paying half of it in the shape of chemical manure; and

(b) whether in view of the fact that the correct use of chemical manures is not known to the majority of ryots, the Government are prepared to consider the above suggestions favourably?

THE HON. DR. T. S. S. RAJAN:—" (a) No.

" (b) The Government have already considered the suggestion and have decided to stick to their original announcement that half the bonus will be paid in cash and the other half in the shape of manures."

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SRI V. RAGHAVAYYA:—"Are the Government aware, Sir, that those people who received these manures having found no use for them have been selling them to merchants from Guntur district, that renowned district notorious for blackmarketing?"

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, is it proper for the hon. Member to say that the people of one district are notorious for blackmarketing?"

MR. SPEAKER:—"It is not an insult to anybody but it is a reflection on the district."

THE HON. DR. T. S. S. RAJAN:—"If the manures given to the coupon-holders for use in their own fields are sold out in the blackmarket, the law will be put into motion against them and they will be proceeded against."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, if the grantees are not using these manures and for what other purpose it is being put in the so-called blackmarket and fetches very high prices?"

THE HON. DR. T. S. S. RAJAN:—"The question may be put to hon. Member Sri Raghavayya, Sir."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know, Sir, whether the Government are aware that in many places in Malabar these coupons have not been distributed and will the Government expedite this distribution, Sir?"

THE HON. DR. T. S. S. RAJAN:—"We shall decide as to what should be done when we are in possession of all facts. We are however glad for the information."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know, Sir, whether the Government are aware that there are many blackmarketers in Nellore district dealing in these manures and are backed up by interested persons?"

(No answer.)

[Sri Pillalamarri Venkateswarlu wanted to put a question.]

MR. SPEAKER:—"I want to encourage hon. Members who do not usually put questions and it is parliamentary practice. Now Mr. Kallur Subba Rao will put a question."

SRI KALLUR SUBBA RAO:—"May I know from the Hon. Minister whether he is aware that chemical manures are spoiling the agricultural lands in some parts of the country?"

THE HON. DR. T. S. S. RAJAN:—"I do not think so, Sir."

SRI N. VENKATASUBBAYYA:—"May I ask, Sir, if the Minister knows that dry cultivators do not want and cannot use chemical manures and therefore they may be paid in cash instead of in manure?"

THE HON. DR. T. S. S. RAJAN:—"The option is not given to those people, Sir, to choose or to refuse manures. They are entitled according to the bonus for manures and it shall be given to them."

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SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, now that the bonus is being distributed half in cash and half in manure whether the Government is prepared to accept the suggestion that the remaining half should be distributed in the sunn-hemp seeds which is to-day sold in blackmarket?"

THE HON. DR. T. S. S. RAJAN:—"The question of sunn-hemp seed being distributed depends upon the quantity available with the Government for disposal to the coupon-holders."

Substitution of members in the village committees.

* 437 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Food be pleased to state—

(a) whether Deputy Collectors have been empowered to remove existing members and put in substitutes in the Village Committees without the approval of the Taluk Committees or without consulting the local M.L.As.;

(b) whether the Food Minister's approval is necessary for any removals and substitutions;

(c) whether it is a fact that one Penna Venku Reddi of Gollakandukur, Nellore taluk, was removed from membership some time back for attesting a false document guaranteeing the solvency of the ration depot applicant of the same village;

(d) whether it is a fact that the Revenue Divisional Officer recommended his removal;

(e) whether it is a fact that the same person was restored to his membership by the same Revenue Divisional Officer recently; and

(f) if so, at whose instance and for what reasons?

THE HON. DR. T. S. S. RAJAN:—" (a) At the time when the person mentioned in clause (c) of the question was removed from membership of the Gollakandukur Village Committee, a Revenue Divisional Officer had powers to dissolve a Village Committee at any time if he had good and sufficient reasons for doing so. But he did not have the power to put in substitutes in the Village Committee. This point is now only of academic interest as all Village Committees throughout the Province have since been abolished.

" (b) His approval was not necessary.

" (c) One Penna Venku Reddi was removed from the Gollakandukur Village Committee by the Revenue Divisional Officer, Nellore, but not for the reasons mentioned by the hon. Member.

" (d) No. The Revenue Divisional Officer removed him on the recommendation of the hon. Member himself.

" (e) Yes.

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"(f) The person in question was restored to his membership after due enquiry which revealed that the member was not guilty of the charge that had been originally levelled against him for which reason he had been removed from the committee."

SRI V. RAGHAVAYYA :—" Sir, consequent on the abolition of these food committees which were doing very good work in the distribution of foodstuffs, are the Government aware of the depth of feeling in the country that by these changes the Government have handed over the people to the discretion of merciless officials? "

THE HON. DR. T. S. S. RAJAN :—" The question does not arise as a supplementary one."

SRI A. VEDARATNAM PILLAI :—" Will the Government consider the desirability of reconstituting those Taluk and District Committees that are in existence for more than a year? "

THE HON. DR. T. S. S. RAJAN :—" The question of continuing or reconstituting the Committees is under the consideration of Government."

MOHAMED RAFAEUDIN AHMAD ANSARI SAHIB BAHADUR :—" Are the Government aware, Sir, that some time back the Hon. Mr. Prakasam, when he was Premier, gave an assurance that wherever it is found that Mussalmans are not represented on the Taluk and District Committees such representation would be given by nomination and, if the Government are aware of that promise, will they implement it? "

THE HON. DR. T. S. S. RAJAN :—" I am thankful to the hon. Member for reminding us of the assurance given by the Hon. Premier and whenever new committees are being constituted, we shall bear that in mind."

Accidents due to Jeep cars.

* 498 Q.—**MOHAMED ABDUL SALAM SAHIB BAHADUR** : Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether the Government are aware that accidents due to Jeep cars are on the increase in the Province; and

(b) if so, whether the Government have considered the advisability of amending the Motor Vehicles Act to control the movement of the Jeep cars in the Province?

THE HON. MR. DANIEL THOMAS :—" (a) Government have no information about the number of accidents due to Jeep cars in the mufassal districts. There were 39 accidents so far during this year as against 11 in 1946 in which Jeeps were concerned, involving injuries to 24 persons and one death as against injuries to 20 persons and non-occurrence of fatal cases in 1946. The number of accidents is to some extent disproportionate to the number of Jeeps on the road. (Of the 218 Jeeps registered in the City so far this year, only 60 per cent are really plying in the Madras City, the rest having left for districts.)

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"(b) The matter is receiving the attention of the Government."

MOHAMED ABDUL SALAM SAHIB BAHADUR :—" Are Government aware that under existing rules any number of persons can sit in a Jeep and consequently that more than a dozen persons get into the Jeep car and accidents occur due to this? Will the Government restrict the number of passengers in such cars? "

THE HON. MR. DANIEL THOMAS :—" I believe, Sir, that so far as privately owned cars are concerned there is no limitation as regards the passengers and the suggestion will be considered but the report of the Commissioner and Central Traffic Board do not say that accidents are due to this but to the development of high-power and the left-hand steering. For that, certain remedies have been suggested, such as refresher course and special licence for drivers of such cars limiting their speed to below the usual level."

M. S. ABDUL MAJID SAHIB BAHADUR :—" In view of the fact that all our traffic regulations have been based upon right side driving, will the Government refuse permits to these left-handed driving vehicles? "

THE HON. MR. DANIEL THOMAS :—" The suggestion, Sir, is no doubt useful in a certain way, but will cause hardship to a large number of persons who own Jeeps. Sir, we shall take more drastic action if all the remedial measures now suggested are not effective."

Gandipam Bus Service.

* 499 Q.—**SRI B. PARAMESWARAN** : Will the Hon. the Minister for Prohibition be pleased to state whether the Government have taken or propose to take any action in the matter of wilful damage caused by dashing of a bus belonging to Sri Gandipam Bus Service against the one of Sri Thirupurasundari Service on 12th September 1947?

THE HON. MR. DANIEL THOMAS :—" There was a collision between bus No. MDH 787 of Sri Gandipam Bus Service and bus No. MDH 1167 of Sri Thirupurasundari Service on 27th September 1947 (and not on 12th September 1947) on the Chingleput-Tirukkalkundram road. A prosecution has been launched in the court of the Additional First-class Magistrate, Chingleput, against the driver of bus No. MDH 787 and a checking inspector of the Gandipam Bus Service who was travelling in that bus at the time under sections 336, 341, 426 read with section 109, Indian Penal Code, and section 116 of the Motor Vehicles Act.

"Government are awaiting the result of the case."

SRI E. V. SWAMINATHAN :—" Is it the policy of the Government to take action directly on petty matters? "

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MR. SPEAKER:—"I think the Hon. Minister said that he is awaiting a report in this connexion. I am not going to allow any supplementary questions on this now."

SRI R. V. SWAMINATHAN:—"On a point of information, Sir . . ."

MR. SPEAKER:—"I am not going to allow any more questions."

SRI R. V. SWAMINATHAN:—"Is it proper to curtail the liberty of Members like this, Sir?"

MR. SPEAKER:—"Order, order. The hon. Member should not use such language and this should not be the behaviour towards the Chair."

Selection of Sub-Registrars.

* 500 Q.—SRI K. RAJARAM NAIDU: Will the Hon. the Minister for Prohibition be pleased to state—

(a) how many clerks were selected as Sub-Registrars from 1940 to 1946 and how many of them are working in places where their second language is in force; and

(b) the number of persons whose completion of probation is delayed on account of failure to pass the second language and the number of persons who are on leave for this purpose?

THE HON. MR. DANIEL THOMAS:—" (a) Two hundred and eighty-nine clerks were selected for appointment as Sub-Registrars during the period 1940 to 1946.

A Sub-Registrar is posted to a vacancy wherever it occurs, according to administrative convenience, care being taken to see that he has either passed the language test in the language in force in the district to which he is posted or has taken an examination in such language in the school or university. It is difficult to state how many of the Sub-Registrars recruited during 1940 to 1946 are working in places in which their second language is in force.

" (b) Two Sub-Registrars could not complete their probation on account of failure to pass the language test. Information is not available regarding the number of Sub-Registrars who are on leave in order that their probation may get extended. The leave applications of Sub-Registrars on probation who are on leave do not reveal this particular purpose."

SRI K. RAJARAM NAIDU:—"May I know why the Government are not following the principle adopted in other departments, where the second language test is to be passed before promotion whereas in this department the second language test is to be passed only after promotion?"

MR. SPEAKER:—"After he puts the question the hon. Member (Mr. Rajaram Nayudu) must resume his seat."

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THE HON. MR. DANIEL THOMAS:—"I am not quite sure of the statement made by the hon. Member and I shall look into it."

SRI K. RAJARAM NAIDU:—"In view of the hardship involved to the selected clerks who are at the fag end of their service and as there is absolutely little or no benefit to the department, will Government exempt them from passing the second language and stop the practice of reverting them to their original posts?"

THE HON. MR. DANIEL THOMAS:—"Still the Madras Province is a multi-lingual area and Sub-Registrars are posted from one part of the Province to another part and it is necessary to enforce the rule of knowledge of second language in such cases."

SRI B. S. MURTHI:—"May I know how many Harijans have been selected out of 289 and out of those how many, after selection, have been posted?"

THE HON. MR. DANIEL THOMAS:—"I would like the hon. Member to put a separate question."

SRI PILLALAMARRI VENKATESWARLU:—"May I know Sir, why in a multi-lingual Province as this, Sub-Registrars belonging to a particular linguistic group should be posted to another area especially when there are suitable Sub-Registrars in that particular area?"

THE HON. MR. DANIEL THOMAS:—"If you are to provide more appointments, say for some in the Andhra Desa, some of them have to be posted elsewhere."

MR. SPEAKER:—"We have had enough supplementary questions. We pass on to the next question."

SRI PILLALAMARRI VENKATESWARLU:—"On a point of order, Sir. The Hon. Minister in replying to my question was telling that to provide posts for more Andhras, he wants to post them to Tamilnad; but my point . . ."

MR. SPEAKER:—"I wish to know from the hon. Member whether this can be called a point of order. It is not a point of order, he will agree."

Reduction of fares in the State buses.

* 501 Q.—M. V. HYDROSS SAHIB BAHADUR: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether there is any idea of reducing the fare in the State buses now run in the City of Madras;

(b) whether there is any difference in the fare collected by the State buses and by the buses run by private owners; and

(c) the reasons that prompted the Government to undertake nationalization of bus services?

THE HON. MR. DANIEL THOMAS:—" (a) The answer is in the negative.

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“(b) The answer is in the negative.

“(c) The primary object of the nationalization of bus services is to provide an efficient and cheap transport service for the travelling public and to utilize the profits for the benefit of the community as a whole.”

SRI V. RAGHAVAYYA:—“Are the Government in a position to state whether the Government buses plying in the Madras City are working at a gain or loss?”

THE HON. MR. DANIEL THOMAS:—“They are running at a gain.”

SRI K. ANANDAN NAMBIYAR:—“May I know whether any workers of the Government Bus Service have been retrenched?”

THE HON. MR. DANIEL THOMAS:—“Notice, Sir.”

[* 502 and 503 Q.—

MR. SPEAKER:—“The hon. Members not being in their places they will be printed in the proceedings.]

Closure of the Vummidi workshop.

* 502 Q.—SRI M. KANNIYAPPAN: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Vummidi Workers' Union sent on 27th July 1947 a letter to the Commissioner of Labour to take steps against the proprietors of Vummidi Factory for having closed their shop; and

(b) why the Labour Department have not taken steps to prevent the closing down of the factory?

THE HON. SRI H. SITARAMA REDDI:—“(a) No, Sir.

“(b) The dispute between the workers and the management of the Vummidi Ramiah Chetty and Guruswamy Chetty, Jewellery and Silver Workshop, was referred to an Industrial Tribunal for adjudication. The decision of the Tribunal was that the relations between the workers and management were so strained that the management cannot be compelled to open the factory. He, however, recommended that if the factory is opened within six months from the date of adjudication and labour is recruited preference should be given to the old workers. The Government have no power to modify the award of the Industrial Tribunal.”

Agreement with a Travancore fertilizer company.

* 503 Q.—SRI R. SUBBA IYER: Will the Hon. the Minister for Industries be pleased to state—

(a) whether this Government have entered into any agreement with a Travancore fertilizer company for purchase of chemical manures for the bonus distribution programme;

(b) if so, what are the terms of agreement;

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(c) whether the Government have entered into a contract with any local firm, for a similar purpose; and

(d) if so, the terms of the contract?

THE HON. SRI H. SITARAMA REDDI:—“(a) No.

“(b) Does not arise.

“(c) No.

“(d) Does not arise.”

The appointment of the standardization committee and the wage board.

* 504 Q.—SRI P. NATESAN (on behalf of Sri C. M. Kothari): Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government have given effect to the recommendations of the Industrial Tribunal in regard to the appointment of the standardization committee and the wage board, within three months from the date of the publication of the award;

(b) if not, when they were constituted and when they are expected to give their findings; and

(c) whether the Government have received information of actual or impending closure of some mills as a direct result of giving effect to the award and delay in the constitution of the standardization committee and the wage board?

THE HON. SRI H. SITARAMA REDDI:—“(a) Yes, Sir.

“(b) The wage board was constituted on 25th August 1947 and the Standardization Committee on 16th September 1947. They are expected to submit their award at an early date.

“(c) The managements of some of the textile mills have closed the mills stating that they are unable to pay wages as recommended by the Tribunal.”

SRI P. NATESAN:—“May I know what the Government propose to do in view of the answer to the last clause, now that the management have declined to pay the wages?”

THE HON. SRI H. SITARAMA REDDI:—“Some of the managements have paid the wages.”

The Madras Text-book Committee.

* 505 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Education be pleased to state why under the existing provisions of the rules framed under the Madras Text-book Committee Regulations only registered publishers and not authors are permitted to submit their books for being considered as text-book by the Text-book Committee?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“The main object with which the registration has been prescribed is to secure well-organized and well-conducted publishers who will produce good books and to eliminate small publishers who produce bad and indifferent books. In the list of registered publishers there are author-publishers also.”

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SRI V. RAGHAVAYYA:—"Are the Government aware and do they concede also that authors are better people to come into contact with rather than publishers who do it merely for mercenary purposes?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The Government have to deal with both because all authors are not publishers themselves and so it is necessary to deal with them both."

SRI K. LINGA RAJU:—"Do the Government presume, Sir, that authors of books who are not publishers also do not write good books?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"There is no such presumption; but for a book to be published, there must be a publisher; he may be the author or he may not be the author."

SRI V. M. RAMASWAMI MUDALIAR:—"May I know whether the Government have considered the question of getting text books for elementary schools at least written up and published by experts and authors employed by Government thus to avoid canvassing by private publishing houses for the second-rate publications?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I appreciate the suggestion made by the hon. Member and the matter will be considered."

SRI B. S. MURTHI:—"Arising out of the answers given by the Hon. Minister am I to understand that publishers cannot produce good books?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"They can produce good books and it is open to them to apply to the Text-book Committee and have the books approved."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Would the Hon. Minister issue instructions to the Text-book Committee to approve the books in manuscript rather than at the printed stage?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"No, Sir, that will not be possible."

SRI B. S. MURTHI:—"May I know what function the Text-book Committee will perform in a set up wherein the Government themselves take upon themselves the question of publication?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The suggestion is that the State itself should undertake publication; but just now the State is not undertaking publication. That is a matter raised by another hon. Member for which I said it will be considered."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Arising out of the answer of the Hon. Minister, may I know if the Government realise that publishers are put to a heavy loss if the Committee refuse approval in the printed stage rather than at the manuscript stage?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"In trade there will be gain as well as loss."

SRI V. M. RAMASWAMI MUDALIAR:—"May I ask if the Government realise that books for elementary schools must of the highest quality and there can be no possibility of achieving it except by a direct state direction and venture?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I entirely agree that the books for elementary schools must be of the highest quality and Government will certainly address themselves to this matter as to how best it can be done."

SRI A. KALESWARA RAO:—"May I know when the present Text-book Committee has been appointed and on what lines?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The Committee has been recently appointed and recognized public men of letters have been put into it."

Complaints against the manager of the office of the Divisional Inspector, Madura.

* 506 Q.—**SRI K. RAJARAM NAIDU:** Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have received a number of complaints against the manager of the office of the Divisional Inspector, Madura; and

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

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" (a) Yes.

" (b) The matter is under consideration."

SRI K. RAJARAM NAIDU:—"I want to know from the Hon. Minister whether protection will be given to teachers and other subordinates of the Department if they come forward to give evidence?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Certainly. If the hon. Member will bring any concrete, signed allegations for which evidence is possible to my notice Government will certainly give protection to those people."

Admission for the M.B.B.S. course.

* 507 Q.—**SRI S. C. BALAKRISHNAN:** Will the Hon. the Minister for Public Health be pleased to state—

(a) the total number of students who have been admitted this year for M.B.B.S. course;

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(b) the total number of girl students admitted this year for the above course;

(c) the number of new Medical Colleges opened this year;

(d) the places where the new colleges have been opened; and

(e) the strength of students in every college according to communities?

THE HON. SRI A. B. SHETTY:—“(a) Three hundred and fifty-two students in all have been admitted this year to the course.

“(b) Of the total number admitted 77 are girl students.

“(c) No new Medical Colleges have been opened this year.

“(d) The question does not arise in view of the answer to clause (c).

“(e) A statement* furnishing the information is laid on the table.”

SRI S. C. BALAKRISHNAN:—“May I know why ‘depressed classes’ are combined with Harijans in the answer placed on the table of the House?”

THE HON. SRI A. B. SHETTY:—“Because they are scheduled classes.”

SRI S. C. BALAKRISHNAN:—“May I know what the difference is between ‘scheduled classes’ and Harijans.”

THE HON. SRI A. B. SHETTY:—“Harijans are included amongst ‘scheduled classes’.”

SRI V. M. RAMASWAMI MUDALIAR:—“May I know what arrangements have been made with regard to the Guntur and Vizagapatam Medical colleges being expanded or established by the construction of buildings, provision of adequate equipment, etc.”

THE HON. SRI A. B. SHETTY:—“The question of constructing buildings at Guntur and Madura has been deferred on account of limitations of finance and high cost and lack of building materials and of labour.”

SRI R. V. SWAMINATHAN:—“May I know why, in spite of the assurance given by Government in this House that they would furnish separate figures for the backward communities hereafter, the Hon. Minister has not given separate figures in respect of the Non-Brahmin backward communities?”

THE HON. SRI A. B. SHETTY:—“The strength of students according to communities was what was asked for in the question and the answer is in respect of it. If the hon. Member wants separate figures for the backward communities, I am prepared to give it.”

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BEGUM SULTAN MIR AMIRUDDIN:—“May I know if it is a fact that the exemption from the payment of fees in the Medical Colleges has been withdrawn for women students; and if so whether this withdrawal is in respect of all students, rich and poor or in respect of the rich students only?”

THE HON. SRI A. B. SHETTY:—“I suggest a separate question might be put.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“With regard to the construction of buildings for college, might I ask whether it is not possible to give priority to this class of buildings as they are intended for medical education, over other class of buildings?”

THE HON. SRI A. B. SHETTY:—“Government have thought it better to develop the existing colleges, viz., the Stanley and the Vizagapatam colleges to their fullest capacity so as to admit 100 students in each college and Government have thought of giving priority to these works over the construction of new Medical College buildings at Madura and Guntur.”

SRI B. S. MURTHI:—“May I know whether the Central Government have made provision to give coaching for ex-army licentiates in Lake Medical College, Calcutta, and have allotted 13 seats for this presidency and if so, what arrangements have been made to select suitable candidates and what facilities will be given to them?”

THE HON. SRI A. B. SHETTY:—“I have no information.”

SRI A. VEDARATNAM PILLAI:—“May I know whether Government have in selecting candidates for the various medical colleges considered the desirability of giving preference to sons of doctors who are running nursing homes already and are maintaining them at great cost?”

THE HON. SRI A. B. SHETTY:—“This question was considered and it was thought not necessary to give preference to the children of medical men.”

SRI V. M. RAMASWAMI MUDALIAR:—“Might I ask if it is not a fact that recognition for the Madura and Guntur Medical colleges by the University and the Indian Medical Council was dependant upon appropriate buildings and equipment and if so, whether it will not jeopardise the interests of the students studying in those colleges if the equipment and buildings are not provided for?”

THE HON. SRI A. B. SHETTY:—“No, Sir; it is with the approval of the concerned Vice-Chancellors that the students admitted for the Madura College are being taught at the Stanley College, Madras, and the Guntur students are undergoing their non-clinical period of instruction at Guntur.”

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SRI B. S. MALLIKARJUNA RAO:—"Sir, is it a fact that students securing marks of distinction are ignored in the matter of admission on the basis of communal consideration?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir; communal proportion has to be maintained in accordance with the rules of admission."

11-45 a.m. SRI A. KALESWARA RAO:—"In view of the huge expenditure necessary for the construction of the building at Madura and Guntur on the existing modern lines, may I enquire whether the Government had considered the question of reducing expenditure without injury to the needs and usefulness of the institution?"

THE HON. SRI A. B. SHETTY:—"There is a committee of engineers considering this question of how to reduce the expenditure in the cost of buildings by adopting cheaper type designs."

K. M. SEETHI SAHIB BAHADUR:—"May I know whether Government have considered the necessity of opening a medical college in the West Coast?"

THE HON. SRI A. B. SHETTY:—"It has been included in the long range programme."

Nurses' course.

* 508 Q.—SRI S. NAGARAJA MANIGAR: Will the Hon. the Minister for Public Health be pleased to state whether there is a bar for widows with children to enter the Nurses' course?

THE HON. SRI A. B. SHETTY:—"Yes. Under the existing rules women candidates for Nurses' training should either be unmarried or widows without children. The Government are however considering the conditions under which provision may be made for the training of widows with children."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether widowers with children are prevented from qualifying for the nurses' course?" (Laughter.)

THE HON. SRI A. B. SHETTY:—"No, Sir."

Government Hospital, Tuticorin.

* 509 Q.—SRI R. V. SWAMINATHAN (on behalf of Sri K. T. Kosalram): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government have stopped the construction of the Government Hospital in Tuticorin after the construction has come up to the ground level;

(b) whether it is a fact that more than Rs. 1,00,000 has been so far spent in raising the construction to ground level; and

(c) if so, what are the reasons for stopping the construction of the hospital at this stage?

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THE HON. SRI A. B. SHETTY:—" (a) No.

" (b) The expenditure to the end of July 1947 is Rs. 91,083.

" (c) The question does not arise."

SRI P. KANDASWAMI PILLAI:—"Will Government consider the question of leaving the rest of the construction of the building to a private contractor in view of the inability expressed by the Minister to proceed with the work?"

THE HON. SRI A. B. SHETTY:—"I am not able to understand what the hon. Member means. This building has been assigned the first place in the medical building programme. Even when building works were asked to be put off due to scarcity of steel, iron and teakwood supply, this work was exempted and the construction work has now come up to ground level. Detailed estimates for the construction of superstructure are under preparation and Government have not issued orders at any time to stop this work."

The state of homeopathy.

* 510 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government at the time of Mr. Prakasam appointed a Board of Studies to enquire into the state of homeopathy and its study;

(b) if the answer to (a) is in the affirmative, whether the Government will be pleased to place the report of the Board of Studies on the table of the House; and

(c) whether it is a fact that the Government have appointed a certain gentleman as Honorary Director of Homeopathy even though he was a member of the Board of Studies?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

" (b) A copy of the report of the Board of Studies is placed on the table of the House.

" (c) Yes."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, one of the recommendations made by the sub-committee is that it is desirable that at least one college with a hospital attached to it for instruction in homeopathy should be started in Madras by Government. May I know whether the Government is considering this matter?"

THE HON. SRI A. B. SHETTY:—"The suggestion of the sub-committee and the report of the Honorary Director of Homeopathy are being considered by Government."

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Local Fund Hospital, Perintalmanna.

* 511 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether Government have received a representation, dated 30th September 1947, by a large number of the citizens of Perintalmanna regarding some of the urgent needs of the Local Fund Hospital, Perintalmanna, and the immediate necessity for the appointment of a fully qualified and skilful doctor in the said hospital; and

(b) what action the Government have taken on the said representation?

THE HON. SRI A. B. SHETTY:—“(a) Yes, on 10th October 1947.

“(b) The representation was transferred to the Special Officer, Malabar District Board, for necessary action on 15th October 1947.”

K. M. SEETHI SAHIB BAHADUR:—“May I know whether Government have taken any action on the representation received by them from the citizens of Perintalmanna?”

THE HON. SRI A. B. SHETTY:—“Government have called for a report from the Special Officer, Malabar District Board.”

K. M. SEETHI SAHIB BAHADUR:—“May I know whether Government expect to receive a reply from the Malabar District Board in the near future?”

THE HON. SRI A. B. SHETTY:—“Yes, Sir; the representation was sent to the Special Officer only on 15th October last.”

Petition from the Harijan villagers of Chockalingapuram, Sattur taluk.

* 512 Q.—SRI R. S. MANICKAM: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether the Government are aware that a petition from the Harijan villagers of Chockalingapuram, hamlet of Endapuli, Sattur taluk, Ramnad district, was submitted to the Sub-Collector, Sivakasi, on 14th July 1947 regarding the difficulties they were undergoing at the hands of the village officers of the abovesaid village;

(b) whether the Hon. the Minister has received a petition on 2nd August 1947 in this connexion; and

(c) if so, what action has been taken by the Government in this matter?

THE HON. SRI V. KURMAYYA:—“(a) The Government have no information.

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“(b) & (c) A petition containing allegations against the headman of the village was received and was transferred to the Collector of Ramnad on 8th August 1947. The Collector has been asked to send a report on the petition.”

SRI R. S. MANICKAM:—“Sir, the petition was submitted to the Sub-Collector, Sivakasi, on 14th July 1947, and it is four and a half months and yet no inquiry has taken place. Does it take so much time for a simple thing as this?”

THE HON. SRI V. KURMAYYA:—“Generally such time is required. The information has to reach the Board of Revenue from the Collector, who in return has to get it from the Tahsildar and the Revenue Inspector.”

SRI B. S. MURTHI:—“Is the Hon. Minister aware that in several places where many of the Harijans are being put to trouble invariably, the headman of the village is the leader of the caste-Hindus in such cases. May I know what steps will be taken to see that this harassment is stopped?”

THE HON. SRI V. KURMAYYA:—“If such cases are received and are proved the Government will certainly take action.”

Clash of mill labourers in Udamalpet.

* 492-B Q.—SRI P. R. KANDASWAMI GOUNDER: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that a serious clash occurred between two sections of mill labourers at Udamalpet, Coimbatore district, on the night of 21st November 1947;

(b) whether two persons were killed and a number of persons have received serious injuries;

(c) whether arson and looting are still taking place; and

(d) will the Government take immediate steps to bring about order in the above area?”

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Minister for Industries):—“(a) Yes. The incident was on the night of 22nd November.

“(b) Yes.

“(c) No.

“(d) Four sections of Armed Reserve have been moved to the mill area and necessary measures have been taken to restore order by the Police and the Magistracy on the spot.”

SRI P. R. KANDASWAMI GOUNDER:—“Is it a fact that one Gomathinayakam, a labour worker, was stabbed in the presence of the Sub-Inspector of Police, head constable and constables?”

THE HON. DR. P. SUBBARAYAN:—“I will obtain the necessary information. In the report I have received there is no such mention made.”

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SRI T. S. PATTABHIRAMAN:—"Is it a fact that goondaism is sponsored and maintained by the mill-owner of the place?"

THE HON. DR. P. SUBBARAYAN:—"In the report there is no such mention. If the hon. Member takes the responsibility for the statement I will get the information."

Evacuation from Sind.

* 493 Q.—SRI B. S. MALLIKARJUNA RAO: Will the Hon. the Premier be pleased to state—

(a) whether the Government have received repeated representations and telegrams from the South Indian Association, Karachi, complaining about their precarious plight, due to the communal disturbances at Karachi;

(b) whether the above Association had requested the Government to arrange facilities for their speedy and safe evacuation from the Province of Sind; and

(c) if so, what steps have been taken by the Government so far?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. the Premier):—" (a) A telegram and a letter on the subject were received from the Vice-President, South Indian Association, Karachi.

" (b) Yes.

" (c) An express telegram was sent to the President, Provincial Congress Committee, Karachi to arrange priority passages for Madrasis. The Ministry of Works, Mines and Power, Government of India, New Delhi, were also requested by an express telegram to arrange transport for them immediately.

The Special Officer and Protector of Emigrants, Madras, who is in general charge of the Relief of Refugees from Pakistan was deputed to Bombay and Karachi to arrange for the immediate evacuation of Madrasis destitutes from that area and a sum of Rs. 50,000 was placed at his disposal for this purpose. He made arrangements for the evacuation of 500 Madras Harijan destitutes and a majority of them have

(a) who arrived in Madras."

the Harijan vi.
Sattur taluk, Rammand of security from Ethiroli.
Sivakasi, on 14th 3.

undergoing at the han. V. SWAMINATHAN (on behalf of Sri village; the Hon. the Premier be pleased to state

(b) whether the Hon. the special reasons for the Government 2nd August 1947 in this connexion. by from Ethiroli, a Tamil Weekly

(c) if so, what action has been at (on behalf of the Hon. the this matter? y Magistrate, Madras,

THE HON. SRI V. KURMAYYA:—"I considered it likely that the have no information. cite and encourage the ces."

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SRI R. V. SWAMINATHAN:—"Sir, is it the policy of the Government to suppress socialistic movement in this province and is it in pursuance of that policy they have demanded security from the socialistic weekly?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of suppressing any political movement. Provided it is carried on under the law, no action will be taken. But if in the opinion of Government it might lead to subversive activities, Government have got the power to deal with them and they mean to use it."

SRI K. ANANDAN NAMBIYAR:—"As the provincial Government is a popular Government will suppression of newspapers be given up by Government and will Government return the security taken from the socialist, communist and other newspapers?"

THE HON. DR. P. SUBBARAYAN:—"I may tell the hon. Member, I believe in liberty but not in licence." (Laughter and cheers.)

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it not due to the fact that the Hon. Minister is not in touch with the Home Department that he finds it difficult to answer these questions."

THE HON. DR. P. SUBBARAYAN:—"The hon. Member presumes too much." (Laughter.)

SRI P. KANDASWAMI PILLAI:—"Will it be possible for the Government to place before this House the particular article which is responsible to induce Government to demand security from the newspaper concerned?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member ought to know the rules of administration. It is well understood, it is the entire responsibility of Government, and therefore it is for the Government to come to the conclusion whether it should be placed on the table of the House."

SRI V. M. RAMASWAMI MUDALIAR:—"May I enquire whether it is proper for the Magistrate to take upon himself the onerous responsibility of judging between liberty and licence and whether in this case there has been an overstepping of what the law allows?"

THE HON. DR. P. SUBBARAYAN:—"Each case is judged on its own merits; and in this particular case, the Chief Presidency Magistrate who passed orders and demanded security felt that gentleman has gone beyond what law allows."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Will the Government have a close watch over the newspapers, particularly the vernacular newspapers, published in Tamil, Telugu and Malayalam which are daily propagating provocative reports against

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the self-respect and society of Muslims in this province, may I inquire whether the Government will see that such inflammatory expressions are prohibited from daily publication in future?"

THE HON. DR. P. SUBBARAYAN:—"I have assured hon. Members of the Opposition that this is a secular Government, and as long as this Government is responsible for law and order they will see to it that no communal feelings are aroused." (Cheers from the Opposition Benches.)

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I inquire, Sir, whether the attention of Government had not been drawn to two or three Telugu dailies, 'Andhra Prabha' and 'Jenma-bhumi' which have been preaching hatred towards Muslims and are writing inflammatory articles?"

MR. SPEAKER:—"The hon. Member may put a separate question."

SRI A. KALESWARA RAO:—"May I inquire, whether, whenever any security has been taken by the Presidency Magistrate or a First-class Magistrate against a newspaper, whether it is not advisable that the Government should get the records and look into the whole matter and examine whether he has rightly done or not, and whether in this case, may I inquire, any such action has been taken?"

12
noon.

THE HON. DR. P. SUBBARAYAN:—"Sir, the hon. Gentleman knows as well as I do that the remedy is open to the aggrieved party and if he does feel aggrieved he can appeal to the Government and the Government will then reconsider the matter."

SRI PILLALAMARRI VENKATESWARLU:—"May I know whether the Government are aware that most of the socialist or communist and other progressive papers are within their limits and that they are using their freedom or licence in the best interests of society and that it is only the bureaucratic officials who are responsible for creating such false and coloured reports?"

MR. SPEAKER:—"Is it a question?"

THE HON. DR. P. SUBBARAYAN:—"I am grateful to the hon. Member for his long speech. His ideas and mine often fundamentally differ."

Expenditure on the maintenance of convicted Communists.

* 495 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state—

(a) how many criminal cases were launched against the Communists in this Presidency after 1944;

(b) what amount has been spent from the public exchequer on the conduct of these prosecutions and the maintenance of the convicted Communists; and

(c) the amount spent on the detention of the Communists during the past three years?

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THE HON. DR. P. SUBBARAYAN:—" (a) to (c) The information required is not readily available and the Government consider that the labour involved in collecting the information will not be justified by any useful purpose that may be served thereby."

K. M. SEETHI SAHIB BAHADUR:—"May I know, Sir, whether there are any pending criminal cases against the Communists at present?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid, I have not got that information now. If the hon. Gentleman will put a separate question, I will try to obtain the information he needs."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that these things are costing much to the Government and also because the Communists and the workers are feeling very much against the action of the Government, will the Government see that all the Communists and Trade Union leaders and members are released from the jail soon?"

THE HON. DR. P. SUBBARAYAN:—"If I were sure of their position, I shall consider it, Sir. But as far as I am aware, I am suspicious of their activities."

UNSTARRED QUESTIONS.

The East India Distilleries and Sugar Factories.

60 Q.—SRI A. DEVANAYAGA IYAH: Will the Hon. the Minister for Food be pleased to state—

(a) whether there are any stipulations in the licence granted to the East India Distilleries and Sugar Factories, Limited, requiring them to take all the canes in the "Home Area" and the imposition of any ban restraining the cane ryots of that area from the manufacture of jaggery; and

(b) whether the Government have investigated the reasons of the tense situation arisen during the cane-crushing season, 1946-47, consequent on the sudden departure from the mamool by the factory authorities refusing to accept the unregistered canes of the local area?

A.—(a) The hon. Member is presumably referring to the licence granted to the firm by the Director of Central Excise, Madras, in accordance with the Central Excise Rules. This licence does not contain any such stipulation as is referred to by the hon. Member.

(b) Yes. The Government investigated the matter, and the following orders were passed:—

(1) That the Nellikuppam Factory authorities should continue to make available all possible

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facilities for converting cane into jaggery in the local sections amounting to about 300 acres of unregistered cane, as this is the most economical course from the point of view of all concerned, the ryots, the factory and the province as a whole in view of the increase in the sweetening material obtainable by crushing the cane at the proper time into jaggery.

(2) That in the event of any of the unregistered cane in the local sections not being converted into jaggery before the end of the crushing season, the factory would accept such cane for crushing under their usual conditions, but at the price of Rs. 25 per ton; delivered at the factory. No unregistered cane would be crushed by the factory, until after the end of the season. The ryots should not however try to pass any unregistered cane as registered cane with the object of obtaining the higher price.

(3) That the factory cannot be expected to accept unregistered cane next season.

Hereditary village officers.

61 Q.—SRI D. DORAIRAJA PANDIAN: Will the Hon. the Minister for Land Revenue be pleased to state whether there is any proposal before the Government to abolish the hereditary system as regards village officers and to appoint qualified men in their place?

A.—The whole question of reorganizing the present system of village establishments on more efficient and economic lines has been referred to the Reorganization Committee which will consider it shortly.

Payment of salaries with weightage to teachers.

62 Q.—SRI ALLURI SATYANARAYANA RAJU: Will the Hon. the Minister for Education be pleased to state—

(a) whether the teachers under private management in all the municipalities and district boards are being paid their salaries with weightage according to G.O. No. 1154, dated 5th June 1947; and

(b) if so, why the Palacole Municipality has not put the above Government Order into effect?

A.—(a) The revised scales of pay sanctioned in G.O. No. 975, Education, dated 10th May 1947, and G.O. No. 1154, Education, dated 5th June 1947, have been introduced by most of the local bodies. In the case of local bodies which have not so far introduced the revised

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scales, necessary instructions are being issued to implement the Government Orders immediately. Teachers in elementary schools under private management are given grants calculated on the revised scales of pay approved by the Government.

Seventeen district boards and sixty-four municipal councils have so far been permitted to grant weightage for service for teachers in their employ. The question of extending the concession to those employed in other local bodies also is under consideration. Teachers employed in aided elementary schools are not eligible for the concession.

(b) The Municipal Council, Palacole, applied for an advance from the provincial funds towards meeting the additional expenditure on the revision of scales of pay for teachers and kept in abeyance the introduction of the revised scales. Necessary instructions were issued to the Municipal Council to implement the Government Orders immediately.

The Buckingham Canal.

63 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Works be pleased to state whether there is any proposal under consideration of the Government to link the Buckingham Canal with the Negapatam-Vedaranyam Canal?

A.—Yes.

Memorandum from the managers of aided elementary schools, Chirakkal taluk.

64 Q.—SRI M. KUMARAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether a memorandum has been received by the Government from the Managers' Association, Chirakkal Taluk Aided Elementary Schools, setting forth their grievances, and if so, to what extent the Government are prepared to go to meet their demands;

(b) whether it is the intention of the Government to take over the management of aided elementary schools; and

(c) if so, when they hope to make a start in that direction?

A.—(a) No memorandum has been received by the Government from the Managers of the Chirakkal Taluk Aided Elementary Schools.

(b) No.

(c) Does not arise.

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Inclusion of Malpe and Kodavoor in the Udipi Municipality.

65 Q.—SRI K. R. KARANTH: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that there are proposals now before the Government to incorporate the area of Malpe (Port) and Kodavoor into the Udipi Municipality;

(b) whether there have been representations from the people of those areas objecting to such inclusion; and

(c) if so, in what stage the matter now is?

A.—(a) No.

(b) Yes.

(c) No action was considered necessary.

Rural dispensaries.

66 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there is any scheme under contemplation of the Government to increase the number of rural dispensaries; and

(b) if so, what it is and when it will come into force?

A.—(a) & (b) There is no definite scheme under contemplation.

The Government sanction every year the opening of subsidized rural dispensaries on receipt of proposals from the local bodies concerned and on the merits of each case.

Recruitment of Sub-Registrars.

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

(a) whether there was direct recruitment of Sub-Registrars recently;

(b) if so, how many were recruited; and

(c) how many of them are Harijans and Harijan-Christians?

A.—(a) Yes.

(b) Fifty-two.

(c) Scheduled Castes (Harijans)—Six.

Christians—Nine.

Information is not available as to how many of the nine Christians recruited are "Harijan-Christians."

Service of Mr. H. H. Carleston, I.C.S.

68 Q.—SRI K. BOKKAI GOWDER: Will the Hon. the Premier be pleased to state whether it is a fact that Mr. H. H. Carleston, I.C.S., had chosen to be in service after 15th of August 1947?

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A.—Yes; Mr. H. H. Carleston, O.B.E., I.C.S., Collector of the Nilgiris, expressed his willingness to continue in service beyond 15th August 1947. Later, early in September when he was transferred from the Nilgiri district to the Chittoor district, he applied for retirement on account of his personal and family inconveniences to live in the plains and His Excellency the Governor-General sanctioned his retirement under the Premature Retirement Rules on the expiry of all the leave due to him.

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

II.—ADJOURNMENT MOTION RE THREATENED STRIKE OF WARDERS IN JAILS.

MR. SPEAKER:—"The hon. Member, Sri K. Anandan Nambiyar has given notice of a motion under rule 36. This is the motion:—

'The jail warders and head warders numbering about 350 of the Central Jails of Trichinopoly, Vellore and Cannanore have refused to receive their pay from the 1st of this month and the warders of the remaining jails have intimated the Government that they are not going to receive their salary from 1st of December on the plea that they should also be given the pay equal to that of the police force and this situation may lead to a strike on the part of the warders which is likely to create a serious situation any moment in the Province and that the Government should consider the matter immediately to remove this anomaly of difference in pay between jail warders and police force.'

The subject-matter of the motion is 'refusal by certain warders to receive salaries.' This matter does not come under rule 36 and it is not an urgent matter. Moreover, if they voluntarily refuse to take pay, the question cannot be discussed under an adjournment motion. I rule it out of order."

SRI K. ANANDAN NAMBIYAR:—"On a point of information, Sir. I submit the Hon. Minister for Jails who is present here can give us some information. The affair of the jail warders may lead to a strike on the part of the warders and it may lead to further labour trouble. In order to avoid all that the Hon. Minister . . ."

MR. SPEAKER:—"The hon. Member can put this in the form of a question in writing to-morrow or the day after to-morrow."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, about two or three days back, I had given notice of a short notice question about the strike that is going on in the Guntur Christian

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College. The students have been severely lathi-charged and about 100 students have been arrested and they have been very much beaten. That question has not been taken up till to-day. I want to know what has become of that question. At least if the Hon. Minister is prepared to answer orally"

MR. SPEAKER:—"As far as the short notice questions are concerned, I admit those that are really urgent and important and send them on to the Government. It is for them to answer."

SRI PILLALAMARRI VENKATESWARLU:—"If the Hon. Minister is prepared to answer, Sir, I request him through you to answer the question"

MR. SPEAKER:—"The very fact that the Hon. Minister is keeping quiet means that the answers are not ready."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, the short notice question ceases to be a short notice question if the answering of it takes 10 days, 5 days or 7 days. Short notice questions are asked in order that the answers might be given as early as possible within a day or two. I have also given notice of a short notice question two or three days ago and that has not yet been answered."

THE HON. DR. P. SUBBARAYAN:—"Might I submit for your consideration that it is entirely in the discretion of the Government whether to waive notice or not. If the Government think that in their opinion it is an important matter on which information should be given to the hon. Members they will waive notice. But there are administrative difficulties in the matter of getting information on various matters and it might take a week, it might take 10 days or it might take a fortnight before the information is received. Even in the case of a short notice question only when the information is available with the Government they can possibly answer the question. The hon. Members might consider it as short notice but it all depends on administrative convenience."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, Sir. I can see what the Hon. the Leader of the House has said. But my question was given about three days ago. It was a short notice question addressed to the Hon. the Premier regarding the transfer of portfolio. It does not involve any collection of information. I want to know whether any portfolio has been transferred and if so what are the reasons. The Hon. Premier is always absent and I would like to know what has happened to that question."

MR. SPEAKER:—"I think the Leader of the House has already answered that question. When he dealt with the other

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short notice questions he answered the hon. Member also. I wish to know whether the Leader of the House wants to give any other information."

(The Hon. Dr. P. Subbarayan signified a negative answer.)

III. STATEMENT BY FOOD MINISTER ON THE PRICE OF PULSES
IN THE PROVINCE.

MR. SPEAKER:—"The Hon. Minister wants to make another statement regarding the situation of pulses."

AN HON. MEMBER:—"Whose pulses, Sir?"

THE HON. DR. T. S. S. RAJAN:—"The pulse of the hon. Members of the House!"

"Sir, since yesterday I have received reports from two other districts regarding the price of pulses, after it was decontrolled. In the East Godavari district blackgram before decontrol was being sold at Rs. 66 per bag of 2 maunds. But the present price is stated to be Rs. 56. Greengram was being sold at Rs. 56 before decontrol. The present market price is only Rs. 54, i.e., Rs. 2 less. The price of redgram is stated to be stationary at Rs. 17-12-0 per maund. It is also understood that immediately after decontrol the merchants have imported stocks from Bezwada and that the present tendency is for the prices to come down.

"Kistna district.—Immediately after decontrol it is understood the prices shot up. But they are now coming down. Blackgram before decontrol was selling at Rs. 67 per bag of 230 lb. But immediately after decontrol it went up to Rs. 72 and the present price is Rs. 68. For redgram the price before decontrol was Rs. 49 per bag of 230 lb. It went up to Rs. 56-8-0 after decontrol and is now Rs. 55. Greengram the price of which was Rs. 49 for a bag of 240 lb. before decontrol, went up to Rs. 60 after decontrol and has now come down to Rs. 58. In respect of all these three varieties it is noticed that the prices have gone up after decontrol.

"It is apparent that the prices have not yet stabilised themselves yet. It seems necessary to watch the results for a few days more."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In connection with these pulses, Sir, I raised a question yesterday. You will remember my asking whether the Government had any idea as to how these prices fell down, whether it was simply due to the fact that they have been decontrolled. I suggested, Sir, that it might have been due to the supply being sufficient for meeting the demand. I raised this question previously because when the control of foodgrains was being discussed one hon. Member made a statement that since the prices of pulses have gone down after

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decontrol the same thing might happen with reference to foodgrains. It was that fact that prompted me to raise this question of the supply being equal to the demand so that the Government might be able to give the correct position with reference to the very important question of decontrolling foodgrains. The Government know, Sir, that in the matter of foodgrains the supply is not sufficient to meet the demand, because we are not able to make the usual imports. (Interruption.) I am only explaining my position, Sir. The Government is not able to get the usual pre-war imports of foodgrains. That being so it is very well known that there is still a shortage of foodgrains in the Province. Therefore I want to know from the Government whether they are going to deduce from the position of the pulses that foodgrains also could be decontrolled."

THE HON. DR. T. S. S. RAJAN:—"I may tell the House and the hon. Leader of the Opposition that the question of foodstuffs is not the matter under consideration at all. Certain information with regard to the level of prices of pulses was asked by an hon. Member of this House to whom I promised a reply. After getting the information I have placed it before the House. It has nothing to do with the prices of foodgrains or decontrol or the policy of the Government."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I remind the Hon. Minister for Food that if he would refer to the proceedings of the House he will know that this question of pulses came in when the question of control of foodgrains was being raised in the House. Therefore the obvious inference of the gentleman who raised this question was that since the decontrol has brought down the price of pulses the decontrol of foodgrains might also bring down the price of foodgrains. Therefore it is that I warn the Government that they also should not follow the same reasoning in drawing such inferences with reference to foodgrains."

THE HON. DR. T. S. S. RAJAN:—"The facts stated are capable of any inference, Sir. What the Government have stated is as follows:—

'It is apparent that the prices have not stabilised themselves yet. It seems necessary to watch the results for a few days more.'

I have made it clear, whatever inferences individuals may draw from it, that the prices require watching. That is what the Government have said."

SRI S. NAGARAJA MANIGAR:—"I want to say, Sir, that the fall in the prices of pulses may also be due to the season that is now approaching and I wish that this factor is also taken note of."

MR. SPEAKER:—"The hon. Member is giving information."

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IV.—GOVERNMENT BILLS.

(1) THE MADRAS ENTERTAINMENTS TAX (AMENDMENT) BILL, 1947
(L.A. BILL NO. 28 OF 1947).

* THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I present to the House the report of the Select Committee on the Madras Entertainments Tax (Amendment) Bill a, 1947 (L.A. Bill No. 28 of 1947) and move that the Bill as reported by the Select Committee be taken into consideration."

"In presenting the report, I may remind the hon. Members that this Bill which was published sometime ago contemplated a flat rate of 33½ per cent on all kinds of performances; whether they were dramatic performances or music performances or cinema performances, it contemplated a uniform rate of 33½ per cent. The Select Committee having examined many witnesses with regard to the cost of production of some cinemas and other things have come to the conclusion that certain performances, namely, dramatic performances, music performances and Indian dances and exhibitions should be given a preferential treatment. For the first time, as hon. Members are aware, we are differentiating one sort of performance from another. The previous Act did not make any differentiation between dramatic performances and cinema performances. For the first time the Select Committee recommended that some preference should be given to dramatic performances. There is a feeling of regret that the drama is being replaced by the cinema and that living actors are not being encouraged by the people at large. The tax as contemplated originally would be a very heavy burden on those who witness the dramas and the music *kacheris*. The Select Committee rightly preferred a smaller rate of tax on these performances."

"The music *kacheris* are not very much in vogue in the Telugu districts and even when these are held, the people are very reluctant to buy tickets for them. If the tax is high, it will prove a deterrent. So the tax is 12½ per cent or 2 annas in the rupee on tickets up to Rs. 3 and 20 per cent on tickets costing more than Rs. 3 and up to Rs. 5 and 33½ per cent on tickets beyond Rs. 5, as originally contemplated. For cinemas, racing, etc., the basic rate will be 20 per cent up to 5 annas, 25 per cent up to Rs. 1-8-0 and 33½ per cent above Rs. 1-8-0 as originally contemplated. With the introduction of differential rates much of the criticism levelled by hon. Members when the Bill was first moved will be met, because the poor people will be taxed only 20 per cent against the 33½ per cent as originally contemplated. At present a four-anna ticket costs Re. 0-4-9. The cinema proprietor keeps four annas and pays Re. 0-0-9 to the Government. Now that ticket will cost five annas. The proprietor will retain four annas and pay one anna to the Government instead of the nine pies he was paying before. I commend the report of the Select Committee for the acceptance of the House."

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SRI PILLALAMARRI VENKATESWARLU:—"I have given notice of three amendments. Only two amendments have been distributed but the third has not been distributed."

MR. SPEAKER:—"I shall look into it."

* **M. S. ABDUL MAJID SAHIB BAHADUR:**—"Mr. Speaker, Sir, the Hon. Finance Minister when replying to the debate on the Bill last time said that the Government were only acting as a sort of tax-gatherer for somebody else and that therefore we need not oppose the Bill. We know, Sir, that the revenue that will accrue under this Bill is going to be given to the local bodies. I hope and believe, Sir, that the Government will also see that the revenues that are allotted to local bodies are properly utilized. Those of us who come from various parts of the province know that the affairs in the local boards, municipalities and the panchayats are not very satisfactory. The very fact that the pestilence of cholera and plague is prevailing in some parts shows that proper attention is not paid to the sanitary condition in these parts. Secondly, Sir, proper amenities are not provided for the people in these areas. Under the present Bill the Government have retained only ten per cent of the proceeds for administering the Act. The Government should take a greater portion of it so that they may provide amenities for areas which have not been provided with amenities by the local bodies. We know, Sir, that there are also remote villages in the province which are unaware of what is taking place in this world. Wherever there are no district boards or municipalities, the Government can provide the necessary amenities with the amount collected out of this tax."

"I now come to the proceedings of the Select Committee. They seem to have singled out cinema shows for very severe treatment whereas they have shown special treatment to entertainments like dramas and music performances and dances. The paymasters of the cinema shows are mostly the masses of poor people whereas the patrons of the dramas and the music sabhas are the rich people and the leisured classes of society. The members of the Select Committee have been suffering from what I may call a misplaced affection. They have chosen a wrong beloved for special treatment with regard to this particular tax. They say in the report that preferential treatment has been given to music *kacheris*, dramas and Indian dances in view of the fact that there is something artistic and instructive in them. To attribute artistic values only to dramas and music performances is to deny artistic values to moving pictures. I am an ardent picture-goer, Sir. I am a lover of the silver screen and therefore I can assert without any fear of contradiction that the moving picture has got its artistic values also. What is art if it is not a thing of beauty, a joy for ever? The melodies of Beethoven and Wagner, the great paintings of Michael Angelo, the great tragedies of Shakespeare and the great works of Milton are all expressions of art. Similarly some of the picturized versions of the classics on the silver screen are also expressions of art. Out of my enthusiasm for these pictures perhaps I may be erring on the side

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of exaggeration, but I am only exaggerating truth or fact. No doubt there is a considerable amount of trash coming out of the production studios. I think they are mere waste of valuable celluloid. There is a body of public opinion represented by some of the hon. Members here that the production studios are veritable brothels and abodes of sin and infamy and anything that comes out of such studios must be condemned. At the same time, Sir, I say that sometimes you find very good creations emanating from these studios. There are the pictures like the Hunchback of Notre Dam and the Citadel which live in the memory of men who have seen them as visions of ineffable beauty. What is after all a moving picture? It is nothing but the picturized version of the dramatic art. Great actors like Greta Garbo and Charles Laughton help great cinematic artists like Samuel Goldwyn to produce great pictures."

MR. SPEAKER:—"The hon. Member is expatiating on the cinemas."

M. S. ABDUL MAJID SAHIB BAHADUR:—"I am just trying to impress that artistic and instructive values are not the sole monopoly of dramas and dances, that there is art in the cinema also and that the Select Committee should have given preferential treatment to them also. The present proposals are going to affect, as I have pointed out in my opening remarks, the vast body of poor people. As I have said, the patrons of dances and the music performances are the rich people and the leisured classes, whereas the patrons of the motion pictures are the poor and the working classes. I do not see any reason why they should be singled out for this unusual treatment."

"Sir, I really do not know whether the Government will be able to collect the amount which they expect under this Bill. I would wish to hear from the Hon. Minister for Finance the result of this taxation after an year's administration. I can say this that the collection will not be commensurate with the labours that he has undertaken. With these few remarks I have great pleasure in supporting this Bill."

* **SRI T. VISWANATHAM:**—"Mr. Speaker, Sir, I wanted to rise on this occasion because my hon. Friend who has just spoken said that the Government might reserve more than ten per cent for its administrative purposes. It is a very very bad suggestion, Sir. Those who are in charge of local bodies can very well understand that even this ten per cent need not be retained by the Government. The local bodies are as responsible as the Government at Madras. They have got their own needs and problems. They are in greater need of money than the Government at Madras. Therefore, Sir, I wanted to raise my strong voice of protest immediately after the Gentleman has spoken and that is why I have risen just now."

* **SRI PILLALAMARRI VENKATESWARLU:**—"Mr. Speaker, Sir, we, who opposed the Bill before it was referred to P.M.

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a Select Committee, do not find any justification now to change the stand we had taken previously, because the Select Committee did not hear the views of the poor nor did it meet our view point. The Hon. Minister for Finance may say that he heard the views of cinema proprietors like Mr. Vasan, but I am sorry to say that he did not care to interview, or get reports from, the poor and the working classes. I think the Bill after it has emerged from the Select Committee has become very very defective indeed. The Hon. Finance Minister remarked that it was strange that we opposed this Bill in toto, instead of suggesting amendments to lessen the tax on the poor. The Government will not get much revenue by taxing the higher classes. Particularly in the mufassal cinema houses, people attending the higher classes are in some way or other connected with the cinema proprietors and they do not pay anything. Only very few attend on payment. The Hon. Finance Minister can get more revenue only if he taxes the lower classes and not the higher classes. That is why in principle we are opposed to the levy of entertainments tax. In the Select Committee, discrimination has been shown between cinema and dance performances. I am not going to join issue with the Hon. Finance Minister on this matter. As things stand to-day, most of the poor and middle class population cannot attend musical concerts, because the rates of admission are so high as Rs. 2, 3, 5 and so on. The music *kacheris* are patronized only by the highest officers like the I.C.S. officers. I am not against encouraging gana sabhas; I want the gana sabhas to have a greater hold on the people and the voice of the people to be heard through music. My feeling is that the Select Committee has in a way helped the richer classes and hit the poorer classes hard. In the original Bill, the tax proposed is only 11 per cent. If the rate of admission to an entertainment is 2 annas, the tax is only 3 pies. Out of a total of 2 annas 3 pies, the tax is only 3 pies. Government is 3 pies, i.e., one-ninth. In the amendment of the Select Committee, the tax is 20 per cent. In other words, the tax on the poorer sections resort, is 11 to 20 per cent or nearly doubled. Let us now look at the tax on the higher class tickets. The tax on a ticket of value 1-8-0 was 30 per cent according to the original Bill, and now it has been raised to 33-1/3 per cent, the increase being only 3-1/3 per cent. Is there justice in this, I would like to ask? Gravest injustice has been done to the poor people. The Leader of the House in a reply said that he was very suspicious of our movement. Why should he be suspicious? We are fighting for the poorest of the poor, whereas the present Ministry is siding the rich. That is why he is suspicious of our activities. The original Bill does not help the poor and even after the select committee stage it does not improve their lot.

"Moreover, I do not see any need for discriminating between cinema shows and music performances. Of course, music deserves encouragement. The Government themselves must start schools

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of art and encourage art and culture. But the present method of allowing the richer section of the people with a lesser increase in tax than the poor is not just. So I have strong objection to any discrimination being made between cinemas and music and allied performances. As for dramas, the rate of tax can be fixed as proposed in my amendment about which I will speak when we discuss the Bill clause by clause.

"There is another point to which I would like to refer and it is this: In the cinema field, the film producer takes about 60 per cent of the collection and the proprietor of the cinema hall takes the remaining 40 per cent. The same thing can be adopted and the Government must come forward to fix a rate both for the cinema and music sabhas and dramas. Unless this is done, the poorest of the poor cannot enjoy the benefit of the entertainment. If the Bill as has emerged from the Select Committee is passed as it is, it will deprive the poorest of the poor of the benefit of the entertainment.

"Another thing I would like to point out is that certain important political dramas are being banned to-day on one pretext or another. For instance, the drama "Mundagadu" has been banned during the time of the ex-Prime Minister. From that day onwards, we are agitating. I can say that that drama will fetch the greatest collection in Andhradesa. By banning it, the Government are also losing the tax. The Government must bring forward comprehensive legislation to rectify these defects and make proper recommendations. Piecemeal legislation whenever and by whomsoever brought forward will be defective. That is why I request the Hon. Minister for Finance to accept my amendment in toto. With these words, I commend the Bill."

* SRI N. S. VARADACHARI:—"I wish to say a few words in connexion with this Bill. It has been gratifying to note that Government have made changes in response to appeals made to them by the public and the industries affected by this Bill. In the matter of taxation Bills, it is primarily for the Government to determine the amount of revenue they would like to get from any measure introduced by them, and then take such steps as would lead to the attainment of their objective. But it must always be the endeavour of the Government to examine over and over again and see that the objective they have set before themselves are attained within the time fixed by them and in a manner that would not prejudicially affect the industries concerned or the quality of entertainment that they intend for the benefit of the public. Entertainment is also a matter of necessity in these days. Entertainment, which I distinguish from pure art, has become almost a daily necessity; it cannot by any means be regarded as a luxury. But there are entertainments which almost border on luxuries and which can bear an amount of taxation which other entertainment cannot bear. That, I think, is the principle on which preferential rates have been fixed between class and class of entertainments. I am glad that this principle

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has been accepted. Uniformity in all cases is not always desirable. It is desirable to know in the first place what burden can be placed on whom and in what manner he can carry the burden. This Bill proceeds on this very sound principle. It is one of the principles of taxation which must be kept in view in every taxation measure. I would also say this to the Government. They should keep a watch over the effects of their measure and see that, after the peak point is reached, the law of diminishing returns, in the language of economists, does not operate. A taxation measure which yields diminishing returns is not a very proper measure. When this result can be predicted in respect of a particular measure is again a matter for the Government to determine after careful consideration. For instance, it is very difficult even for the Hon. Finance Minister to say now what amount of revenue this tax will yield on the basis of the rates given in the schedule. It may be intended to produce a particular result but due to psychological reactions on certain kinds of amusement, it may produce less than what is intended. It is for the Government to examine the results in all cases from time to time and bring in such revision as may be found necessary. While I do not say that this tax will bring diminishing returns from any class of entertainments immediately, I must point out that it has been represented to me—I keep an open mind in the matter—that, if the present rates in the Schedule are maintained, the Government may not get as much revenue as they anticipate to-day. It may be that the very measure of taxation may have the effect of freezing credit and adversely affecting the industry to which the taxation relates. If all these premises are correct, it is for the Government to consider whether they should not start with a rate which will, in the opinion of the industry concerned, not lead to diminishing returns, but will yield a revenue which the Government have a right to expect. I say there is a case for examination. I request the Hon. Finance Minister to examine the Bill in this light and see, if not to-day at least after some months of trial, whether it needs revision or alteration in any particular.

12-45 p.m. “Now, Sir, I have one other point to make and it is this. Even with the present rates mentioned in the Schedule, the Government should always aim at protection for an industry or for any class of industries which may be affected by this Bill, when they have paid their maximum, that could be paid reasonably by them within the period of time prescribed, that is to say for one full year. Suppose last year's average collections on films, for instance was about Rs. 50 lakhs, and that the total number of films that were shown in Madras and in the districts were a particular number, then we could really determine on an average how much each film would yield in respect of this tax. Now that we want to collect more from this kind of entertainment, what we can do is, we can add a little more to that amount and maintain a ceiling beyond which the Government should take

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power to revise or alter the rates in the Schedule, to suit the needs of the industry. I shall clearly explain what is in my mind. If at any stage we find that the rates in the Schedule are so reacting on the industry that it would rather not exhibit something which has been produced or would exhibit it only in a limited measure or for a limited period of time, then the Government would certainly lose a lot of revenue. But if protection is given to the industry by seeing that a ceiling limit of taxation is fixed based on the average of three years' yield on any particular film produced in this Province, then I would say that there would be ample protection for the industry and the Government would get the revenue that would ordinarily be expected to flow from this measure. I think that such a provision can be inserted in the Act, if not now, at least in the near future. The Government can take power under the rules to exempt or vary the rates in the Schedule when any particular film or any particular class of films have paid taxation up to a ceiling limit. I do not know whether this suggestion will be examined by the Government, but I would earnestly request them to examine this proposition some time in the future.

“Regarding collection. I have only one suggestion to make. I understand that the collection of this Entertainment tax is made by the issue of stamps which would represent the amount claimed by Government in respect of this tax and to be shown along with the ticket. If that is the procedure, Sir, then I am sure, it can be certainly improved upon by making tickets showing the value of the ticket and the tax on it, and thus making one combined roll, which the Government could well supply to every producer and to every person in the district who organizes these entertainments and thus there would be a complete check on the total amount of tax that could be collected; because no proprietor of any cinema or theatre and no organizer of any Sangeetha Sabha will be able to evade payment of this tax, when once these rolls are distributed, which represent not only the tax, but also the substantive value of the tickets. I do not know whether this method is feasible or not, but I am only throwing out this suggestion so that the Government might examine it and see that evasion of tax is prevented, complaints regarding which are too many and too frequent from all quarters. I do not say that there is much evasion under this Entertainment tax. But in respect of every tax there is a peculiar psychology prevalent not only among the business community but also in the man-in-the-street to evade taxation as far as possible. Sir, it is an unfortunate psychology and we must get rid of it. Before we get rid of it, we must also perfect our administrative arrangements in such a manner as to make tax evasion thoroughly impossible. If this is done, the administration would become fool-proof and we will be able to know that for every roll sent out, so much money flows into Government coffers, and so much attendance is ensured at the theatres, and that accounts are being kept properly and checked periodically. Sir, this is the only suggestion I want to make in

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connexion with the administration of this tax, whether it is feasible or not. Before I close I have only to congratulate the Hon. Minister on the spirit of accommodation he has shown in dealing with the industry affected by this Bill."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, I support this Bill and in doing so, I want to say a few words in connexion with this Bill. Originally it was the idea of the Government to fix a flat rate of 33-1/3 per cent on all kinds of entertainments, such as dramas, music performances and the cinemas. We thought that this high rate of taxation would harm dramas and music performances and after giving careful consideration to all these things in the Select Committee, we came to the conclusion that there must be three differential rates of taxation, namely 20, 25 and 33-1/3 per cent according to the kind of entertainments and the value of the tickets."

MR. SPEAKER:—"The hon. Member need not reveal what has taken place in the Select Committee."

* SRI R. V. SWAMINATHAN:—"I am not revealing anything that has taken place in the Select Committee, Sir. What I wish to say is that we wanted that dramatic performances, Indian dances and exhibitions should be given special preference by way of a reduction in the rates of taxation. I must say, Sir, that dramas have almost become extinct and have practically been killed by the advent of cinemas. But I am glad, Sir, that recently Nawab Rajamanickam and T.K.S. Brothers have given new life to these dramas and they are coming forward, and are being encouraged by the public. So far as the cinema industry is concerned, I dare say that in Madras it does not deserve any encouragement or any preferential treatment at all. All the people who are engaged in the cinema industry in Madras are only after making money. They are only trying to exploit the poor people and their only aim is to get as much money as possible from the public by producing films in which they take no interest and in which there is no art and no action. I believe that cinemas can do a great deal of useful work in the matter of social reform and in improving the morals of the people. Documentary films and other educative films can also be produced which can be of great benefit to the public and the country. But the cinema industry in Madras only produces third rate films and the producers have no other interest except to earn as much as possible from these films. Some of these Madras films even created bad taste among the audience. Take for instance the picture 'Krishna-Arjuna Yuddham'. Once they produced it as 'Krishna-Arjuna Yuddham' and now again they are producing it in the name of 'Arjuna-Krishna Yuddham'. What is the use of producing the same kind of films again and again. They evince no interest in production nor devote any attention to improve its technique or its standard. These films are not at all to the modern taste. Sir, in this connexion, I want to make this reply to my

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hon. Friend Mr. Majid who had made certain remarks about British films. Sir, I am one of those lovers of the Silver Screen. I am a regular and constant visitor to the cinemas and I like the British and American pictures much better than any other films and I would ask my friend Mr. Majid whether he has seen any Tamil pictures which could, in any way, be comparable to 'Marie Walewaska' in which Greta Garbo and Charles Boyer had acted so marvellously. It would take a hundred years for Tamil picture producers to produce films like that."

MR. SPEAKER:—"The hon. Member must remember that the Bill is not about the merit of films."

SRI R. V. SWAMINATHAN:—"That is why, Sir, we have given full consideration to these matters and shown special preference to dramas and music performances and we are just in not giving any special preference to these cinemas. With these words, Sir, I support this Bill."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, while supporting this Bill, I should like to make a few observations. At the outset, I wish to state that it was gratifying to note that the Hon. the Minister for Finance was not dogmatic in his attitude with reference to this Bill. On the other hand, he displayed a spirit of accommodation and was amenable to reason. I hope the other members of the Treasury Benches will follow his example."

"Sir, when this Bill was introduced, the proposal was that there should be a flat rate of 33½ per cent on all classes of tickets, whether for the rich or the poor. We felt that uniformity in this matter was not justified and that it was not proper that the poor and the rich should be clubbed together in regard to taxation. The Hon. Minister listened patiently to the requests made to him by the representatives of the South Indian Chamber of Films and in consonance with their views, he has adopted the new rates. As he has informed the House, the new rates are 20 per cent for tickets up to 5 annas, 25 per cent for those up to Rs. 1-8-0 and 33½ per cent for those over Rs. 1-8-0."

"Sir, the members of the Communist Party have complained that this tax will impose a heavy burden on the poor. A casual glance at the percentage of increase might give this impression but in actual fact it is not so. Mr. Venkateswarlu stated that if the ticket is 2 annas, the existing tax is 11 per cent which works out to 3 pies. According to the new rate on a 2-anna ticket, the tax will be 20 per cent which works out to 4-4/5 pies. This would mean at the most an extra 3 pies in round figures. Thus the poor will not be seriously affected by the proposed increase. Since entertainments fall under the category of luxury, both for the rich and the poor, no one will grudge to pay an extra 3 pies for a show. In a 5-anna ticket, the poor man already pays 9 pies to-day. He will hereafter pay 3 pies extra, that is to say, 1 anna."

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In short the extra that the poor man will have to pay in consequence of the passing of the present measure is 3 pies, whether on a 2-anna or on a 5-anna ticket. After all, this is not much, and it cannot be said that a heavy burden is imposed on the poor. No doubt it would have been better if the 2-anna tickets had been completely exempted from tax as in Bombay, but on account of their heavy financial commitments, the Government were not able to grant this exemption.

1 p.m. "Sir, one of the suggestions put forward by certain members of this House, which has been accepted by the Select Committee, was that dramas, musical performances and Indian dances should be given preferential treatment. It is right to encourage art but the concession shown to dramatic and musical performances have been criticized on the ground that it is a concession to the rich. Since they alone can afford to patronize such shows, I would urge upon the organizers of dramatic and musical performances to reduce the price of their tickets so that the poor also may be enabled hereafter to derive benefits from productions of art. The pleasures of art should be made available to the poor also and should not be exclusive for the rich. While concession has been granted in respect of Indian dances, I am glad that ball-room and Western dancing have not received any favoured treatment. The exotic dances which have become popular among the fashionable and westernized sections of Indian society are not in consonance with Indian traditions and the Oriental conception of modesty. Hence it is well that no concession has been shown to such dancing and the Government have acted wisely in not encouraging the same. In China the western form of ball-room dancing has been banned recently. I hope at some future date similar step will be taken in this country also, so that Indian women may not have the chance to overstep their ancient traditions and betake themselves to Western pleasures which are not conducive to the well-being of Indian society nor to the happiness of the home. Classical Indian dancing like Bharata Natyam, etc., deserve preferential treatment with a view to encourage art and also Western classical dancing but not the type of western dancing that is usually resorted to in hotels and restaurants.

"There is another point to which I again wish to draw the attention of the Hon. Minister and that is that a portion of the proceeds realized from this tax should be earmarked for the encouragement of visual education for the adults. The Hon. Minister has stated that 90 per cent of the proceeds of this tax will be given to the local bodies. I request him to see to it that the local bodies utilize a sufficient portion of this revenue for the purpose of equipping themselves with projectors and films for educating the adults. This is urgent in view of the adult franchise that is looming large on the horizon. I feel that a tax like this which is derived through the medium of cinemas and other forms of entertainments should be utilized for providing for the people visual education, which alongside with instruction will entertain them further. I hope the Hon. Minister will recommend to the local bodies to act in the manner that I have indicated.

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"It has been stated, Sir, that the Government might not be able to realize the amount of revenue that they expect from this tax. The Government should keep a watch over the situation and after some months of experiment see if the Bill requires revision, and then revise the same in a suitable manner if this is necessary.

"With these words, Sir, I have pleasure in supporting this Bill."

M. MUHAMMAD ISMAIL SAHIB BAHADUR :—"Sir, I have first to congratulate the Hon. Minister on the spirit of accommodation that he has shown in the Select Committee, as was, of course, expected of such a gentleman as our Finance Minister.

"Now, Sir, I find from the Select Committee report, that the Members were of opinion that the Bill need not be republished because the changes made therein were only of a minor character. I beg to differ from the view of the Committee that the changes made were of an unimportant or minor character. The fact is that they have made very important changes in the Bill, and one of those changes concerns the fundamental and central point of the original Bill. The original Bill proposed an all-round rate of 33½ per cent, but now we find the rate has been made a graded one, and it has been reduced in certain respect to so low a figure as 12½ per cent, i.e., one-eighth. It is therefore very clear, that this is a very important and fundamental change in the principle of the Bill; that being so, I do not know how the Committee came to the conclusion that this change was only of a minor character and that the Bill need not be republished. The public have a right to know what influenced the Committee in this respect. Even with regard to the evidence taken by the Select Committee, I find only one class of people concerned with this has been consulted. I find that representatives of the Film Chamber of Commerce were given a hearing and the representative of an important cinema concern was also given a hearing before the Select Committee; but the other important sections, the more important sections concerned with this matter, i.e., the public, the cinema-goers and the drama-goers, have not been consulted. It may be said that the Members of the Committee themselves are representing these people who are the so-called consumers of this commodity; but that same argument might be used also with reference to the producers of this commodity. Therefore, I think the Committee would have done well, if they did not want to republish this Bill, at least to have given an opportunity to the other sections also to place their views before the Select Committee.

"One other point I want to touch upon is this: the Hon. Finance Minister in the course of his remarks this morning said that the poorest section of the cinema and drama goers are being taxed lightly, i.e., they are being taxed only to the extent of one-eighth and one-fifth of the cost of the ticket. Thereby he means that this tax is going to be borne almost exclusively by the cinema-goers and the drama-goers. If I remember aright, he made a

[M. Muhammad Ismail Sahib Bahadur] [29th November 1947]

statement on the occasion when the original Bill was being discussed in the House that he would consider my suggestion, viz., that he would see whether it would not be possible for the Government to control the rates of the tax, so that the tax might not fall heavily on the members of visiting public. He does not say anything now about it; he does not at all tell us what the intention of the Government is in the direction of controlling the rates, so that the poor people might not have to bear the tax. I think, Sir, that is an important matter and the Government, I think, will do well to enlighten the public on this question whether they will or will not allow the producers and the cinema and drama-owners to raise the present rates of tickets. With these words, Sir, I wish to support the Bill."

* SRI K. BHASHYAM:—"Mr. Speaker, the Bill as presented by the Select Committee is an improvement on the one originally presented to the House. The Committee has adopted the principle of varying grades of taxes and I think has also adopted the principle that certain exhibitions of art and performances should have a rate much more favourable than the ordinary shows and such things. These two points are of course in favour of the Bill as amended by the Select Committee. I may point out also that this is in addition to what section 8 provides. That section says that on certain kinds of entertainments, no tax shall be levied if the entire gross proceeds of the entertainments are to be devoted to religious or charitable purposes, and there are a number of other sections also to the same or similar effect. Therefore, this protects all those sabhas and musical associations which are getting up entertainment from time to time for the purpose of encouraging art. I however want to submit to-day on the floor of the House that this section is not being properly worked by the department. I mentioned the other day that I knew that in respect of certain entertainments got up by a musical sabha, one of the commissioners who had to do something with the collection of the tax thought it was an entertainment coming under this section, while a succeeding commissioner did not think so, and the matter has still to be decided either by the Government or, if they do not decide properly, by a court of law. I think such things need not happen if, as a matter of fact, instructions are given by the Government in regard to the working of this section 8. That section and the proviso to section 4 which is now to be passed ought to be worked in a liberal spirit. For, after all, when we really want money for expenses, we need not forget the claims of exhibitions of art and other useful utilitarian entertainments. Therefore, while I really support the Bill in its entirety, I should like the hon. Minister to turn his attention to the question as to how it is to be worked.

"One more thing; in the Bill, the rates fixed are immutable; unless the Minister comes forward with another Bill for changing the rates, they cannot be altered. Whether it would not be better for the Government to take permission for changing the rates by merely bringing the matter before the House by means of a notification or resolution, is a matter which might have been considered

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by the Select Committee. They have not done that, but, I hope it would at some future time be considered by the then Finance Minister of Government.

"As regards one or two points made by the hon. Leader of the Opposition, I want to say this: a further publication of this Bill was perhaps not thought necessary by the Select Committee because all the amendments made are in favour of the public. From 33½ per cent, the rate has been reduced to one-fifth and one-fourth; therefore perhaps it was thought unnecessary to republish the Bill. That was perhaps the reason that operated on their mind.

"So far as the rates are concerned, it will be more just possible to make a distinction as regards localities or territories where the cinemas are exhibited. In industrial areas where the industrial population is getting fairly good wages, perhaps a high rate of tax may be justified; but in cases where there is not much of industrial population but only agricultural population whose wages are comparatively low, the tax may be really reduced. Such cases do not seem to have been considered by the Select Committee. That again, I suppose, may be the subject of discussion and consideration later on, if any further amendments to the Bill take place.

"Then, Sir, the other point is with regard to the distinction made between the Indian dances and other dances for the purpose of exemption of the tax. It was also pointed out by the hon. the Lady Member, Begum Amiruddin, that Indian dances alone are to be really exempted and other dances are not to be exempted. I admire the provincial and the patriotic feeling of the hon. the Lady Member; but I must mention that the other kinds of dances are also apt to benefit the Indian dancing. In art, as in culture, you cannot have any territories. Perhaps nowadays, dancing is taught much more than in previous days. I also see some dances but not all kinds of dances." 1-15 P.M.

BEGUM SULTAN MIR AMIRUDDIN:—"On a point of information I may point out that there is no art in the type of dancing that goes on in the Connemara Hotel even according to western conceptions?"

SRI K. BHASHYAM:—"I think I was not clearly understood by the hon. the Lady Member. I never danced in my life. I never perhaps visited so many dances as she has. But, as a man speaking on theory, I think there may be foreign dances which may also give some ideas for improving Indian dancing. Therefore, I think it is not necessary to make a distinction as mentioned here nor do I congratulate the Hon. the Finance Minister for having made that distinction.

"Only one more submission, Sir, and that is about the preferential rates that are mentioned. Government have not taken power to exempt some of these exhibitions from the tax altogether."

THE HON. SRI B. GOPALA REDDI:—"There is power under clause 8."

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SRI K. BHASHYAM:—“I am glad that the Hon. the Minister has taken power to exempt such cases. I really congratulate the Hon. the Finance Minister for having received congratulations in the matter of this legislation from all sides. But it is embarrassing to him for he seemed to blush at some of the remarks that were passed by the hon. Members.”

* MUHAMMAD RAZA KHAN SAHIB:—“Mr. Speaker, Sir, as far as our Finance Minister is concerned, he has got the reputation of being reasonable. My only submission to him is that he should be more reasonable in this matter. Well, Sir, most of the objections raised referred to the cinema industry and the theatres. As far as we are concerned, I may make it quite clear that we are not at all concerned about the incidence of this tax on the cinemas and other film-producers, because we know they are making a good deal of money and are getting very big dividends on their investments. My hon. Friend Mr. R. V. Swaminathan, made some criticism on this point but my own feeling is that these cinema industries are making as much as ten times the money they have put in and so, we have no sympathy for them. At the same time, I do not wish to draw any distinction between the merits of English films or Tamil films or other films nor do I like to refer to Greta Garbo and other film-stars because that is beside the point. My main submission is this. We should spend the money got from this taxation on very good purposes, particularly, as it affects the cinema-going poor people. Unfortunately, people in our country have no sort of recreation. They have not the means to have any sort of recreation. Even the poor people in the towns have no recreation not to speak of the poor people in the villages. Sir, speaking, subject to correction, I may say that in America even middle-class people spend about forty per cent of their income on recreation. So, we do not see how far we are justified in taxing these poor people. While speaking on the first reading of this Bill, we analysed the rates with regard to the various seats and requested the Hon. the Finance Minister to exempt the lower classes of seats from this taxation. The Hon. Minister at that time said that he would consider the suggestion.

“Then with regard to the controlling of the various seats and the prevention of evasions, I may say that the cinema proprietors are very clever people and it is quite natural that they will try to pass on this taxation to the cinema-goers. They will try to increase the rates to such an extent that they will get the extra tax from the people. The other day, the Hon. the Minister said that he would enquire into this matter as the question also concerned the Hon. the Home Minister. Now, Sir, I want to know whether the Government will control the rates for the various seats in the cinemas. I think that is a very important thing; otherwise, the proprietors of the cinemas will anyhow try to evade the tax. The producers of films are already making large sums of money at the expense of the poor people and they will exploit them still further after this legislation is passed.

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“Well, Sir, so much has been said with regard to the disparity between the cinemas and the theatres. I am sorry I was not present when the Hon. the Finance Minister made the opening speech. I wish to point out here that a cinema performance may not bring in more than Rs. 2,000 or Rs. 3,000 in one day, whereas a drama may bring sums more than Rs. 15,000 or even Rs. 20,000. I do not know why we should be so lenient to them and exempt them from usual taxation unless it be that particular theatrical performances are intended for charitable purposes. So, we would like to know clearly from the Hon. the Finance Minister why this disparity should be there.

“Again, Sir, while the Members here have to bear the odium for this tax, the whole of the revenue collected from this tax does not go to Government purposes. I understand that ninety per cent of the tax collected should be spent on local boards. Sir, in this connexion, I think Government should accept the suggestion of the hon. the Lady Member, Begum Sultan Mir Amiruddin, that the revenue collected from this tax should be utilized for the purpose of adult education and things like that. She was perfectly correct when she said that that money should be spent on very good purposes and should not be utilized for the purpose of implementing some fantastic schemes of the local boards. Government should make use of this money for the purpose of giving benefit to the masses of the poor people.

“Well, Sir, my hon. Friend, Mr. K. Bhashyam, referred to the dances in the Connemara Hotel. I wish to state that I am not going to such dances but I may tell him this much. It is a mistake to call the English dance an art. It is really a disgrace to the Indians. It may be a good thing for the Englishmen, but so far as we Indians are concerned, it is something foreign to us. We can never take it that it is an art. I do not know whether it would be possible for the Finance Minister to make further changes in the Bill. If he feels that some of the points raised now are reasonable, I think he should try to give effect to some of the suggestions made in this debate.”

SRI K. ANANDAN NAMBIYAR:—“Mr. Speaker, I wish to add a few remarks to what my hon. Friend, Mr. Venkateswarlu, has said in opposing this Bill *in toto*. Unfortunately, at this stage, we could only give certain amendments and though the Hon. the Minister will not accept the recommendations or amendments, I think they will at least serve the purpose of pointing out the reasons for which we are opposing this Bill.

“Now, Sir, I have already explained my feeling in this matter and that is, by bringing in this measure, the Government are taxing the poor. That has been expressed by everyone in this House, but the hon. the Lady Member, Begum Sultan Mir Amiruddin, said that the poor can bear the extra tax of three pies. Sir, if it is analysed further, it is not merely three pies but it is something more. Even if it is three pies according to her, it is a great burden on the poor people. Already they cannot pay the tax of

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nine pies and if they are called upon to pay this extra three pies, the situation will be very difficult for them. Does it do credit to the Government which is claiming to help the poor man who is already burdened with so many other taxes. My hon. Friend, Mr. N. S. Varadachari, correctly pointed that there is a tendency on the part of the people to evade this taxation. What is the reason for this tendency? Do the Government understand why those people are trying to evade this taxation? If the Government cannot understand the feelings of the people, one day, they will miss the bus. It is very dangerous on the part of a Government, especially, a Government of the people, to neglect the feelings of the people. It is quite evident that the Government are unnecessarily creating panic in the minds of the people."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of order, Sir. Can the hon. the Communist Member point his little finger to the Hon. the Minister for Finance?"

MR. SPEAKER:—"Probably, the hon. Member wants to thump on the table and because there is no table, he is pointing out his finger. In this connexion, I wish to state the practice in the House of Commons where Members used to thump their tables. Just, I will read a quotation from a book written by Mr. Munro for the information of the hon. Members:

'It is the practice of those who sit on the Treasury or Opposition Benches to use these boxes as their pulpits. They often set their notes thereon, and thumb their fists on the oak receptacles to emphasise the salient points in their utterances. Mr. Gladstone, in the course of his long career as Prime Minister and as Leader of the Opposition, punished both of those boxes so severely that the dents made by his signet ring are there to this day, bearing tribute to the vigour with which the great commoner drove home his arguments.'

Probably, if the hon. Member had been provided with a table, he would have thumped instead of pointing out his finger."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information, Sir. Does the Chair propose to provide such desks for the Members to thump?"

SRI K. VARADACHARI:—"From the trend of speeches which the hon. the Communist Member is making, he seems to suggest that his party may be organizing a strike by the cinema-goers."

SRI R. V. SWAMINATHAN:—"I suppose, Sir, in the absence of a table, the hon. Member can make use of the head of his colleague, the other Member of the Communist Party." (Laughter.)

SRI K. ANANDAN NAMBIYAR:—"If the hon. Member, Sri R. V. Swaminathan, were here, I would attempt it. Again, Sir, my hon. friend said that the drama should not be encouraged and it should not be exempted from this tax and that there should not

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be any distinction drawn between a drama and a cinema, because both of them come under the term art. In my view, in the scheme of things as they are to-day, the sort of cinema now screened may not be beneficial to the society. I want to emphasise the fact that no distinction should be drawn between the cinema industry and the drama industry. If Government want to encourage the art and the culture, they should not increase the taxation. By doing so, they are discouraging such art and culture. Academically speaking, the cinema and the drama can improve the culture of the people.

"Again, Sir, the Hon. the Minister cannot say at present how much he is going to get out of this increase in taxation. Government may be losing perhaps. Government may think that owing to inflation, there is a large amount of money in the country and that this taxation will bring in more money but I must say that inflation is due to persons who have got more money want to add more and it is not due to the poor man and so, if Government impose this tax on the poor man, they are not going to be benefited to fight inflation."

MR. SPEAKER:—"The hon. Member may continue his speech after lunch. The House will now rise for lunch and meet again at 2-30 p.m."

The House then rose for lunch.

(After lunch—2-30 p.m.)

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I have already explained that it is not proper on the part of the Government to tax the poor. For this, their argument is, they are only taxing to a very small extent. This is not a proper argument, because the Hon. Minister will see that only 10 per cent of the tax goes to the Government while the remainder goes to the municipalities and district boards. If it is really going to improve the condition of local boards and municipalities, there are other means of taxation. At present the taxation on small houses and huts of the poor people in the municipalities and local boards is practically the same as for two or three-storeyed building . . ."

MR. SPEAKER:—"The hon. Member need not touch on these points; we are on a different Bill altogether."

SRI K. ANANDAN NAMBIYAR:—"I am discussing the purpose of the Bill. If the money is really needed for the Provincial Government, I can understand it, but the money goes for a different authority for a different purpose. If this is conceded, there are other alternative means by which Government can raise taxation and drop this Bill altogether."

SRI P. KANDASWAMI PILLAI:—"On a point of order, Sir. Can a Member be allowed to speak when there is no quorum?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On this point of order, may I submit that the question of quorum arises only when pointed out."

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MR. SPEAKER:—"Of course, if there is no quorum, it must be pointed out. (On counting it was found that more than 36 Members were present.) There is quorum in the House and the hon. Member may proceed."

SRI K. ANANDAN NAMBIYAR:—"My intention is that the municipalities should not be improved by means of this taxation and for that there are other alternative means. Of course, I have my own grievances with the municipalities and local boards and their present administration; their employees are not properly paid and so on."

MR. SPEAKER:—"The hon. Member is going out of the way and touching points which have nothing to do with the Bill under discussion."

SRI K. ANANDAN NAMBIYAR:—"Sir, the conduct of many of the local boards . . ."

MR. SPEAKER:—"I see the hon. Member is again and again repeating the same thing and continuing his speech in the same strain."

SRI K. ANANDAN NAMBIYAR:—"I am not going out of the way, Sir, but am explaining how the money that is to be collected for a particular purpose is going to be used by the local boards and municipalities. I therefore suggest to the Hon. Minister to kindly give up this taxation or reduce it to the extent suggested in the amendment we have brought forward. According to our amendment there need be no taxation to the lowest class up to five annas but above that he can tax up to 20 or 25 per cent as he likes. I therefore request the Hon. Minister to see his way to accept our amendment in the common interests of all those who are deserving, I mean the poor and the suffering people."

* MR. W. J. FERNANDEZ:—"Mr. Speaker, Sir, it seems to me that we have every reason to congratulate the Hon. the Finance Minister on the form in which the Bill under discussion has emerged from the Select Committee. It is a matter for great satisfaction to have watched him keep an open mind throughout the discussion of the Bill and it is also gratifying to find the ready manner in which he has responded to the views or sentiments expressed by Members during the discussion of the Bill. I feel, Sir, like the Member who has expressed this view before myself that the other Members or the Colleagues of the Hon. Finance Minister on the Treasury Bench would do well to take a leaf from the example set by the Finance Minister and if they could come to this House with an open mind and not with any pre-determined idea of carrying the Bill through in spite of all opposition, then legislation would be smoother and much happier and the chances of an Act having to come up for revision at some future date would be fewer."

MR. W. J. FERNANDEZ:—"Sir, the main objection taken to the Bill as presented to this House was, I think, the proposal to levy a uniform tax of 33-1/3

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per cent, especially as that would work as a heavy impost on the poor man who seeks a little relief from the dull monotony of life by going occasionally to the cinema. That was the main objection, if I remember aright. I then said that there would be no harm in levying even double the tax on those who take higher class tickets because they can easily afford to pay the enhanced cost. That being so, I do not understand why though the Select Committee have thought it fit to reduce the tax to 20 per cent in this case there should still be so much opposition. Let us see what is the actual effect of it. Whereas under the 33-1/3 per cent levy, the four-anna ticket would have been raised to 6 annas, and the cinema-goer would have had to pay Re. 0-1-3 extra, now, under the revised rate, the cinema-goer pays only a quarter-anna more, i.e., he will have to pay five annas for a ticket which I am sure nobody will grudge.

"Now, Sir, with regard to the other points, I am not so much concerned with the discussion that has turned on the comparative merits of plays, of dramas, dancing and so forth as against cinemas. I presume the Select Committee gave this matter their very careful attention and after a thorough discussion decided that some concession should be shown to this particular kind of art. My precise object in referring to this is to express my surprise and amusement at the attack made on western dancing by a Member, I think, the hon. Lady Member of the Muslim League, and I do not know why she singled out English dancing for criticism. After all, even English dancing, though I am not a dancer myself, is a form of art and it is not everybody who can step into a ball-room and start dancing straightaway. He has to learn before he can do it. This much I may say. There are opinions and opinions and each one is entitled to have his opinion. We are all familiar with the saying 'The mind is its own place; it can make a Heaven of Hell or a Hell of Heaven.' If one looks with a narrow mind he will see evil in everything; there is evil even in some forms of Hindu dancing. It all depends upon the way we look at it. If we look with a broad mind there is no harm in anything; there is art in everything. I may add this, Sir. It was stressed that the English form of dancing was not exempted from the enhanced rate of tax. I do not know whether there is any merit in it for I do not believe anybody raised the question of English or western form of dancing being exempted from the increased tax; if anybody had raised it and it had not been heard, then I can say, yes, there is some merit in the fact that Government have not seen their way to exempt this particular form of dancing from the increased tax proposed. In fact it has not been raised and therefore there is no point in saying, it is good that that form of dancing has not been exempted. Even though it has not been exempted, we would not ask for exemption, because I view it from a different angle. Government have come forward with a proposal to get funds for a certain specific purpose. They find that in these local boards there is need for more money for various amenities required for the amelioration of the condition of the

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people and so they have come forward with a measure and propose to raise a small tax. After all the impost on English dancing is only two annas more and I am sure all those who patronise this kind of dance will not grudge giving this extra two annas because they know that it is going to be used for a good purpose to help local bodies in giving greater amenities to the people under their control."

* SRI S. NAGARAJA MANIGAR:—"Mr. Speaker, Sir . . ."

MR. SPEAKER:—"I hope the hon. Member will not take more than three or four minutes, because I have already allowed enough time for such a small Bill as this."

* SRI S. NAGARAJA MANIGAR:—"Sir, I wish to congratulate the Hon. Minister for Finance for having brought forward this measure before the House. These entertainments certainly, I am of the opinion, have to be taxed, because they are really luxuries. To-day we are living in a period when we are striving for food and cloth. From 8 oz. of paddy we have gone down to 3 oz. of paddy and from our special quality rice to the worst quality husk. When conditions are such, we have certainly to consider these entertainments as luxuries and I do not see any objection in taxing these. It is said that the poor man is being taxed and our hon. Friends on the Communist side always speak of the poor and say that they are being taxed. The cinemas, instead of imparting good lessons to the people, are only spoiling our society and it is therefore very reasonable that they are being taxed because it will prevent our country-folk from getting chances of learning the vices from the so-called city life. It is very reasonable Sir that the items of music performances, etc., are shown a sort of concession for they really improve the art of our country and import good suggestions at times. Therefore it is that we must support this measure and it is also said that the poor man loses his money by way of this tax but I can say by the introduction of prohibition we thought we could leave some money in the hands of the villagers. But all the money is being now robbed by those undesirable cinemas and we leave them again poor. Therefore, I once again support the measure Sir and I congratulate the Hon. member of the Government for bringing this legislation."

2-45
p.m.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, at the first reading stage of the Bill some of us were doubtful as to whether the Minister had taken care to find out to what extent this taxation will affect the industry itself, whether it will not affect the industry and whether it will not fall as a very heavy burden on the cinema goer and the persons who wish to get some entertainment or other from music performances, dramas and dances like Kathakali and Bharatha Natyam. Sir, our doubts have been disillusioned after what the Hon. the Finance Minister has stated. I have come to the conclusion, Sir, that although the Government

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are anxious to find money from various sources and have found this a very fruitful source for collecting large sums of money for the said purpose of augmenting the resources of local bodies, the Minister is not oblivious to the interest of the industry itself. The report of the Select Committee is before us. The report clearly states how the Minister and the Committee examined parties interested in this industry and those who can deliver the goods on behalf of that industry.

"They were invited and they were consulted and their views were taken into account and the Committee went to the largest extent possible to accommodate those engaged in the industry in order that the industry may not be killed. The fact that has to be remembered in this connexion is that we who are rather outsiders, laymen, who do not know what exactly are the difficulties which the industry is facing have not been able to understand that position simply because we were carried away by the queues of cinema goers we found in front of various cinemas in the City of Madras waiting to purchase tickets. To a very large extent these queues are not an indication of the prosperity either of those who are engaged in the industry or of those who are proprietors of the cinema companies. After examining the persons interested in this industry and business the Committee found that there was no purpose in killing the goose that laid the golden egg. After all our object is not to destroy the source itself whereas the object is to allow the industry to prosper and even the cinemas to prosper so that our collections even without raising the tax would grow more and more year after year. It is only when the industry and the cinemas prosper that this source of tax will grow more and more and we will be in a position to collect the target amount from this source of revenue. The existing tax as has been stated by the Hon. Minister for Finance brings to the coffers of the Government about Rs. 55 lakhs and it is proposed that with the proposed taxation the revenues might come up to 80 or 90 lakhs. We were told by the representatives of the industries that even without increasing the tax by allowing the industry to grow naturally without this additional burden of taxes the revenue would be not only as it is but it will be more than it is expected to be even with this taxation and they represented to the Committee that the additional tax would on the other hand affect the industry to such an extent that the revenue may not come up to the expected amount. Taking all these into consideration and the fact that to-day the whole world is in a mood to go out for entertainment of one sort or the other and puritans, people who abhor indulging and in spending time and money on entertainments, in spite of these attempts, I am afraid, Sir, that this thing will go on. To what extent these entertainments are harmful to individuals who resort to them and to what extent they do really entertain them and to what extent they affect their morals and to what extent they would educate them is a very big question. I believe Sir that it would be necessary in proper time for people to come out boldly

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and try to regulate the very conduct of the people in the world but as things stand to-day, I am afraid, it will not be possible for the reformers or for the puritans to put a restraint on the desire of not only men but also women to go to these cinemas—even for the night shows. That seems to be the tendency of the people not only in this country but the world over. Then while we consider this question we have also to consider whether if we prevent our people going to theatres and cinemas they will not indulge in more harmful entertainments. It is in order to prevent the worse evil we have to accept the lesser of the two evils and carry on. After accepting the lesser evil we have to content ourselves that although we do not wish to check the progress of this institution we have to avail ourselves of the opportunity afforded by this industry to collect some money to the Government and utilise the same for better purposes, for furthering the progress of the civic life of not only the City but the mufassal areas also. That is the object of this tax and I am glad Sir that the Hon. the Minister has come forward with this measure in order to collect more revenues from this source so that the amount could be distributed among the local bodies in the Province. I hope that the additional tax which will be levied under this Bill will not fall heavily upon the poorer classes."

Mr. SPEAKER:—"The hon. Member has given notice of an amendment and he is then going to make a speech. Therefore he should not take much time now."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I may submit Sir, that it is just possible after the latest decision of the Finance Minister I may not move the amendment and that is why I have come forward to express my views on this subject."

"I hope that the incidence of the tax that is sought to be levied on the poorer classes will not sit very high on them for as it is the rates of tickets are such that the tax is also levied on them and the new schedule that will be prepared and included in the Bill will show that the additional incidents of this will not be heavy at all. Therefore, I hope, Sir, that this Bill as it emerges from this Legislature in the shape of an Act will be accepted not only by the consumers but also by those engaged in the cinema industry because there are other institutions like the races and tournaments who will also bear this tax. Then there is a section which gives relief to institutions which are intended for charitable purposes and for dramas and so on for which exemptions are allowed under the existing Act. In view of these concessions that are allowed I hope that those institutions which are in a position to bear the tax will also accept this measure and willingly pay the tax. I hope that the standard of the films will also improve in the future especially that relating to the part of the film where we are supposed to get some humour which will enhance our morals. I hope that a special effort will be made in this direction. With these words, Sir, I have great pleasure to support the Bill brought forward by the Hon. the Finance Minister."

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* SRIMATHI V. LAKSHMI AMMAL:—"அக்ஷிராசனாதிபதி அவர்களே, 3 p.m. இன்று தாமாஷா வரிக்கு திருத்தச் சட்டமானது Select Committee-க்குப் போய் சில முக்கியமான மாறுதல்களுடன் வந்திருப்பதை நான் ஆதரிக்கிறேன். இந்த சபையில் எல்லா கனம் அங்கத்தினர்களால் முழு மனதுடன் Select Committee யாரால் திருத்தப்பட்ட இந்த சட்டமானது வரவேற்கப்பட்டிருக்கிறது. முக்கியமாக நிதி மந்திரி அவர்களுக்கு என்றும் இல்லாத பாராட்டு இன்று கிடைத்திருக்கிறது என்பதைப்பற்றி நானும் என்னுடைய சந்தோஷத்தைத் தெரிவித்துக் கொள்ளுகிறேன்."

"தாமாஷா வரி சட்டத்தில் முதலில் ஒரே மாதிரியாக 33½ per cent இருந்ததைப்பற்றி நான் அன்று ஆதரித்துப் பேசினேன்; ஆனால் அதற்குப் பிறகு அந்தந்தக்கலைகளில் சம்பந்தப்பட்டவர்கள் விண்ணப்பித்துக்கொண்ட பிரகாரம் நிதி மந்திரி அவர்கள் அவர்களுடைய வாக்குகளைக் கேட்டு அதில் மாறுதல்கள் செய்திருப்பது குறிப்பிடத்தக்கது. அதிலிருந்து எல்லோரும் ஒரு விதமான சங்கடம் மின்னியில் இந்த வரியைக் கொடுக்க முன்வருவார்கள் என்பதில் சந்தேகம் இல்லை. ஆனால் கனம் மஜீத் அவர்கள் சினிமாவுக்கு பாரபட்சம் கொடுத்திருப்பதாக குறிப்பிட்டுப் பேசினார்கள். சினிமா கலையே போய் விடும் என்பதையும் அவர்கள் எடுத்துச் சொன்னார்கள். ஆனால் என்னுடைய அபிப்பிராயம் என்னவென்றால் எந்தக்கலையும் வரியை கொஞ்சம் உயர்த்துவதால் அந்தக் கலை போய்விடாது என்பது தான் என்னுடைய அபிப்பிராயம். ஆகையால் ஒரு கலையானது வரியை உயர்த்துவதால் அந்தக் கலையில் மனிதருக்கு அதில் அதிக ஆர்வம் இருக்கவேண்டும். அந்தக் கலையையும் முன்னுக்குக் கொண் வரவேண்டும். கொஞ்சம் வரியை உயர்த்திவிட்டால் கலையே நசித்துப்போய்விடும் என்று வாதிப்பது அவ்வளவு பொறுத்தமானது இல்லை என்று நான் நினைக்கிறேன். இப்பொழுது டிராமாவுக்கும் பாட்டுக்கச்சேரிக்கும் கொஞ்சம் டிக்கட்டுகள் உயர்த்தப்பட்டிருக்கிறது. இம்மாதிரி உயர்த்தப்பட்டிருப்பதால் பாட்டுக்கச்சேரிகளும் டிராமாவும் நசித்துப் போய்விடாது, சினிமா கலையும் வீழ்ந்துவிடும் என்று நினைப்பதற்கு இல்லை." மனித சுவபாவம் என்னவென்றால் நாம் ரூபாய் எவ்வளவு ஜாஸ்திசெய்கிறோமோ அவ்வளவு ஜாஸ்தி பிரியமுள்ளதாக இருக்கிறது அது முக்கியமாகவும் இருக்கிறது. தினசரி வாழ்க்கையில் பார்த்தால் எந்த சாமான் கிடைக்கவில்லையோ அதை எங்கேயிருந்தாவது வாங்கிக்கொண்டு வரவேண்டுமென்று நினைக்கிறோம். எந்த டிராமாவில் டிக்கட் கிடைக்காமல் இருக்கிறதோ அதற்கு பத்து ரூபாயாவது கொடுத்து டிக்கட் வாங்கிப்போக வேண்டுமென்று நினைக்கிறார்கள். இன்று சினிமாவுக்குப்போகவேண்டுமென்று நினைத்தால் அந்த சினிமாவுக்கு அதிகம் டிக்கட் வைத்திருந்தாலும் அதைக் கொடுத்துப் போகவேண்டுமென்று நினைக்கிறோம். ஆகையால் வரியை உயர்த்துவதால் எந்தக்கலையும் நசித்துப்போய்விடாது. நாம் எவ்வளவோ ஆயிரம் ரூபாய் செலவு செய்கிறோம் அதில் லட்சத்தில் ஒரு பங்கு கவர்ன்மெண்டுக்கு வரி கொடுக்கவேண்டுமென்று கேட்கிறார்கள். அது மிகவும் முக்கியமானது. அதைக் கொடுக்க நாம் எல்லோரும் கடமைப்பட்டிருக்கிறோம். ஏழைகளாக இருக்கிறவர்கள் சொல்பம் கொடுக்கிறார்கள், பணக்காரர்களாக இருக்கிறவர்கள் ஜாஸ்தியாக வரி கொடுக்கிறார்கள். ஆகையால் இன்று தாமாஷா வரியை குறித்து உயர்த்தப்பட்டிருப்பதற்கு எல்லோரும் ஆதரிக்கவேண்டும். முக்கியமாக நிதி மந்திரி அவர்கள் முக்கியமான மாறுதல் செய்திருப்பதை நானும்வரவேற்றுக்கொண்டு இந்த தீர்மானத்தை ஆதரிக்கிறேன்."

* THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, I am particularly grateful to the Members of the various parts of the House for their congratulations on the Report on the Bill as it emerged from the Select Committee. I was searching my heart why I am the recipient of so many congratulations and I found that the secret is that I am going to lose a lot of revenue and that has pleased the House. As it was originally contemplated, it was

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a uniform 33-1/3 per cent on all varieties of performances, but as we went into the Select Committee, we examined witnesses who came to us with statistics and with their tales of we and grief, we had to revise the tariff quite a lot. This is the result of our enquiries. So, whenever a Finance Minister is prepared to lose some money he can be sure of receiving congratulations but on the other hand, whenever he comes forward with any little taxation measure, he must be subjected to all varieties of criticisms and condemnations perhaps. When the Report of the Select Committee on the Sales Tax Bill comes before the House, I am sure friends like Mr. Batchelor will be lavish in their compliment on the way in which the report has been prepared and submitted to the House. We had to come to grips with facts and see the exact situation of the film industry; I did not have a ghost of an idea of the cost of production of these films and I was in a way under a delusion by the long queues of people waiting for the tickets at the entrance of theatres. But facts are very telling to show that the cinema industry is not as prosperous as it was supposed to be and many investors have gone to grief and their number is not meagre and those who have actually made some money are very few and far between. So we had to cry a halt to our tariff and see whether we were killing or encouraging art. Friends like Mr. Varadachari accused me saying that in spite of being a student of Shantiniketan I was out to kill art and so I have to be very careful in seeing that we do not kill either any art or any industry, more so the film industry which needs encouragement at the hands of Government. The cost of production has gone up since 1939 and during the war and even now and so we had to take into consideration all factors before we fixed the tariff. There is also the criticism that our Tamil and Telugu pictures are tenth-rate and they can never compete with English and American films. But our field is very limited being in the provincial languages and the films cannot enter even a national market, not to mention world market; they have only a purely provincial market. Even there, in the case of Malayalam and Kannada films their market is very very limited and there are not many Malayalam pictures as these can only be exhibited in one or two districts and so they can never produce first-class pictures. Hindi pictures have a better market; but our Telugu and Tamil pictures are comparatively few and the paying capacity of our people being very limited, our investors cannot invest such large amounts when they are sure that they would not get such good returns. These facts have been prominently presented to us by the people who are in that field and we had to take into consideration all the facts as we cannot be oblivious of the difficulties under which the cinema producers are labouring under. I have been accused by one friend for giving preference to dramas and by another friend for not giving preference to cinemas; it is very difficult to choose whether the Government should encourage the cinema or the drama. But

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our Select Committee has rightly come to the conclusion that the drama should be given encouragement because there is just the likelihood of its supersession by the cinema itself. The drama is being objected to by my hon. Friend Messrs. Venkateswarlu and Anandan Nambiyar also and they have deprecated any preferential treatment to dramas and music kutcheris because only the rich people visit these performances whereas the poor only go to cinemas. So, they say, tickets less than five annas should be completely exempted. I do not know whether the Communists have forgotten that the drama can be made into a powerful weapon of propaganda for carrying on propaganda among the masses much more than the cinema—the silver screen—as my friend Mr. Majid would have it but which I would like to call lyric celluloid and the cinema can never attain that place which the drama occupies in the field of propaganda. When we are out to do propaganda whether it is the drink evil, or the agrarian difficulties under which our people are labouring, or mass education, the drama will have a far more telling effect on the people than the cinema. The drama, as we have seen during the last ten or fifteen years, is fast being superseded and it is but right that a preferential rate should be fixed for dramas. We have a long heritage in dramaturgy and among our ancients of the 8th and 9th centuries, there were many playwrights and there were performances in Sanskrit in the Darbars of our Rajas and Maharajas. We were far advanced in dramaturgy and apart from Bharata shastra there were other classical works in Sanskrit which gives great many details of the dramatic art. When such an art has fallen on evil days when people are not encouraging or patronizing dramatic performances, it is but right that the Government should take a lenient view when imposing taxation on performances. I am not apologetic for giving preference to dramatic performances which is in urgent need of encouragement.

“Music kutchery in the Telugu districts is not a paying proposition. Some wealthy gentlemen must bring the artist and he must give the performance; otherwise he would not attract any audience at all and if there is gate money, perhaps you will not even get the railway fare to get the artist back to Madras or to Tanjore wherefrom most of the artists come and it is a sorry spectacle to see that even though eminent musicians have come to some places like Bezvada or Cocanada there are not enough people to buy tickets and encourage music kutcheris, except perhaps in the City of Madras. Even in the Tamil districts I am afraid that they do not attract large audience and the gate collections are very poor. So, Sir, music kutcheris had to be given that concession.

“As regards Indian dance, I do not want to enter into a discussion as to whether European dance is superior to it, or which

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is bad or good, for I am not a connoisseur to say that such and such a thing is good or bad. In fact it is not for me to do so at all; for it is not my purpose here; I am only concerned with taxation. My own feeling is that Western dance is being patronized by the higher class of people who can be asked to pay a higher rate of taxation. The question is whether it needs preferential treatment. In the Select Committee we considered that point and we thought that Western dance which caters to the higher class of people need not be given preferential treatment. But Indian dance with its many varied aspects, which took a long time to train one, for which a heavy sum had to be paid to the training master, if taxed a higher rate, we thought, could not stand, and the art would slowly die. So we thought to give it a preferential rate.

"Lastly come the exhibitions. The exhibitions given in the city in the recent months I know did not fare well. I have known one or two exhibitions have lost actually. I know the exhibition opened by the Congress President, Acharya Kripalani, sustained heavy loss and a great many concessions had to be given to that. Likewise promoters of exhibition came forward and said that it served as a sort of education to people to show what articles are manufactured and how they are manufactured, and so the idea of cultural and educative value of exhibition were taken into consideration and it was decided to give it a preferential rate of taxation. And so we decided that all these four entertainments, namely, dramatic performances, music performances, Indian dance and exhibition of all varieties have to be given preferential treatment.

"Sir, while cinema does not need that preferential treatment, as I said and as I admitted in the beginning that cinema industry is a very costly affair and, as I said, many have lost in it more than those who have gained in it; whatever it is, we had to impose some tariff. It is for the benefit of the local bodies, who are in need of money that we had to do it. It is no use caviling at the local bodies as being inefficient. Whether they are inefficient or not, we have to provide them with money for elementary education, public health, sanitation, etc., and as long as we impose that responsibility on them, it is necessary that we should give them funds so that they can take all precautions against cholera and smallpox, impart education to its people, maintain their roads at a high level of repair so that pedestrians and motorists can make use of them in a proper way. So long as this responsibility is laid on the local bodies it is but right that Government should give them money by way of grants, loans, and entertainment tax liberally to work efficiently.

"For the first time we have departed from the principle of taxing performances not on the net value of the tickets but on their gross value. I know the Zamindar of Mirazapuram has given notice of an amendment for this, and when it is moved we will

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see what will become of the amendment. The Select Committee has decided that the following should be the basic rates of entertainment tax:—

'(1) Where the payment of admission is not more than five annas, the tax leviable shall be twenty per cent of the gross value.

(2) Where such payment is more than five annas, but does not exceed rupee one and annas eight, the tax leviable shall be twenty-five per cent of the gross value.

(3) Where such payment exceeds rupee one and annas eight, the tax leviable shall be thirty-three and one-third per cent of the gross value.'

We have fixed twenty per cent tax on the five annas ticket because we have been seeing the touring cinemas are making a lot of money; we feel the people have large money due to Prohibition or otherwise and so they could afford to pay it. Below five annas we have not increased the rate of tax. Now on the existing rates how this taxation works out is that where people are paying 9 pies as tax will have to pay 12 pies, that is, a quarter of an anna more. Now when we have to make up a deficit of 60 to 70 lakhs it is not much to demand a quarter of an anna from the cinema-goer. I can only say that the Select Committee have gone carefully into the question and we do not want to kill the goose that lays the golden egg. We do not want to kill the cinema industry. We want to give a fillip to Tamil and Telugu film production, we want them to flourish so that they may give something to Government by way of tax. Unless we encourage them they cannot be expected to pay; and as a partner of the cinema industry I am anxious that the cinema industry is put on the proper place. So with these words I move that the Bill be taken into consideration."

The motion was put and carried.

Clause 2.

Clause 2 was put and carried.

Clause 3.

MR. SPEAKER:—"Mr. Venkateswarlu has given notice of an amendment and I hope he will not take more than three minutes for it."

* SRI PILLAIAMARU VENKATESWARLU:—"As it is a simple matter I shall not take more than three minutes and as it is a simple matter I hope the Hon. Minister for Finance will accept it.

"Sir, I move that in the proposed section 4 (1), item (i) shall be omitted and the following shall be substituted for items (ii) and (iii):—

Rate of tax.

'(i) Where such payment is more than five annas but is not more than twelve annas, One-fifth of such payment.

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|---|-----------------------------|
| | Rate of tax. |
| (i) <i>Where such payment is more than twelve annas but is not more than one rupee eight annas.</i> | One-fourth of such payment. |
| (iii) <i>Where such payment is more than one rupee eight annas.</i> | One-third of such payment. |

Sir, the second amendment I shall move afterwards. Sir, as I have said, the amendment is very simple and it is for the Minister to see that he accepts it. Just now we heard him say that in the Select Committee all aspects of the question were discussed thoroughly and only rich have been asked to pay more. If you examine the Bill you will see the rich have not been asked to pay more. I would like him to ask how much he is getting from this taxation from the higher classes, how much from the middle classes and how much from the lower classes. It will be seen that he is getting more from the middle and lower classes and very little comparatively from richer classes. In the mufassal those who go to the higher classes of seats are not paying anything at all; they are going free. Most of them will be the relatives of the cinema proprietor or his thick friends. So it is only the middle classes that are actually paying. If you take into consideration the rate of tax the lower class was originally paying, you will see that under the Bill they are asked to pay 100 per cent more. So it is not merely 20 per cent that is really raised. The Hon. Minister for Finance has not explained why it is so.

3-30 p.m. "Even above 5 annas and below Rs. 1-8-0 the rise is cent per cent. Previously it was 12 per cent. Now it is raised to 25 per cent. That is why I say that the poor and the middle class people are asked to pay more. I have very strong objection to that. I ask, at least you can give the same concession to these as you have given to the musical concerts, etc. As a matter of fact in musical performances like those given by Srimathi M. S. Subbalakshmi they are earning Rs. 10,000 and Rs. 15,000. From that they can even expect 50 per cent share. Instead of bringing such a radical measure the Hon. the Finance Minister is coming forward to lay his hands on the poor and middle class people of our population. That is the greatest injustice he is doing.

"Another point which I want to point out is that in the film trade the producers are dividing the collections in the theatres in the ratio of 60 per cent for the producers and 40 per cent for the proprietors of the hall. In this taxation proposal also the Government could take a percentage of the collection, namely, 10 per cent or 30 per cent from the cinema proprietors, and they should not resort to a measure such as the present one. That is why we are saying from the beginning that when we are dealing with a measure of taxation we must first see where the incidence falls. Here it is clear that it is the middle class and the poorer classes of the population who will have to bear the burden. That is why, Sir, I request the Hon. the Minister for Finance to accept my amendment.

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"One more point, Sir, and I have done. I have heard my hon. Friend in the Muslim League Benches, Mr. Majid, and I am sure that if he had been here he would have supported my amendment. In his opening speech he stated that the greatest injustice was being done to these people. That is why I now appeal to my friends in the Muslim League Benches to think once again over this amendment and support it. With these words, Sir, I move my amendment."

SRI K. ANANDAN NAMBIYAR:—"Sir, while seconding the amendment moved by my friend, I want to answer certain points which the Hon. the Minister for Finance has raised. He said that 3 pies was too small an amount. I should like to use the same argument, Sir, and say, because it is too small an amount, it should be given up. Why do they want such a small amount for them. I want the poor man to have this small amount in his pocket. Why should the Government take that away. Even if it is too small an amount let the poor man enjoy the benefit of it and let not a big Government get this poor man's too small an amount. The Hon. Minister said at the same time that Prohibition has done the greatest good to the people and that they have got money in their pockets. If that is so, why should the Government in another way want to take back that money? The Government should let the poor man enjoy that money. If he goes and enjoys a cinema, he thereby encourages the cinema. The Government say: 'Do not drink toddy; to overcome your temptation go to the cinema, go and drink coffee, drink tea.' But at the same time there is a tax on tea, there is a tax on coffee and there is a tax on entertainments and everywhere there is a tax. So the benefits of Prohibition are not derived by the poor man. It is true that the Government have brought in Prohibition and they have done immense good to the people but here they are undoing whatever benefit they bestowed by Prohibition. I therefore request the Hon. the Finance Minister to accept our amendment which clearly show that he is at full liberty to tax the rich man."

* THE HON. SRI B. GOPALA REDDI:—"I am sorry, Sir, I am unable to accept the amendment. I shall read out the present tariff of rates and the proposed tariff. On one-anna tickets the present rate is 3 pies, the proposed rate is also 3 pies; on two annas the present rate is 3 pies, the proposed rate is 6 pies; on three annas the existing rate is 9 pies and the proposed rate is 6 pies; on four annas it is 9 pies to 12 pies and on 5 annas tickets it is raised from 9 pies to 12 pies. So, Sir, in the case of two annas tickets it is raised from 3 pies to 6 pies and on 3 annas tickets it is falling down from 9 to 6 pies and on four annas and five annas tickets alone it is raised from 9 pies to 12 pies, that is, the rise is by about a quarter of an anna.

"Mr. Nambiyar has conveniently used my own argument against me and he says: 'When it is small, why not you give it up?' It is so small, Sir, for an individual cinema goer but when

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it is accumulated in the form of a tax and it goes to the Government, it becomes Rs. 55 lakhs a year. What is a quarter of an anna to an individual becomes a few lakhs for the Government and so the Government will not be in a position to lose those few lakhs of rupees. So, Sir, I oppose the amendment."

The amendment was put and lost.

MR. SPEAKER:—" Mr. Abdul Hameed Khan is not moving the amendment."

* SRI PILLALAMARRI VENKATESWARLU:—" Mr. Speaker, Sir, I move that in the proviso to the proposed section 4 (1), the following shall be substituted for item (i) and items (ii) and (iii) shall be renumbered as items (iii) and (iv):—

Rate of tax.

- (i) Where such payment is more than One-eighth of such twelve annas but is not more than one rupee eight annas. payment.
- (ii) Where such payment is more than One-fifth of such one rupee eight annas but is not more than three rupees. payment.

While commending my amendment for the acceptance of the House I should like to bring to the notice of the House another clear factor. In the Bill, the Hon. Minister for Finance should have fixed the rates both for the cinemas and for musical concerts and dramas so that the proprietors of both the cinema houses, etc., may not raise the rate. If the rates were fixed, then the Government will be in a position to understand how much it is going to get. Unfortunately my amendment to this effect has been declared to be out of order and it could not even see the floor of the House. But my main point is to see that the middle and poorer section of the people are not unnecessarily hit. I can understand the anxiety of the Hon. Minister for Finance to collect more money for the Government and he has said that they would be getting Rs. 55 lakhs by means of this taxation. I can understand his anxiety and I sympathize with him. But I say that he does not tax the proper person. Persons who are rich, as the gentleman sitting before me, can always pay but people like me cannot pay. That is why I say that if these cinema proprietors and the producing centres are taxed, there may not be much difficulty in the collecting of the money. To this point the Hon. Minister has not given an answer. I want an answer at least this time. I am sure, Sir, he will answer the point to my satisfaction.

"Coming to the amendment, Sir, I say it is a very simple amendment. I say that where the payment is more than 12 annas but less than Rs. 1-8-0, the tax should be one-eighth of such payment. My main point is that below 12 annas you should not tax. Now, Sir, there are so many dramatic associations that are rising up in the villages. They stage dramas and they collect funds only for their existence. If this Bill is passed as it is, they will have to

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pay tax even for performances like these. That is, amateurs who just want to train themselves into big actors will also be taxed. When we want to improve our culture, such persons should be shown some preference. After all, none of these big companies will fix annas 12 as the rate even for the lowest class. I am even prepared to reduce it to annas 10 if my amendment would be accepted. Let us encourage art. The Hon. Minister himself has been in the Santiniketan. We must encourage at least such of the dramatic troupes which go round the villages to give performances there. I agree with the Hon. Minister that drama is the best form of propaganda. Therefore we must encourage them and not curb them. At least small troupes must be allowed some margin and consideration must be shown to them by the popular Government. There is no use saying that every drama must be taxed. I can understand big companies who are earning thousands of rupees being taxed. After all, to-day our dramas do not represent our art. They are in decadence. It is therefore the job of the Government to see that the dramas and the art are improved. It must be done either by starting schools or by paying special attention to them. That is why, Sir, in the name of the development of the art and culture I appeal to the Hon. the Finance Minister to accept my amendment."

SRI K. ANANDAN NAMBIYAR:—" While seconding the amendment, here again, I say that there should be a minimum to be fixed for taxation. We say that the minimum should be fixed at 12 annas for shows running in villages. We want to say that the amateurs can collect up to a limit of 12 annas without a tax and use that for their expenses and bring about whatever improvement to the art they can. That does not mean that the Government should go and tax even there and get some money from them. Let the big companies that are floated for the purpose be taxed. I cannot understand such a taxation being imposed on poor persons who just conduct *therukoothu*, etc., in villages. We say that there should be a minimum and we suggest the minimum to be 12 annas. The Hon. Minister is not going to lose much. It is only a matter of encouragement of art. I appeal to him to agree to this."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Mr. Speaker, you have heard many speeches on the point that poor people are going to be affected by this taxation. It is in the way of helping the Government I suggested to the Hon. Minister to make a statement or a promise saying that he proposed to regulate and control the price of tickets with a view to give some relief to the people. But the Hon. Minister has not been pleased so far to refer to that topic. If the Government will pay some attention to that aspect of the matter, it will really give some relief to the people while bringing some money to the Government."

* THE HON. SRI B. GOPALA REDDI:—" As regards the point raised by hon. the Leader of the Opposition just now, I regret to say, Sir, that the Government are not in a position to help in the

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matter. We can only use our moral influence with the cinema proprietors. We have no power to compel them to fix rates as desired by the hon. Leader of the Opposition. But we are conscious of the matter and I am trying to get in touch with the Film Chamber and some individual cinema proprietors with a view to discuss the matter with them in view of the entertainment tax that we have now proposed. Beyond that I cannot do anything and the Legislature has not given me any power to compel the companies to reduce the rates.

"My friend Mr. Nambiyar originally objected to any preference being given to dramas. But here he has pleaded . . ."

SRI K. ANANDAN NAMBIYAR:—"I only said, Sir, that there should not be any discrimination. I did not say that the drama should be discouraged. I said that both should be dealt with on a par with other entertainments."

* THE HON. SRI B. GOPALA REDDI:—"We have already given a big preference in favour of dramas, music kutcheris, etc., and it is much below the existing tariffs. It is only one-eighth of the payments. That is two annas in the rupee or one anna for every 8 annas. If it is 12 annas ticket, it is just one and a half anna. So it is not much that we want. On a twelve annas ticket for a drama the person can afford to pay $1\frac{1}{2}$ annas to the Government. The existing rates for dramas are:—

On a 6 annas ticket	..	..	..	..	$1\frac{1}{2}$ annas.
7	"	..	..	..	$1\frac{1}{2}$ "
8	"	..	..	..	$1\frac{1}{2}$ "
9	"	..	..	..	$1\frac{1}{2}$ "
10	"	..	..	..	$1\frac{1}{2}$ "
11	"	..	..	..	$1\frac{1}{2}$ "
12	"	..	..	..	3 "

Hereafter it is going to be $1\frac{1}{2}$ annas. So it will be a 50 per cent concession or 100 per cent concession. Whatever it is, I cannot accept the amendment."

MR. SPEAKER:—"I shall put the amendment of Sri P. Venkateswarlu to the vote of the House."

The amendment was put and lost.

THE ZAMINDAR OF MIRZAPURAM:—"Mr. Speaker, Sir, I beg to move the following amendment:—

"In the proposed section 4 (1), the following proviso shall be inserted at the end of item (iii) and before the existing proviso:—

"Provided that in the cases of cinema shows the tax shall be levied on such payment after excluding the amount of the tax."

My object in moving this amendment is to see that the Government do not levy a tax on the tax itself. The amendment is a simple one and I hope the Hon. the Finance Minister will accept

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it. There seems to be an impression in this House that the cinema producers are making tons of money and that the production of a film would cost only a couple of lakhs. That was what was said by one of the hon. Members of the Muslim group. The production of a film is a very costly affair. It takes much time and money. Ninety-nine out of 100 films are failures according to my knowledge. Only about one or two films are a success and the rest are miserable failures. Therefore the producers cannot make tons of money. With these few words, I appeal once again to the Hon. Finance Minister to accept the amendment."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"I second the amendment."

* SRI R. V. SWAMINATHAN:—"Sir, I rise to oppose the amendment moved by the Zamindar of Mirzapuram. The original idea of the proviso was not to give any special preference to the cinema industry. I agree that the cinema industry is a national industry and deserves to be encouraged. But the way in which the industry is conducted in this Province makes us not to give it any encouragement. One reason is this. They are spoiling the industry itself. Why should we help people who are spoiling the industry itself? Many small people with a few thousand rupees and with some other motive come into the field to produce films, and without completing them they run away. They are the black sheep in the film industry. They bring bad name to the industry as a whole. Therefore in order to prevent these people coming into the industry and in order to help big producers to come up and take interest in the art and industry, we want this clause. After eliminating small people who come in with ulterior motives, if the producers in Madras raise the standard of the films to the level of Hollywood films, we can consider the giving of special preference to the films. Till then, I have to oppose the idea of giving any special preference to the film industry. Hence I oppose the amendment moved by the Zamindar of Mirzapuram."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I rise to support the amendment moved by my hon. Friend the Zamindar of Mirzapuram. I am sorry my hon. Friend Mr. Swaminathan has thought it fit to oppose the amendment. All the arguments advanced by him for opposing the amendment hold good for supporting the amendment. As stated by the mover of the amendment, it is not proper for the Government to tax even the tax itself. The proposal in the Bill would amount to taxing the tax itself. By accepting the amendment of the Zamindar of Mirzapuram we will be freeing ourselves from that charge. The second reason in support of the amendment is that we will continue the existing arrangements and the *status quo* will be maintained. People are familiar with the present arrangements and will find it difficult to note any change. Besides we will be giving further relief to the lowest class ticket purchasers. Let us take an example. The lowest class ticket in most of the theatres in Madras costs

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Re. 0-4-9 including the tax. If we accept the amendment, the cost will not be enhanced. It will be an advantage to the lowest class of cinema-goers. My hon. Friend Mr. Swaminathan said that we need not show any special consideration now to the cinema producer. I do not know how he can advance that argument, for it does not make any change whatsoever so far as the revenue derived by the cinema producer or the proprietor is concerned. He will get exactly what he would get if we did not accept the amendment. For the tax is not so much on the proprietor of the theatre as on the cinema-goer. In view of that, I do not see how my hon. Friend can advance the argument that the cinema proprietor or the producer will be benefited if we accept the amendment."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, from the way in which my hon. Friend Mr. R. V. Swaminathan spoke it looked as though this House and the party to which the hon. Member belongs are for a total and wholesale condemnation of the cinema production in this country. It created such an impression in my mind and I believe it has created a similar impression on others also. Sir, we do not share his views, at any rate, I do not share his views. We do not consider that the films produced in this country are so bad as to deserve wholesale condemnation. I believe the Government do not share the view expressed by Mr. Swaminathan. We believe that the cinema industry also must be encouraged. The cinema industry has become a national industry and there are ways and means of improving it. Any day it can come up to the Hollywood level and even to a higher level in technique and art. It depends on the producers, the sympathizers and the habitual cinema-goers like my hon. Friend Mr. Swaminathan. The way in which he emphasized the word *we*, created such an impression of condemnation of the Indian cinema and I want to dissociate myself from that impression."

* SRI K. VARADACHARI:—"Mr. Speaker, I was rather amused by my hon. Friend Mr. Swaminathan's disinclination to help the cinema industry in any manner on account of the fact that they are producing very bad films or very bad themes. At any rate, they were not to his taste. Tastes differ in every matter and the cinema producer has got to cater to the different tastes if he is to keep the industry alive."

"With regard to the amendment moved by the Zamindar of Mirzapuram, the only test to be applied to it is whether it accords with the intention of the original Bill, namely, to get more income. If the scale of taxation proposed by the Select Committee really affects the industry and this results in diminishing returns, the very object of the Bill will be frustrated. We must examine the amendment of the Zamindar of Mirzapuram in that light. I have always thought that it is not proper to tax the entertainments too much though they deserve to be taxed. You should not kill the golden goose that lays the golden eggs. (Laughter.) I deliberately use the words 'golden goose' because the goose

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itself is golden here. (Laughter.) It is not an ordinary goose that you are killing. It is a golden goose that you will be killing if you tax it too high. If we stick to percentage rates of taxation, it will create confusion. It will be better for the Government to accept the amendment in principle and fix a schedule of rates for each class of ticket, so that there may be no loopholes for evasion or wrong calculations.

"Sir, in my opening speech on the Bill, I had something to say against the cinema industry not on the grounds stated by Mr. Swaminathan, but because the cinema industry has to be improved by measures taken by the Government, so that it may have more and more of moral, cultural and artistic value. There should be a thorough provision for controlling and censoring the films produced. (An hon. Member: 'Why not the Government themselves select the actors?') The selection of actors in the present stage of development has to be largely left to the producer himself because he has to cater to the taste of the particular section of the public that he wants to satisfy. Of course, people with personalities like me (laughter) and with a very bad voice like mine could not be thought of by any film producer. The only way in which people like me could be used is to test our weight against motor tyres and similar things. We have witnessed such exhibitions in some of the cinemas."

"In my speech on the original Bill, I pleaded for the creation of a national theatre and the establishment of a Provincial Arts Council to control the activities of this national theatre. I also said that this national theatre should train people in cinema and other arts so that men and women of the best type could be supplied both to the drama and the cinema industries; and that a portion of the revenue yielded by the Entertainments Tax could be applied to a purpose like that. Set apart at least ten per cent of the income to this national theatre and the Provincial Arts Council. If that is done, there will be some justification for utilizing the revenue from the Entertainments Tax. I had said that this tax would be justified only if the proceeds were not utilized for wholly inartistic purposes, and even now I hold the view that local bodies are the most inartistic institutions in the world."

* SRI T. S. PATTABHIRAMAN:—"Mr. Speaker, Sir, I have great pleasure in supporting the amendment moved by the Zamindar of Mirzapuram. All that he is asking the Madras Government to do is to adopt what has been adopted in the United Provinces and Bombay. It is very vicious to tax the taxation and some friends clearly pointed out that it was an injustice to the picture-goer and the theatre-owner. There is every justification for the Government to accept the amendment and give some relief to the cinema-owner and the cinema-goer."

"I wish to say a few words about the rather unpleasant remarks made by Mr. R. V. Swaminathan on the floor of this House. He has shown very great prejudice, and I do not see any basis for his

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statement that Indian films do not come up to the standard of foreign films. This is a very sweeping statement without any basis, and it is a pity that it should be made by a member who has had enough of cinema-going, as he himself admitted. I do not know what class of pictures he attended; perhaps he has seen pictures of the worst type and has come to this conclusion. He should have seen pictures like 'Miss Malini' which is now exhibited in Madras, or 'The Unexpected' or 'Dr. Kotnis'. They are classics by themselves and can stand comparison with the world's best production."

* SRI R. V. SWAMINATHAN:—"On a point of personal explanation, Mr. Speaker, may I state that my reference was only to the films produced in Madras. My hon. Friend is referring to 'Dr. Kotnis' which is one of the best pictures in India, but it has been produced in Bombay."

* SRI T. S. PATTABHIRAMAN:—"But so far as 'Miss Malini' is concerned, it is acclaimed to be a masterpiece production over which every Madrasi should take pride, except perhaps my hon. Friend."

"With these words, I have great pleasure in supporting the amendment moved by the Zamindar of Mirzapuram."

* THE HON. SRI B. GOPALA REDDI:—"I am accepting the principle of the amendment because it is in conformity with the Entertainments Tax Act obtaining in the United Province and Bombay as has been pointed out by my hon. Friend Mr. Pattabhiraman. After the amendment was given notice of, I hurriedly looked into the United Province and Bombay Acts and found that the tax on cinemas was levied there after excluding the amount of the tax. So I want to give this concession to cinematograph exhibitions alone, and bring the Bill in conformity with the United Province and Bombay Acts. In all other cases it will be inclusive of the tax. This is a very big concession and it means the loss of a few lakhs of rupees to the Government. But the principle involved in it seems to be very fair and, as the Zamindar of Mirzapuram pointed out, it amounts to taxing the taxation. Hence I am allowing the concession to cinematograph exhibitions alone. So I accept the principle of the amendment and wish to move that clause 4 of the Bill be re-drafted. The proposed re-draft incorporates the principle involved in the amendment moved by the Zamindar of Mirzapuram."

MR. SPEAKER:—"I suggest to the hon. Member, the Zamindar of Mirzapuram, to withdraw his amendment. Then the Government amendment can be moved. I think that will be a better procedure."

THE ZAMINDAR OF MIRZAPURAM:—"I beg leave of the House to withdraw my amendment."

The amendment was, by leave, withdrawn.

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* THE HON. SRI B. GOPALA REDDI:—"I move—
'that for proposed section 4, the following shall be substituted:—

"4 (1) On each payment for admission to any entertainment, there shall be levied and paid to the Provincial Government (except as otherwise expressly provided in this Act), a tax (hereinafter referred to as the entertainments tax) calculated at the following rates, namely:—

Rate of tax.

Where such payment (inclusive of the amount of the tax)—

- | | |
|---|-----------------------------|
| (i) is not more than five annas ; | One-fifth of such payment. |
| (ii) is more than five annas but is not more than one rupee eight annas ; | One-fourth of such payment. |
| (iii) is more than one rupee eight annas. | One-third of such payment. |

Provided that in the case of cinematograph exhibitions, the tax shall be calculated at the rates specified above on each payment for admission after excluding from such payment the amount of the tax;

Provided further that in the case of dramatic and music performances, Indian dances and exhibitions of works of art, manufacture, agricultural products or other articles, or any other exhibitions specified by the Provincial Government by general or special order, the entertainment tax shall be paid on each payment for admission to the entertainments at the following rates, namely:—

Rate of tax.

Where such payment (inclusive of the amount of the tax)—

- | | |
|---|-----------------------------|
| (i) is not more than three rupees ; | One-eighth of such payment. |
| (ii) is more than three rupees but is not more than five rupees ; | One-fifth of such payment. |
| (iii) is more than five rupees. | One-third of such payment. |

(2) Where the payment for admission to any entertainment (exclusive of the tax in the case of cinematograph exhibitions and inclusive of the tax in all other cases) is less than one rupee, fractions of an anna in the amount of the tax shall be rounded to the nearest quarter of an anna; and where such payment is one rupee or more, such fractions shall be rounded to the nearest anna, half an anna being rounded to the next higher anna."

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The amendment was put and carried.

Clause 3 as amended was put and carried.

Clauses 4, 5, 6, 7, 1 and the Preamble were put separately and carried.

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

'that the Bill be passed into law.'"

* SRI R. V. SWAMINATHAN:—"I am not going to take much of the time of the House."

MR. SPEAKER:—"Rather the hon. Member cannot take much time."

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, the Principle of the amendment moved by the Zamindar of Mirzapuram has been accepted by the Hon. Finance Minister and a concession has been shown to the cinema industry.

"The hon. Members, Mr. Pattabhiraman and Mr. Viswanatham, in replying to my speech criticized my views. If they have inferred from my speech that I am against the cinema industry, then they are both wrong. If they say that the films produced in Madras are equal to those produced in other parts of India, like 'Dr. Kotnis' in which Mr. Shantaram has acted and directed, I am sorry to say that my hon. Friends Messrs. Pattabhiraman and Viswanatham have not developed their taste as much as I have."

SRI K. BRAHMANANDAM REDDI:—"I rise on a point of order. Mr. R. V. Swaminathan wanted to offer a personal explanation and he has already offered it. There is no point in reiterating it. The remarks that he is now offering have nothing to do with the Bill."

* SRI R. V. SWAMINATHAN:—"I think I am right in what I am saying. I made that bitter criticism with the best of intentions in order to see that good films are produced in this Province, and not with the intention of opposing the film industry. I hope the film producers in Madras will appreciate the special concession shown to their industry and develop the quality of the films they produce."

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

(2) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION TO RYOTWARI) BILL, 1947—*cont.*

4-15 p.m. MR. SPEAKER:—"The Hon. Sri Kala Venkata Rao will now continue his speech on the Zamindari Bill. He said yesterday that he would take one hour more to finish his speech for the introduction of the Bill. Now it is 4-15 and I think the House may sit till 5-15 so that he may introduce his Bill."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, we are not going to bring the discussion on the Bill to a close to-day. The Hon. Minister can continue his speech on Monday also, if he cannot introduce it to-day."

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* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I do not want to recapitulate what I have said yesterday evening in connexion with this Bill. I should like to start straight-away by giving certain facts to the House.

"Sir, the total area in each of the Provinces which is governed by the Permanent Settlement System is as follows:—

Province.	Area in millions of acres.
Bengal	37.37
Bihar	3.46
Orissa	9.13
Assam	3.92
Madras	12.84
United Provinces	0.71

The rest of the areas are under different types of voluntary systems.

	ACS.
The area of the Province of Madras	85,691,520
Out of this the ryotwari area covers	27,661,319
Zamindari	12,842,230
Whole inam	3,396,108
Minor inams	3,600,000

	RS.
In the fasli 1356, i.e., last year, the peish-kush was	47,49,958
Rent roll	1,99,53,538
Jodi	7,36,040
The number of whole inam villages were	6,978
" zamindari villages	5,809
" estates	9,788
Of which the zamin estates were	2,810

"Next, Sir, as I promised yesterday, I should like to deal with the question of Inams first before I go to the main provisions of the Bill. The hon. Sri K. R. Karanth who was my predecessor in office stated on 31st January 1947 on the floor of the House as follows:—

'As regards inams, if the conditions are similar there, and if it is the desire of the House they too might be included. Personally, I found the condition of the cultivator in inam villages to be worse than that of the zamindari area. Because while the zamindar has a large number of villages to feed upon, the single village inamdar has to depend upon one village only.'

Now, Sir, I should like to give the House a few details about the history of this inam legislation which has created a furore in certain quarters in this Province. The Madras Estates Land Act Committee had dealt with inams in Chapter XI of Part I of its

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report. In this chapter the Committee has examined how inams were treated before the Estates Land Act was passed in 1908 and how they have been treated subsequently. It has summarised the evidence tendered before it by the inamdars. The chief points urged by the inamdars before the Committee were (1) that they were not in the same position as the zamindars; (2) that inam villages had been broken up into small pieces by sale, partition or otherwise, (3) that it was a hardship to have brought such cases within the scope of the Madras Estates Land Act and (4) that this was calculated to deprive inamdars of their kudivaram rights. After examining the several enactments passed in respect of inams since the time of the Permanent Settlement, the Government have come to the view that the provision of the Madras Estates Land Act I of 1908 and that the Amendment Act XVIII of 1936 in so far as they govern inam villages are opposed to a set of special laws governing inams which are still in force and affect the title of inamdars and their rights created under Regulation XXXI of 1802 and the Inam Acts passed later and are therefore *ultra vires*.

"The Committee says that all inams, big or small, major or minor, were taken away from the scope of the Permanent Settlement Regulation XXV of 1802 by Section IV thereof and were excluded from the assets on which the permanent assessment was based and that at the same time Regulation XXXI of 1802 was passed for investigating into and testing the validity of titles of persons holding inams and such other grants and determining whether they were liable to pay public revenue and if so, what assessment should be fixed. The Committee observes—'The first step taken in 1802 was to exclude inams from the Permanent Settlement Regulation and base the recognition of inamdars' title on actual possession whereas the recognition of zamindars' title was based on the assignment of the melwaram interests of the Government to the zamindars for a consideration.' The Committee's views in regard to each of these classes are as follows:—

Excluded inams.—These are governed by separate Inam Regulations and Rules and it was therefore wrong to have included inam villages coming under this clause within the definition of 'estate' in the Estates Land Act, 1908. They have no place in a measure (Estates Land Act) which was intended to deal exclusively with permanently settled estates and should therefore be removed from the Act altogether.

"Then, Sir, with reference to post-settlement inams, they say, that section XII of the Permanent Settlement Regulation XXV of 1802 prohibited grants of inams from out of permanently settled estates by landholders.

"Then, Sir, with reference to included inams, the Committee say that there have not been cases of this kind and that there may be a few cases in which inams for some special reasons may have been included in the assets by special agreements between the Government and the old poligars or zamindars, by which the

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Government surrendered their reversionary rights to the landholders. Such inams having been included in the assets at the time of the Permanent Settlement will naturally become part of the estate and the ryots of such inams will be entitled to claim both fixity of tenure and fixity of rent granted to them at the time of the Permanent Settlement.

"If the view of the Committee that all inams, major or minor, were excluded from the scope of the Permanent Settlement Regulation by section IV thereof is correct, then the question of 'included inams' does not arise at all. If any inams were included in the assets for the purpose of the Permanent Settlement then that was done in contravention of section IV of the Regulation and was therefore illegal. In this view there is no ground for treating 'included' inams in a manner different from excluded inams. There are also inam villages which are unconnected with permanently-settled estates and are situated outside the ambit of such estates and in the midst of ryotwari areas. They fall neither under the category of 'excluded inams' nor under the category of 'included inams'. The Committee makes no mention of such villages.

"As regards 'post-settlement inams', it is a misnomer to call them 'inams'. All inams were, according to the Committee, excluded from the scope of the Permanent Settlement Regulations by section IV thereof. If any inam was granted by the landholder subsequent to the Permanent Settlement, that inam could only have been carved out of or drawn or derived from the land forming part of his estate. So long as the peishkash payable to the Government on the entire estate is paid, the Government are really not concerned with such inams. The Committee, however, takes the view that such inams are invalid and quotes section XII of the Permanent Settlement Regulation.

"All that this provision means is that the proprietor cannot make a grant of land in his estate so as to make the land granted immune from the payment of peishkash which was fixed on the entire estate. The object of the provision is only to protect the right of the Government to collect their peishkash from every portion of the estate. The provision does not mean that the landholder is debarred from setting apart land in his estate for whatever purpose he may like or from waiving the rent due to him on such land.

"The Inam Rules were however only executive orders which could not affect the position created by the Permanent Settlement Regulation. The Government have no right of revision in respect of any land forming part of an estate permanently settled under that regulation so long as the peishkash is paid. The Committee's view that post-settlement inams are invalid and are liable to be resumed by the Government appears to be erroneous.

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"The kudivaram right is thus with the ryot and the melvaram right is with the zamindar. Nothing is therefore left for the Government to resume when a post-settlement inam comes to their notice.

"The laws relating to inams passed since the time of the Permanent Settlement up to 1908 when the Madras Estates Land Act was passed are the following:—

- (1) Regulation XXXI of 1802.
- (2) Regulation IV of 1831.
- (3) Regulation VI of 1831.
- (4) Act XXXI of 1836.
- (5) Act XXIII of 1838.
- (6) The Madras Enfranchised Inams Act IV of 1862.
- (7) The Madras Enfranchised Inams Act IV of 1866.
- (8) The Madras Inams Act VIII of 1869.
- (9) The Pensions Act XXIII of 1871.

Sir, I do not propose to take the House into the details of all these Acts that were passed by the Government that was in power.

"It may be examined whether, as stated by the Committee, there is conflict between the provision of the Regulations and Acts mentioned by me and those of the Madras Estates Land Act as subsequently amended, and if so, what conflict there is. It will be seen that the only laws which were in force when the Madras Estates Land Act, 1908, was passed were,—

- (1) The Madras Enfranchised Inams Act IV of 1862.
- (2) The Madras Enfranchised Inams Act IV of 1866.
- (3) The Madras Inams Act VIII of 1869.
- (4) The Pensions Act XXIII of 1871.

It will also be seen that none of these Acts has anything to do with the relations between inamdars and their tenants and that they deal only with the rights of the inamdars as against the rights of the Government in inams. Acts IV of 1862 and IV of 1866 restored the jurisdiction of civil courts in respect of enfranchised inams. Act VIII of 1869 was passed to correct the mistake made in the title deeds and in Acts IV of 1862 and IV of 1866 by the use of the word 'land' with reference to the inams and to make it clear that 'inam' so far as the Government were concerned was only a grant of land revenue and could not affect ownership of land. The Pensions Act of 1871 deals specifically with pensions and grants by Government of money or land revenue and not with the ownership or occupancy right in the land.

"In 1908, inam villages on which the land revenue has been granted in inam were placed on the same footing as zamindaris. They were treated as estates and brought within the scope of the Estates Land Act.

"Minor inams were specifically excluded from this Act. In 1936, by the Madras Estates Land (Third Amendment) Act XVIII

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of 1936, all inam villages were brought within the definition of 'estates' in the Estates Land Act. The section as revised in 1936 runs as follows:—

'Any inam village of which the grant has been made, confirmed or recognized by the British Government notwithstanding that subsequent to the grant, the village has been partitioned among the grantees or the successors-in-title of the grantee or grantees.'

It is not clear wherein exactly lies the conflict between the provisions of the inam laws mentioned above and the provisions of the Estates Land Act as subsequently amended.

"The Committee says that the inam laws were specifically passed for regulating the relations between the inamdars and their tenants. This view does not appear to have any basis."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I point out, Sir, that the Hon. Minister is only reading his speech from the manuscript. It would be better if the speech is printed and circulated, so that it may be helpful for every member of this House to follow his speech."

* THE HON. SRI KALA VENKATA RAO:—"My hon. Friend is absolutely incorrect, Sir. There are certain points, sections and laws which I cannot keep in my memory and I am only reading those from the manuscript. Wherever I have got a comment to make, I am making it extempore. As will be seen from what I have stated, only whole villages granted in inam come within the scope of the Estates Land Act. By the Act of 1908, whole inam villages of which the land revenue alone had been granted in inam were treated as estates. But by the Act of 1936, all whole inam villages were made estates. The contention of the Inamdars Associations that there has been disintegration of inam villages to a very great extent, that some inamdars are in occupation of only a few acres of land and that therefore it was inappropriate to have treated them as estates, is not a new one. The same argument was raised even in 1908 when the Madras Estates Land Act, 1908, was passed. It was raised in a memorandum which the inamdars submitted to the Governor-General in 1934 and again in 1936 when the Bill which became Act of 1936 was discussed in the Legislative Council. It was represented that the petty inamdars were economically no better than ryotwari holders or minor inamdars who are not governed by the Estates Land Act. The Government have decided that the rights of inamdars cannot be made to depend upon whether there has been a subdivision of the village or not. The quality of their rights is the same both in the cases where there has been a subdivision and in those where there has been none. From what I have stated, it is very clear that from the beginning, the question of inams did not occupy a position different from that of the zamin, so far as amendments to the Estates Land Act were concerned.

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"Now, Sir, I would like to take the House into the scope of the present Bill. More than once I have stated the implications of the Bill in the press and on the platform, and almost all the members would have been aware of it. I would only like to summarize now what I have said earlier. The Bill applies to all estates governed by the Madras Estates Land Act of 1908 and, as I have stated earlier, it also applies to whole inam villages which became estates in 1936. The estates which the Government propose to take over will first be notified by the Government under Section 1, subsection (3) of the present Act. I think, on and from the notified date, the consequences mentioned in section 3 will ensue. The estate including all communal lands, porambokes, waste lands, forests and other non-ryoti lands and all minerals and irrigation works and also buildings, houses, etc., in connexion with the administration of the estate will vest in the Crown free of all encumbrances. The estate will cease to be an estate and become a ryotwari area in law. Then there are arrangements for interim administration and survey and settlement in this Act. A manager will be appointed generally to manage the estate, till a ryotwari settlement is effected, to collect the land revenue on ryoti lands of the estate and to make arrangements for the incorporation of the estate in due course as part of the ryotwari area of the district. The estate will be run more or less on ryotwari lines but as a separate entity from the beginning. If it has been surveyed already, the new survey will be limited to what is necessary for the introduction of the ryotwari settlement. This is necessary because in certain estates that were already surveyed, even the landmarks are not kept intact. The cost of survey or resurvey excluding the cost of survey marks, etc., will be borne by the Government themselves. After the survey has been made, a settlement will be effected, and it will become a ryotwari area. Some of the estates will be taken charge of as soon as this Bill becomes law, and then we will start on the settlement operations, and we will try to finish them as early as possible. The Bill also provides for an interim payment to all the proprietors, landholders, etc., in the interim period from the date of taking over of the estate to the date on which it will be finally taken over, of compensation, etc., provided for in the rules.

"With reference to the determination of compensation, as you are aware, the Bill gives the principles as well as the scale of compensation. As the Bill is in the hands of hon. Members, I do not think I need go into every detail that is contained there. The principle is this: that the rent in the estates should be levelled down to the ryotwari tax; that means that whatever might be the rent roll of the present estate after survey and settlement, it will be brought down actually to the ryotwari level. Out of that total, one-third is taken. You may ask why one-third is taken. The principle on which the permanent settlement was made in 1802 was on this basis: two-thirds was taken by the Government as peishkash and one-third was left over to the landholder. Then, why should we bring it down to the ryotwari level, will be your

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next question. The answer is very simple. There are two explanations given as to why the rent-roll went up to Rs. 2 and odd crores. One that it was due to the extent of cultivation and another that it was due to rackrenting. We will be unable to fix the actual extent of cultivation over the extent of 1802 simply because there was no survey in 1802; but we know this much that there was a definite increase in the extent and this increase cannot be ascribed to the actual extent of cultivation that came into vogue after the year 1802. It is definitely due to rackrenting also, as we can see from the statements furnished by the zamindars themselves to the Prakasam committee. There are places where there is a rent of Rs. 64, Rs. 54, Rs. 44 per acre in the zamindari areas, whereas in the ryotwari areas, it will not reach even 50 per cent of that amount. I can only say that in many zamindaris there were curious systems obtaining. In the Pithapur estate, till the year 1860 when the Court of Wards took it up, there was a system of vontuwardi; according to that system, if a cultivator was paying Rs. 5, if another offered to pay Rs. 6, and the occupant cultivator should pay it, or he should cease to be the tenant. In this way, it went on increasing, with the result that in the year 1947, the amount had risen to the extent of Rs. 2 crores in all the zamindari areas. Therefore we deemed it right to reduce the rent to the ryotwari level, so that both the questions of extent and of rackrenting may be met easily.

"Then, as regards the scale of compensation, it takes into account the income of the estate. We are well aware of the progressive system of taxation, how the tax levied should vary according to the income. Reversing that the person who has got a small estate is given a larger compensation than the person who owns a big estate. There is nothing unusual in it, and I hope the House will accept it."

SRI S. NAGARAJA MANIGAR:—"I want to know, Sir, what will be done in the case of estates where the rates are already lower than the ryotwari rates."

THE HON. SRI KALA VENKATA RAO:—"I would have answered that question myself in the later portion of my speech; and I shall do so.

"Then, Sir, after making the basis one-third, we have to deduct certain charges to which the zamindar was made liable from the year 1802 onwards; those charges are mainly irrigation expenses and the cost of administration, not to speak of others. This we have commuted at 13 and 1/3 per cent, and therefore the actual basis for compensation will come to 20 per cent of the gross annual reduced ryotwari level of the present rental, according to this Bill. The Zamindari Rent Reduction Bill as well as this Bill both contemplate a reduction of the rent only to the same level and not different levels.

"Then as regards the apportionment of compensation, the provision says in section 13 (1) that it should be dealt with according to the Hindu law itself.

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“ With reference to the mode of payment, it has been decided that the mode of payment will be according to the rules that have to be framed by the Government in terms of this Act.

“ There is also provision for the appointment of a tribunal to examine the history of all the private lands in the estate in terms of the definition of ‘ private land ’ contained in the Madras Estates Land Act of 1908 and later amended in 1936. We have also provided for the existing staff as far as possible and we have made also a number of general provisions by which the landholder will not be entitled to collect rent from the ryots after the estate will be taken over.

“ Sir, it has been argued both in this House and outside that the zamindars were given property in 1802 and so if we want to take it away, we must give full compensation. I have already explained that what was given to the zamindar in 1802 was not property at all and therefore he is not entitled to get the market value or compensation for the property value of his estate. I can also point out what is after all, ‘ property ’. ‘ Increasingly under the pressure of philosophical and political criticism, property has come to be looked upon less as an absolute individual right and more as a social function which must serve the common interests and satisfy the needs of the whole national community.’ ‘ Property carries duties with it. Its use shall, at the same time, be service for the general good ’ (Article 153 of the Weimar constitution). In this twentieth century, the idea of property has entirely changed and all the new constitutions that came into vogue in this century took a different view of property from that held in the previous century.”

SRI A. VAIDYANATHA AYYAR:—“ On a point of explanation, Sir.”

* THE HON. SRI KALA VENKATA RAO:—“ I do not want any explanation now. After all, the jurisprudence which my hon. Friend would seek to expound every time is ‘ but the will of the class made into law for all and the will whose essential characteristic and direction are determined by the economic theories of existence of your own class.’ Every system of Government sustains a corresponding system of property. To change the one is to change the other. In the longer perspective, it is the Government that creates property. Property is not wealth or possessions, but the right to control, exploit, use or enjoy wealth or possessions. Implicit in all the activity of Government is the right vested in Government itself, is its right to control property rights which are its own creation. When the Government ruthlessly overturns property rights, former rights simply cease to exist. In the constitutions of the various modern states, Governments are limited in their right to alienate private property. But constitutional limitations are placed not on the state itself, but on its organs, and are subject to revocation by the ‘ ultimate sovereign ’ within the state, viz., the Legislature. Private property of large land-owners has been frequently expropriated by measures of expropriation, compensation being paid in varying degrees for the land so expropriated.

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And how can this property be called ‘ property ’ when according to the law of certain countries, men like Prince Esterhazy in Hungary owned 200,000 acres, Prince Von Hohenlohe Oehringen of Eastern Germany owned 103,440 acres and Count Von Auresberg of Yugoslavia owned 75,000 acres. In every one of these countries in this century itself, property was dealt with and property was taken over, not exactly under confiscation, but by paying compensation. The amount of compensation paid had relation to the social ideas that are prevalent in the world to-day.

“ Then, Sir, I can also quote Sir George Forrestt who wrote in the year 1936 that ‘ Cornwallis uses proprietorship in soil in the oriental and not in the English sense. He only recognises limited and not absolute proprietorship ’.

“ Then, Sir, coming to the question of compensation and the amount that has got to be paid as compensation, I wish to say this. After all the amount of compensation to be paid should also bear a relation to the social ideas prevailing on the date. Further what are we compensating the zamindar for? This question must naturally be considered. We pay them compensation for the right to collect the rent which was vested in the zamindar since 1802 and for nothing else. As I have already stated, it is not the market value of the property that should be considered but it is only the inherent right in the property that has to be considered. As I have already explained, the amount of compensation will depend upon the way in which we are able to raise the necessary finances. But, this will not in any way injure the actual quantum of compensation that has to be paid to any particular person according to the terms of the Act. Then, Sir, the arrangement is this. We propose to pay in cash some amount and to keep back some specified percentage of the compensation because there may be some interim period before the final figure of compensation can be arrived at by means of survey and settlement. The question has been raised whether Government could not pay the compensation straightaway on the present calculations, but Government will be a loser if they do so. About the financial implications of this scheme, I may say that according to present calculations, there will be an increase of a crore of rupees which will come to the Treasury as an addition to the revenues.

“ Then, Sir, a point has been raised why charitable inams should not be excluded from the Bill. Sir, the party to which I have the honour to belong, has decided that charitable inams should not be excluded and Government have agreed with the suggestion of the party.”

SRI A. VAIDYANATHA AYYAR:—“ On a point of order. Is it open to the Hon. the Revenue Minister to refer to parties here or to mention about parties and party decisions here?”

SRI R. V. SWAMINATHAN:—“ Is it not a fact”

MR. SPEAKER:—“ Two hon. Members cannot stand simultaneously”

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* THE HON. SRI KALA VENKATA RAO:—"I would not have mentioned about party decisions except for the fact that Mr. Vaidyanatha Ayyar has been constantly referring to them in this House and I fear he will refer to them again."

* SRI A. VAIDYANATHA AYYAR:—"I was overruled yesterday."

* THE HON. SRI KALA VENKATA RAO:—"Then, I will not refer to it, Sir, as it injures the conscience of Mr. Vaidyanatha Ayyar. I would only say that a suggestion was made to the Government to exclude charitable and religious inams and the Government have not agreed to it and they have decided to include the inams for the simple reason that the benefits that are to go to the tenant by means of the reduction of the rents on the abolition of the intermediaries should not be kept off from the tenants in these two types of inams. It will not be moral or right to make the tenant in these inams to continue to pay the same higher rates of rents while the tenant of the ordinary inam village will be paying rents at much reduced rates. For instance, the tenant in an ordinary inam village will get his rental reduced from Rs. 30 or Rs. 40 to Rs. 10 whereas the tenant in a charitable inam will continue to pay the same rent of Rs. 40. Therefore, in order to benefit one and all and to avoid having one rate in one category of whole inam and another rate in same type of inam but a charitable one. So for the sake of uniformity of tenure, it has been decided to include all the inams in the Bill. I may also mention, Sir, that charitable institutions and temple institutions are practically social institutions and they are running a number of educational, medical and other institutions and therefore Government have decided that in view of the reduction of income which will result from the general reduction of this rental, Government should make good the difference between its present income and its reduced income from out of the public exchequer."

SRI A. VAIDYANATHA AYYAR:—"From the taxes of the poor!"

* THE HON. SRI KALA VENKATA RAO:—"Sir, the poor will not suffer in this matter. The poor are already suffering and this Bill is intended only to help them."

"Then, Sir, some questions have arisen with reference to the small inamdars and this question is now engaging the attention of the Government. Although I cannot promise that their rental will not be reduced, Government may yet think out a formula which will give some relief to them either by a higher compensation or in some other manner."

"Then, Sir, the question of arrears has been raised and we have provided for wiping out the arrears subject to the payment to the Government of two years' arrears of rent."

SRI R. V. SWAMINATHAN:—"What about temple inams?"

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THE HON. SRI KALA VENKATA RAO:—"The charitable inams and the temple inams, as I have mentioned, have to go together. With regard to the question of arrears, as I said already, we have provided for the wiping out of these arrears subject to the payment of the Government of two years arrears. Now, Sir, the Legal Department and legal opinion have advised us that without the payment of compensation for those arrears, we will be unable to wipe out those arrears. We are considering the proposal whether arrears also should be reduced to the ryotwari level."

"Then, Sir, there is the question of primogeniture. Personally, I am against this right of primogeniture and it was also severely criticised by Mr. Brodwick. As I have no time to read an extract from his statement, I am not doing so. But, Sir, certain legal opinions have been received favouring it and I think the Select Committee will go into this question and consider it in its proper aspect."

"Then, Sir, there is a proposal to levy a betterment tax. You know that some of these pattadars will get their rents reduced as a result of the abolition of the zamindaris and they therefore get a benefit out of this. There is a proposal that the difference in this case, the whole or part of it, should be taken for one or two years from those persons as part of the compensation to be paid to the zamindars, so that the burden of the Government in paying the compensation may be lightened. The betterment tax will of course not fall on the small people but it certainly can be levied on big people who can afford to pay it."

"Then, Sir, I would like to refer to another thing. Certain criticisms have been advanced that in the reduction of rent, certain principles created in previous years by the Legislature have been given a go-by. In this connection, I wish to say this. I referred to the 1802 rates. I was once advocating these 1802 rates and I had supported its adoption on the floor of this House also but that was in a different set of circumstances. The principle now that I am advocating is that the tax on the land should also follow a progressive principle. Therefore, there is no particular sanctity attached to fixing the rates according to 1802 rates or 1702 rates or even 1602 rates. In the present system, the 1802 rates will not very much help the country. Again, a smaller man will have to be taxed at a particular rate and men owning one hundred acres or one thousand acres must be made to pay higher rates. (Hear, hear). Therefore, Sir, when we want to introduce the principle of progressive taxation, there is no particular reason why we should resort to the 1802 rates."

SRI A. VAIDYANATHA AYYAR:—"On a point of order, Sir."

THE HON. SRI KALA VENKATA RAO:—"I am not going to yield. Hon. Members may have their opportunity to speak and then I will reply to them. I am not in favour of the 1802 rates for the simple reason that I want to evolve a different kind of land

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tenure legislation for the ryotwari areas, both for the existing ryotwari areas as well as those that would be converted into ryotwari areas after the passing of this Bill. I want to introduce a different type of taxation under the particular principle of the law of progression. You will appreciate the position if you take it into your mind that, after the abolition of the zamindaris, we will have to recast the whole system of land tenure in a manner which will be conducive to the principle of progression and that we will have to evolve a tenancy law reform regulating the relations between the cultivator and the pattadar and such other enactments for the amelioration of the peasants. I cannot give any idea to this House at this juncture upon the nature of the measure but Government will have to consider all these things so that it will help the cultivator to put more vigour into the cultivation and to take more interest in it and also to cater to the people at large the benefits acquired thereby.

'Now, Sir, the picture before you is clear. After the abolition of the zamindaris, and the introduction of a system of progressive taxation followed by a clear definition of the tenants' rights, all these things will of course be subject to the provision that there will be no more transfer of property. These and such other things have to be dealt with in a proper manner, if not immediately, at least in the near future. I am trying to keep within time, Sir.'

MR. SPEAKER:—"I have consulted the Hon. the premier and the Hon. the Leader of the Opposition and they are agreed that we can sit till 5-15 p.m. to-day."

THE HON. SRI KALA VENKATA RAO:—"I am trying to finish it before that time. Then, Sir, I must state that the British interests coincided with those of the intermediaries, and as political power passed into their hands they turned the ijaradars—tax gatherers—into full-fledged owners of lands and cultivators into tenants. Changed circumstances have led to hideous rack-renting, grinding down masses with a nicety and perfection associated with only machines of iron and steel. Rent is a wholly unnecessary payment. Even if rent takers disappear land will still continue to yield as much produce as before. From cradle to grave the peasant's life is one long span of unlimited misery. He labours and waits, but the day of redemption does not draw near. 'Gloomy discontented coarse and clavish, hapless missing link between the beast of burden' was the definition given by one great English Poet. It has brought into existence a rural society where there are a few in whom proprietorship of land is vested with interests different from those who till it. The ratio of rent receivers to cultivating tenants is 8:125 and as a result of the Permanent Settlement, there came into existence a class of owners who had no connection with agriculture, who knew nothing of the location of the land nor of the crop raised on it or the man who tills the land and pays the rent. Reform of the land system which is so urgently needed involves the removal of intermediaries between the peasants and the State and the rights

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of intermediaries are to be acquired by payment of equitable compensation. The peasant will no longer have to pay the higher rent and the State will not be loser of revenue, and the lot of the peasant will be improved to the extent of the difference between the two amounts. The present landlord who is tyrannising without limit and the oppressed tenant who suffered too long both have to disappear; in their place will arise a peasant who is at once the proprietor as well as the wage-earner. Some of these reforms should be brought and therefore, there is no use suggesting that the zamindaris should not be abolished. In regard to the view held by the Rajah of Venkatagiri that the zamindaris should not be abolished, I would like to quote what Llyod George has stated: 'There is no graver mistake than to leap the abyss in two jumps.' Movement does not constitute progress, merely because of velocity. Progress can have meaning only in relation to completeness and according to the picture that I have now presented we want to have complete progress in terms of the hard-working man on the soil itself.

"Before I conclude, Sir, I would like to quote the words of Markham, the man with the hoe:

*'Bowed by the weight of centuries he leans
upon his hoe and gazes on the ground,
The emptiness of ages on his face
And on his back the burden of the world.
Through this dread stage the suffering ages look
Finis's tragedy is in that aching stoop
Through this dread shape humanity betrayed,
Plundered, profaned and disinherited,
Ories protest to the powers that made the world
A protest that is also prophecy.'*

Sir, in these words of Mr. Markham which refer to the agriculturist who actually tills the soil, I would like to appeal to the House to take into consideration the complete picture, as I have presented and help in the first stage of the abolition of the estates in this Province.

"I am thankful to you, Sir, for having given me an extension of time, but I have succeeded in timing my speech before the time allotted."

MR. SPEAKER:—"So, I have to congratulate the Hon. Minister on that."

* THE HON. SRI KALA VENKATA RAO:—"I have also to thank the Chair, the Hon. Premier and the Hon. Leader of the House for having contemplated to give me some more time, but the hint came a little late and I finished my speech earlier. All the same I thank them also. I should also thank the House for having given me a patient hearing. This great legislation is contemplated by this Government, as representatives of the people, is in fulfilment of the election pledge which the Congress gave in 1946, I hope it will have their full support—also in respect of all the measures which the Government have brought forward in this direction—and I expect the House would pass my motion to refer this Bill to the Select Committee.

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SETTLEMENT AND CONVERSION TO RYOTWARI) BILL, 1947

[Sri Kala Venkata Rao] [29th November 1947]

"Sir the points that I have raised in the latter portion of my speech will be considered fully in the Select Committee stage.

"I thank you, Sir." (Loud applause).

SRI T. PRAKASAM:—"Sir, I request the Hon. Revenue Minister to tell this House what instructions or advice the Congress High Command sent to this Government with regard to the Zainindari and Inam systems. That is, a two-page typed matter, which is reported in the press, is said to have been sent to this Government. I would like that letter be placed before this House, Sir."

THE HON. SRI KALA VENKATA RAO:—"The hon. Member will be in order if he had asked me within the Party. The High Command has nothing to do with the proceedings in this House, but still I wish to state that all the advice tendered by the High Command has been incorporated in the suggestions I have made towards the end of my speech."

SRI T. PRAKASAM:—"In the Party meeting it was refused to be read out."

MR. SPEAKER:—"We have nothing to do here with Party meetings."

SRI T. PRAKASAM:—"When I asked for it, it was refused there and it is here that I am entitled to ask."

THE HON. SRI KALA VENKATA RAO:—"He is not entitled to ask for it and I am not entitled to reveal it here."

MR. SPEAKER:—"There is no motion now for discussion. I must first read the motion and then only a discussion can take place. Only on Monday next I will read the motion and when the motion is before the House, any member can rise up and we shall have a debate. I now adjourn the House."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"On a point of procedure, Sir. I thought the Revenue Minister said that he has finished his speech and moved the motion and it is necessary to put it to the House."

MR. SPEAKER:—"What I say is, the Hon. Minister has moved the motion before the House for debate, but I must first read that motion so and so is for the discussion of the House and I will do it on Monday next."

THE HON. DR. P. SUBBARAYAN:—"You are quite right in this matter. When the time is up it is for you to decide when you will put the question to the House. You have evidently decided to put it on Monday morning and there can be no grouse about it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, the Hon. Leader of the House was not here when you said that the

29th November 1947] [Abdul Hameed Khan Sahib Bahadur]

House will sit till fifteen minutes past five. (The Hon. Dr. P. Subbarayan: I was here then). That being so, we have still got ten minutes more within which you can propound the motion and then adjourn the House."

THE HON. DR. P. SUBBARAYAN:—"Might I point out for your consideration, Sir, that the House is entirely in your hands and you have decided to adjourn the House now. There is, therefore, no point in the hon. Gentleman's point of order."

MR. SPEAKER:—"Apart from that, of course, I asked the House to sit till 5-15 because the Hon. Mr. Kala Venkata Rao wanted a few minutes more. It is for that purpose I requested the House to sit till then but he has finished his speech earlier. So, I shall read the motion on Monday."

"I now adjourn the House to meet again at 11 o'clock on Monday, the 1st December 1947."

The House then adjourned.

A-12

G.O. No. 231, P.H., dated 1st February 1933.

A-13

[29th November 1947]

APPENDIX I.

[Vide answer to starred question No. 507 asked by Sri S.C. Balakrishnan at the meeting of the Legislative Assembly held on the 29th November 1947, page 808 supra.]

Statement showing the strength of students according to communities in the various Government Medical Colleges.

Community.	Madras Medical College.	Stanley Medical College.	Andhra Medical College.	Madura Medical College.	Guntur Medical College.
Brahmans	205	124	94	23	17
Non-Brahmans	405	233	187	32	51
Muslims	97	43	17	16	8
Indian Christians	161	99	52	13	19
Anglo-Indians	26	18	..	2	..
Europeans	6	..	..	..	..
Harijans and depressed classes ..	19	13	4	13	2
Buddhists	1	1	..	..	..
Parsees	1	..	..	..	..
Jains	..	1	..	..	..
Jews	1	..	..	..	..
Total	922	532	354	99	97

APPENDIX II.

[Vide answer to starred question No. 510 asked by Mohamed Abdul Salam Sahib Bahadur at the meeting of the Legislative Assembly held on the 29th November 1947, page 811 supra.]

REPORT OF THE BOARD OF STUDIES.

BOARD OF STUDIES FOR HOMEOPATHY.

[Appointed under G.O. Ms. No. 2742, P.H., dated 16th September 1946.]

Minutes of the meeting of Sub-Committee I—Sub-Committee to consider the question of registration of Homeopathic practitioners (including existing practitioners) held at 3 p.m. on 19th October 1946 at the Government School of Indian Medicine, Madras.

The following members were present :—

Dr. S. R. U. Savor.

Dr. S. Raman (alias Ramaswami),

Dr. G. Srinivasamurthi.

Read the draft report prepared by the convenor.

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It was approved with certain modifications as shown in the report sent herewith.

(Signed) G. Srinivasamurthy.

(„) S. R. U. Savor.

(„) S. Raman.

REPORT.

From the information available so far, registration for Homeopathic practitioners in India seems to have been instituted in Bengal and the Indian States of Indore and Travancore in the manner indicated below :—

(1) *Bengal*.—Separate registration for Homeopathic practitioners was instituted in 1941 under an executive order of the Government of Bengal, namely, Resolution No. 1568 (Medical), dated 24th June 1941. The object aimed at and the circumstances leading to the promulgation of the said executive order were set out in the opening paragraph in the following terms :—

“The Homeopathic System of Medicine having attained wide popularity in the Province, it was considered by Government in the interest of the public to regulate the profession.

Accordingly a conference of representative Homeopathic practitioners of Calcutta was convened by the Hon'ble Minister in 1937 to consider the question of establishing a General Council and State Faculty of Homeopathic Medicine in Bengal. The Conference unanimously supported the proposal and agreed that a General Council and State Faculty of Homeopathic Medicine on the lines of the General Council and State Faculty of Ayurvedic Medicine should be established as early as possible in Bengal with the object of stimulating a systematic study of the Homeopathic System of Medicine and of differentiating trained Homeopathic practitioners from the untrained ones.”

(2) *Indore*.—Registration for Homeopathic practitioners in Indore is not by an executive order as in Bengal but by a special legislative enactment, viz., The Indore Medical Act (Act No. 2 of 1936). This is a comprehensive enactment providing for registration of medical practitioners generally—practitioners of Allopathy, Ayurvedic, Unani and Homeopathy.

(3) *Travancore*.—As in Indore, registration in Travancore is also by a legislative enactment, viz., Travancore Medical Practitioners Act of 1943. This is also a comprehensive legislation encompassing in its view medical practitioners in general including practitioners of Allopathy, Ayurveda, Siddha, Unani and Homeopathy. In Bombay provision for registration of Homeopathy could be understood to have been provided for under 18 (b) and 32 (c) of the Bombay Medical Registration Act, 1938. The present position for registration of medical practitioners in Madras is as follows :—

(1) *Allopathy*.—Registration is by a legislative enactment Act No. 4 of 1914.

(2) *Indian medicine*.—Registration is by an Executive order G.O. No. 231, P.H., dated 1st February 1933.

[29th November 1947]

So far, the practice of Homeopathy in Madras Province has not been regulated by registration. Our view is that it should now be regulated by registration.

Pending enactment of a comprehensive legislation for medical practitioners generally as in Indore, Travancore and Bombay, it is recommended that a move in this direction be made by modifying the executive orders governing registration of Registered Practitioners of Indian Medicine in such a way to include in its purview the registration of Homeopathic practitioners also and provide due representation on the Central Board of Registration for Registered Practitioners of Homeopathy. As a first step, this seems to us to be the easiest and simplest procedure to adopt under present conditions and also the most convenient and economical, from administrative standpoint. The conjoint professional control of recognized Homeopathic dispensaries as well as recognized institutions of Indian Medicine in this Presidency has already been provided for by vesting such joint control in the Principal, Government School of Indian Medicine. Conjoint registration for homeopathic practitioners along with practitioners of Indian Medicine will therefore fit in well with existing conditions.

Special provision for existing Homeopathic practitioners.

Existing practitioners are of two classes, viz.—

(1) Those who possess registrable qualifications as may be prescribed or recognized hereafter by the Government.

(2) Those who do not possess a registrable degree, diploma or other registrable qualification.

In the case of the former, no special provision is necessary. In the case of the latter, however, it is considered desirable and necessary on general principles to make special provision, at the time when registration is first instituted provided the existing practitioners apply for registration within a specific period prescribed in the rules. It is recommended that, following this practice, a special provision be made along the following lines :—

Every person who, within the period of two years from the date when registration for homeopathic practitioners comes into force proves to the satisfaction of the Registering Authority that he has been in regular practice as a homeopathic practitioner for a period of not less than four years preceding the date on which he makes his application for registration for being registered as a Homeopathic practitioner shall be eligible for registration.

If the general principles indicated above are approved the work of framing specific and detailed rules for implementing the same may then be undertaken.

[29th November 1947]

Board of Studies for Homeopathy.

[Sub-Committee Meeting.]

At a meeting of the Sub-Committee to consider the course of studies for (a) qualifying as practitioners in Homeopathy and (b) post-Graduate courses in Homeopathy, held on Tuesday, the 8th October 1946 at 3 p.m. at No. 9, Gopalakrishna Road, Thyagarayanagar, the following persons were present :—

- (1) Dr. Gururaju.
- (2) Dr. G. V. Subba Rao.
- (3) Dr. N. M. Jeysoorya.
- (4) Col. K. V. Ramana Rao.
- (5) Dr. T. Janakiram.

The following resolutions were passed :—

I. That the Course of Studies for qualifying as Practitioners of Homeopathic System of Medicine shall conform for the time being with those obtaining in the syllabus for the Government School of Indian Medicine except those subjects which are distinctive of the Science of Homeopathy as

- (1) Homeo Materia Medica.
- (2) Organon of Medicine.
- (3) Clinical Homeopathic Medicine, General and Special as Midwifery, Gynaecology, etc.
- (4) Homeo Philosophy.
- (5) Chronic Diseases.
- (6) Pharmacology, etc., which shall conform to the syllabus of the General Council and State Faculty of Homeopathic Medicine, Bengal : pages 23, 24 and 25.

II. (a) That the course of studies for post-Graduate in Homeopathy shall be for one year.

(b) That the syllabus shall be the same as being followed by the Royal Faculty of Homeopathy of Great Britain subject to such modifications as may be deemed necessary in due course.

(c) That all Degree Holders or Diploma Holders in any system of medicine approved by Government shall be eligible for the above course.

(d) That a similar training ranging from six months to one year may be given as Refresher Course for those Registered Homeopathic Medical Practitioners, who have not undergone any regular course of medical studies.

At a meeting of the Sub-Committee for starting of Institutions or making use of existing institutions for the development of Homeopathy held on Monday, the 7th October 1946 at 3 p.m. at "Hering House," 155, Lloyds Road, Royapetta, the following persons were present :—

- (1) Col. Ramana Rao.
- (2) Dr. Chandramouli.
- (3) Dr. S. R. U. Savor.

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The following resolutions were passed :—

Resolved—(1) That it is desirable that at least one college with a hospital attached to it for instruction in Homeopathy should be started in Madras by Government; the recurring expenditure on it may be calculated on the same basis as in the Government School of Indian Medicine.

(2) That till a separate institution could be started, the accommodation and equipment in the Government School of Indian Medicine may be used and hospital facilities for at least 30 beds may be made in the hospital attached to the same institution, providing for necessary extra staff, equipment and accommodation in the school and hospital.

(3) The private institutions which follow the curriculum set by Sub-Committee No. 2 and other standard prescribed by Government may be recognized and aided to the extent of three-fourths of the amount of admissible items * of expenditure (recurring and non-recurring).

* Admissible items of expenditure being as follows :—

- (1) Salaries of Staff (institution and Hospital including teaching, clerical and menial).
- (2) Rents for buildings not owned.
- (3) Taxes.
- (4) Ordinary repairs and upkeep of buildings owned by management.
- (5) Contingencies.
- (6) Scholarships.
- (7) Prizes.
- (8) Additions to furniture made in the year, after permission.
- (9) Science apparatus and other appliances bought after permission.
- (10) Library books bought after permission.
- (11) Gymnasium and games.
- (12) Outlay not falling under the above heads (after permission).

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[Vide item IV (1) on page 825 supra.]

APPENDIX III.

To

THE HONOURABLE THE LEGISLATIVE ASSEMBLY,
MADRAS.

The Select Committee appointed to consider the Madras Entertainments Tax (Amendment) Bill, 1947 (L A. Bill No. 28 of 1947), has the honour to make the following report.

2. The Bill was published in English in the *Fort St. George Gazette*, dated the 3rd June 1947.

3. The Committee was appointed on the 31st October 1947.

4. The Committee met in the Committee Room, Fort St. George, at 10 a.m. on Thursday, the 6th November 1947, and in the Council Chamber, Fort St. George, at 11 a.m. on Thursday, the 25th November 1947, and concluded the consideration of the provisions of the Bill.

5. The more important changes introduced in the Bill by the Select Committee are that preferential treatment should be given to dramas, music cutcherie, Indian dances and exhibitions, in view of their artistic and instructive value, and that a fixed proportion of ten per cent of the tax collected should be paid to the Government towards the cost of collection.

6. The Select Committee considered that as the changes made were of a minor character, it was not necessary to republish the Bill.

7. A copy of the Bill, as amended by the Select Committee, is annexed.

FORT ST. GEORGE,
26th November 1947.

B. GOPALA REDDI,
Chairman.

[29th November 1947]

[Note.—The changes made by the Select Committee are shown in clarendon type and the portions omitted are shown by dots.]

ANNEXURE.

(L.A. BILL NO. 28 OF 1947.)

A Bill further to amend the Madras Entertainments Tax Act, 1939.

WHEREAS it is expedient further to amend the Madras Entertainments Tax Act, 1939, for the purposes hereinafter appearing; It is hereby enacted as follows:—

Short title and commencement.

1. (1) This Act may be called the Madras Entertainments Tax (Amendment) Act, 1947.

(2) It shall come into force on such date as the Provincial Government may, by notification in the *Port St. George Gazette*, appoint.

Amendment of section 3, Madras Act X of 1939.

2. In section 3 of the Madras Entertainments Tax Act, 1939 (hereinafter referred to as the said Act), for clause (6), the following clause shall be substituted, namely:—

“(6) ‘local authority’ means—

(a) in the City of Madras, the Corporation of Madras; (b) in any other municipal area, the municipal council concerned;

(c) in any area in a district as defined in the Madras Local Boards Act, 1920, which is comprised within the jurisdiction of a panchayat, the panchayat concerned; and

(d) in any area in a district defined as aforesaid which is not comprised within the jurisdiction of a panchayat, the district board concerned.”

Substitution of new section for section 4, Madras Act X of 1939.

3. For section 4 of the said Act, the following section shall be substituted, namely:—

Tax on payment for admission to entertainments.

“4. (1) On each payment for admission to any entertainment, there shall be levied and paid to the Provincial Government (except as otherwise expressly provided in this Act), a tax (hereinafter referred to as the entertainments tax) at the following rates, namely:—

Rate of tax.

(i) Where such payment is not more than five annas. One-fifth of such payment.

(ii) Where such payment is more than five annas but is not more than one rupee eight annas. One-fourth of such payment.

(iii) Where such payment is more than one rupee eight annas. One-third of such payment.

Provided that in the case of dramatic and music performances, Indian dances, and exhibitions of works of art,

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manufacturers, agricultural products or other articles, or of any other exhibitions specified by the Provincial Government by general or special order, the entertainments tax shall be paid on each payment for admission to the entertainment at the following rates, namely:—

Rate of J.

(i) Where such payment is not more than three rupees. One-eighth of payment.

(ii) Where such payment is more than three rupees but is not more than five rupees. One-fifth of payment.

(iii) Where such payment is more than five rupees. One-third of payment.

(2) Where the payment for admission to any entertainment is less than one rupee, fractions of an anna in the amount of the tax shall be rounded to the nearest quarter of an anna; and where such payment is one rupee or more, such fractions shall be rounded to the nearest anna, half an anna being rounded to the next higher anna.

4. In section 5 of the said Act, clause (b), and the brackets and letter ‘(a)’ at the commencement and the word ‘or’ at the end of clause (a), shall be omitted.

5. In section 13 of the said Act, for sub-section (1), the following sub-section shall be substituted, namely:—

“(1) Ten per cent of the proceeds of the tax collected under this Act every year in respect of entertainments held within the jurisdiction of any local authority shall be credited to the Provincial Government, and the balance of ninety per cent shall be paid to the local authority:—

Provided that the Provincial Government may direct that such balance shall be distributed between the local authority aforesaid and any other local authority or authorities in the neighbourhood in such proportions as the Provincial Government may fix.

Explanation.—In this sub-section, ‘year’ shall mean the financial year.”

6. In section 16, sub-section (2), clause (i), of the said Act, the words “on behalf of the Provincial Government” and the words “for the payment of a commission to the local authority for making the collection” shall be omitted.

Madras Act V of 1945.

7. The Madras Entertainments Tax (Amendment) Act Repeal 1945, is hereby repealed.

THE MADRAS LEGISLATIVE ASSEMBLY. JAN 1954

Monday, the 1st December 1953

The House met in the Assembly, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

M. S. ABDUL MAJID SAHIB BAHADUR:—"On a point of information, Sir, the other day the Hon. the Leader of the House stated that whenever there is a change in portfolios among Hon. Ministers and when the House is sitting, he would give us the information. Will the Hon. the Leader of the House be pleased to give us the information now?"

THE HON. DR. P. SUBBARAYAN:—"If there is any change and the matter is finalized, the hon. Members of this House will certainly be informed of it."

Transfer of Muslim police officers from Malabar.

* 512-A Q.—MUHAMMAD ISMAIL SAHIB BAHADUR (on behalf of K. M. Seethi Sahib Bahadur): Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that there is a wholesale transfer of Muslim Inspectors and Sub-Inspectors and Muslim officers of the Malabar Special Police from Malabar to outside districts; and

(b) the reasons for such wholesale transfer of Muslim officials?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) The answer is in the negative.

" (b) Does not arise."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it not a fact, Sir, that Muslim officials were transferred from such taluks as Ernad from Malabar all of a sudden?"

THE HON. DR. P. SUBBARAYAN:—"Sir, that has been done entirely due to the exigencies of the service."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Did the exigencies of service call for the transfer of Muslim officers from these places *en masse*?"

THE HON. DR. P. SUBBARAYAN:—"En masse the officials have been transferred because the Government have got to carry on the administration and if there is a certain amount of nervous tension, the Government have to take action which they think is necessary in the circumstances."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, may I enquire as to how the Leader of the House reconciles his own statement

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that this is a secular State with the suspicion against Muslim officials and their transfer from their places for no fault of their own? Will he give us an assurance that he will not transfer the Muslim officials without proper reasons?"

THE HON. DR. P. SUBBARAYAN:—"It has never been my principle to give any undertaking of that kind. It is entirely in the process of administration that Government transfer officials. A secular State does not mean that an officer should be kept in a particular place at the time."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The Hon. the Leader of the House spoke of certain nervousness. May I know what it is and whether the Government are justified in acting on that nervousness?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman and his friends are as much responsible as some others for this nervousness."

M. V. HYDROSS SAHIB BAHADUR:—"Are the Government aware, Sir, that the transfers effected recently has created serious unrest and panic among all the communities in Malabar?"

THE HON. DR. P. SUBBARAYAN:—"Sir, as far as my information goes Malabar is fortunately in a very peaceful condition and I hope it will continue to do so."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, if conditions in Malabar are peaceful, where then was the need for transferring these officials *en masse*?"

THE HON. DR. P. SUBBARAYAN:—"I have already stated that the need is one of administrative convenience."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The Hon. the Leader of the House to-day made a statement that the hon. Members putting questions were responsible for the tension while the other day he maintained that we were helpful in the maintenance of peace. Are not the Government responsible for this state of affairs through their action?"

THE HON. DR. P. SUBBARAYAN:—"I shall be frank with my friend and tell him that is the 'two-nation theory' that has brought about this tension."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether the Hon. Minister is aware that it is by acting in a panicky manner as the Government have acted in Malabar that will be responsible for a greater mischief than what the Government are trying to prevent?"

THE HON. DR. P. SUBBARAYAN:—"I deny the hon. Gentleman's premises. There is no question of panic at all in so far as the Government are concerned. The Government understand their responsibility and they mean to keep law and order."

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MUHAMMAD RAZA KHAN SAHIB:—"May I enquire of the Leader of the House as to how the nervousness among the public is removed by the transfer of Muslim officials and policemen only and not Hindu officials and policemen?"

THE HON. DR. P. SUBBARAYAN:—"The Government know their responsibility and act as they think right considering those responsibilities."

SRI KALLUR SUBBA RAO:—"Is it not in the interests of officials when they are suspected that they should be transferred from one place to the other?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman is very correct and I am thankful for the advice he has given."

SRI N. VENKATA SUBBAYYA:—"Is it not a fact, Sir, that numerous representations have been received that the conduct of these officials is not above board?"

THE HON. DR. P. SUBBARAYAN:—"There were representations and the Government have carefully gone into them and have taken action when action was called for."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, will the Government be pleased to place on the table of the House, in view of the importance of subject, the results of their enquiry?"

THE HON. DR. P. SUBBARAYAN:—"They are entirely of a confidential nature and the Government are not prepared to place the same on the table of the House."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know, Sir, whether it is not a fact that a few persons are responsible for inundating the Government with bogus representations on which the Government have acted?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Gentleman for his speech. There is no question of bogus representation."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know, Sir, whether these transfers have anything to do with the Hyderabad situation and if so, will the Government be pleased to restore the *status quo ante* in view of the fact that that situation has eased now?"

THE HON. DR. P. SUBBARAYAN:—"Malabar is far away from Hyderabad and the Hyderabad situation has nothing to do with these transfers."

MUHAMMAD RAZA KHAN SAHIB:—"Is the Leader of the House aware, Sir, that all these transfers made in our Province is not due to the 'two-nation theory' as claimed by the Leader of the House but on account of the panicky way in which Government have behaved?"

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THE HON. DR. P. SUBBARAYAN:—"Certainly not, Sir. I again say that the responsibility is entirely on these gentlemen who have been crying hoarse about the 'two-nation theory'."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know, Sir, how the Leader of the House justifies his statement that this situation is due to the 'two-nation theory' and does he not know that it is his action that has created this tension and nervousness in the Province?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Gentlemen cannot see the obvious, I am not prepared to help them."

MOHAMED RAFFEEUDIN AHMED ANSARI SAHIB BAHADUR:—"Is it not a fact, Sir, that in spite of innumerable representations made against Hindu police officers in particular districts they were not transferred and if so, why?"

THE HON. DR. P. SUBBARAYAN:—"Sir, if necessity arises the Government will take action against the Hindu officials also just as they take against those of any other community."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Will the Hon. the Minister be pleased to state with a certain amount of tranquillity how the so-called 'two-nation theory' arises on these questions?"

THE HON. DR. P. SUBBARAYAN:—"Sir, the hon. Gentleman is as guilty as anybody else in propagating this particular theory. I am quite tranquil and I am pointing out only what was responsible for this state of affairs."

M. V. HYDROSS SAHIB BAHADUR:—"May I know, Sir, whether the district heads were consulted before these officers were transferred?"

THE HON. DR. P. SUBBARAYAN:—"Sir, Government are entirely responsible for the governance of this Province and they act in their own discretion in whatever manner they think necessary."

MUHAMMAD RAZA KHAN SAHIB:—"Is the Leader of the House aware, Sir, of the seriousness of the social boycott carried on by the majority against the minority in Gudur? May I enquire whether it is due to 'two-nation theory' or the conduct of the present Government?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I must tell the hon. Gentleman that this arises out of the 'two-nation theory' and I am perfectly convinced of it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask, Sir, the Hon. Minister to tell us when this idea of 'two-nation theory' started and who did it and whether it did not exist all the time?"

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THE HON. DR. P. SUBBARAYAN:—"I am afraid I am not in possession of as many facts on this subject as I am sure my hon. Friend is; he knows better than I do who started the 'two-nation theory'."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, this 'two-nation theory' according to the Leader of the House was already there and yet for months and months together peace was being maintained in this Province, what is it that has caused nervousness now to the Government about this theory?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of nervousness or panic so far as the Government are concerned. I have reiterated again and again that the Government is neither nervous nor scared. The hon. Gentlemen may take that as an affirmative answer. At the same time I want to tell the House that the present state of tension is due to the propagation of the 'two-nation theory'. If they really believe in this theory—I hope they will excuse my telling them so—they can go to their 'National State'." (Ministerial cheers.)

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I ask, Sir, if the 'two-nation theory' is responsible for these transfers how can the Government improve matters by merely transferring officers instead of dispensing with them altogether?"

THE HON. DR. P. SUBBARAYAN:—"I have never admitted that the transfers are due to the 'two-nation theory'. What I said was that it was responsible for the scare that has been created which is a very different thing."

MOHAMED RAFFEEUDIN AHMED ANSARI SAHIB BAHADUR:—"When the Hon. the Leader of the House said that the social boycott is due to the 'two-nation theory' does he mean to justify the social boycott and if so, is that the reason why he is not taking any steps?"

THE HON. DR. P. SUBBARAYAN:—"I certainly do not justify it. I have taken all steps that are necessary to see that this boycott is lifted. The hon. Gentleman himself came to me and represented about it and I gave an assurance to him that every step is being taken and I want to announce to this House that the Government are against this boycott."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Now that better relations are coming between Hindus and Muslims and in the ultimate interests of the security of this secular State of our Union will the Government set a good example for the rest of India and see that the Muslim officers are not only retained but encouraged as far as possible against charges of insecurity and allegations that are seriously levelled against them on baseless grounds very often?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful for the advice the hon. Gentleman has chosen to give and I entirely agree with him that confidence should be created in the officials—it does not matter to what community they belong."

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MUHAMMAD RAZA KHAN SAHIB:—"Sir, if past conduct is the only criterion for coming to conclusion about persons, is the Hon. the Leader of the House aware that persons who torpedoed and subjugated the Congress movement right from 1942 to 1945 are still here as Ministers and pose themselves as good Congressmen."

MR. SPEAKER:—"What has that to do with this question? I disallow it."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Does the Hon. Minister know that it was he who spoke of nervousness in this Province and I want to know from him whether his interpretation of the 'two-nation theory' and its repercussions now is able to help him to maintain peace in the Province?"

11-15 a.m. **THE HON. DR. P. SUBBARAYAN:**—"I am afraid that the hon. Gentleman is wrong; I never said the Government was nervous; the Government know their own responsibilities and their duties. All I meant was the nervousness among the people because of the intense propaganda that was carried for the 'two-nation theory' and the hon. Gentleman can take it for what it is worth."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The Hon. the Leader of the House is very much mistaken; I do not know that intensive propaganda is being done on those lines and may I ask, Sir, if he will give us some information on the propaganda which, he alleges, is being carried on in the Province?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I am not able to take the question any further."

MR. SPEAKER:—"Let us now pass on to the next question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"If you are not inclined to give us more time, please allow us half an hour's debate after the business of the day is over."

MR. SPEAKER:—"The hon. Member knows that I have allowed fifteen minutes for this single question; after having allowed so much, it is not right on the part of the Hon. the Leader of the Opposition to demand a half an hour debate. I have calculated the time and if he wants he can verify it with reference to the clocks. Is it right on the part of the Leader of the Opposition to demand it? I am not going to allow it."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of submission, Sir. You may remember, Sir, that on a similar question we even tabled a motion for the adjournment of the business of the House. We want at least a half hour debate. If the Chair thinks it fit to restrict the time to 15 minutes, I wish to submit that it is of such importance that it has to be debated upon even for more than an hour. Our object is to maintain the peace of the Province and we wish to know from Government how the peace of the Province is to be maintained. No conclusion has been reached as a result of the answer of the Government and we want

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the Government to make it clear how the Muslims are expected to keep peace and how they have not kept the peace. As this is a very vital question, I request the Chair to allow the half hour's debate so that we may know the view of Government in a clear manner."

MR. SPEAKER:—"I have already given this question fifteen minutes. I am not taking sides when I ask the Hon. the Leader of the Opposition how by half an hour's debate, we can restore peace. We have on the list 13 questions to be gone through during the question hour and I have given one-fourth of the time for this particular question, namely, fifteen minutes. So, I once again tell the House that it is not right on the part of the Hon. the Leader of the Opposition to ask for half an hour's debate. I am not going to allow it."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of submission, Sir. I am really grateful to you for having allowed so much time on one question; I do realize and appreciate the kindness which the Chair has shown on this occasion. But our object in demanding the half hour debate is solely for the purpose of maintaining and entrenching the peace of this Province and I want to know from the Government how we can help them in that task. In that connexion, I may tell the House that the Government have been more than once telling us that members on this side of the House have been helping Government in that task and now all of a sudden they make one or two statements which makes one suspicious that they are not wholehearted in having made the previous statements. Therefore in our anxiety to maintain the peace of the Province, I request you to allow us a half hour debate; even though you may not be willing to grant the full half hour, I request you to give us the remainder of the half hour, taking away the fifteen minutes that you have given for this question."

THE HON. DR. P. SUBBARAYAN:—"I can assure the hon. Member that this is a secular State and as far as the present Government are concerned, they have no communal considerations whatsoever and what is just will be done and at the same time hon. Gentlemen must realize that there is nervous tension sometimes and the Government must take note of it; it may be one side but it does remain and does exist, I assert to the hon. Gentleman. The Government in their own responsibility have to take certain steps for administrative convenience and there is no use saying that Government are doing it in a communal way. I assure the hon. Gentleman that there is no question of community in the hearts of Government at all." (Hear, hear.)

MOHAMED RAFAEUDIN AHMAD ANSARI SAHIB BAHADUR:—"On a point of information, may I know whether the Government are aware that the nervousness prevailing in the Province is entirely in the minds of the Muslims and they are very much frightened by what is happening elsewhere and they are afraid of their security and might I ask what steps they propose to take to save their life and honour, in view . . ."

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MR. SPEAKER:—"It is a question. I have already said that we passed on to the next question. The hon. Member is not right in putting a supplementary question saying that it was on a point of information."

Collection of funds by Government servants.

* 513 Q.—**SRI S. NAGARAJA MANIGAR** (on behalf of Sri V. Raghavayya): Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that some of the Ministers are patronizing the collection of funds for certain public objects;

(b) whether any representations have been made by the public that Ministers ought not to associate themselves with public collections, however laudable the object may be;

(c) whether Government servants have been encouraged by the example of the Ministers to make similar collections on their own initiative in Nellore, Kistna and other districts; and

(d) what steps the Government propose to take to put an end to the collections referred to above?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) The answer is in the affirmative.

" (b) The answer is in the negative.

" (c) The answer is in the negative.

" (d) This does not arise."

SRI S. NAGARAJA MANIGAR:—"May I know whether there is a recent Government Order prohibiting such collections?"

THE HON. DR. P. SUBBARAYAN:—"As far as I am aware, hon. Members of Government are entitled to collect funds for public purposes and all that my Hon. Colleague the Minister for Education has done is in order to advance the cause of Tamil to get up a lexicon which will be of immense use to the Tamil-speaking people. As long as that is done, I do not see how he could be prevented from doing a duty to the public which he thinks is correct."

SRI S. NAGARAJA MANIGAR:—"May I know whether collections made for refugee relief has been recently asked to be returned in Krishnagiri taluk?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I have no information on that point as this is a question concerning funds collected with regard to Tamil Lexicon. As far as I know, funds for refugee relief have been collected but with regard to what has been done with it, if the hon. Gentleman will put down a separate question, I shall obtain the information."

SRI T. VISWANATHAM:—"May I know if Government are satisfied that it is a wholesome principle that Ministers who have got powers of patronage in their hands should not attempt to collect funds although they may be for laudable purposes?"

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THE HON. DR. P. SUBBARAYAN:—"I am sure my Hon. Colleague has made it clear that he is doing it not as a Minister of Government but as a person interested in the advancement of Tamil literature and Tamil culture."

SRI GUNTUR NARASIMHA RAO:—"May I know whether it is not a fact that the hon. Member for Nellore—General Rural has been collecting money for the Yenadhi hostel with the help of the District Superintendent of Police, Nellore?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid I have no information on this; I am taken by surprise."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Would it not be better to have public collections for laudable objects in the name of the Governor of the Province rather than in the name of individual Minister or Members of Government?"

THE HON. DR. P. SUBBARAYAN:—"I do not think that in a question of Tamil culture the Governor's name should be brought in."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know whether when one becomes a Minister he ceases to be a public man and as such he cannot take part in any public spheres?"

THE HON. DR. P. SUBBARAYAN:—"I am thankful to the hon. Gentleman for the hint he has given as to the propriety of the collections made by my Hon. Colleague the Minister for Education."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I was going to ask the question—and before that, that question has been forestalled by the Leader of the Opposition!—arising out of the answers given by the Hon. the Leader of the House whether Government are prepared to recognize that one person has dual functions, private as well as public, when once a person becomes a Minister?"

THE HON. DR. P. SUBBARAYAN:—"On that I have to say that Hon. Ministers are not bound by the Government Servants' Conduct Rules."

SRI V. I. MUNISWAMI PILLAI:—"Is it not a fact, Sir, that a responsible body of people are administering the funds that have been collected for this purpose?"

THE HON. DR. P. SUBBARAYAN:—"That only shows what care my Hon. Colleague has taken to see that the funds so collected are utilized in a proper manner."

SRI T. VISWANATHAM:—"The question was whether persons in power being in a position to distribute patronage could make collections; it is not a question whether they cease to be public citizens but whether they should exercise that particular right of public citizenship so long as they are Ministers in a position to distribute patronage?"

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THE HON. DR. P. SUBBARAYAN:—"As I said, so long as they are not misusing their position, they are entitled to do this. I feel this is a very laudable purpose for which my Hon. Friend, the Minister for Education, is rather to be congratulated than made the scapegoat of by this kind of questions."

SRI A. KALESWARA RAO:—"May I know whether there is anything wrong in a public gentleman like the Minister collecting or taking part in collections so long as he does not show any partiality to the donors in the exercise of his official duties?"

THE HON. DR. P. SUBBARAYAN:—"That question has been answered just now."

SRI S. NAGARAJA MANIGAR:—"Apart from Hon. Ministers, I wish to know whether Government officials in their personal capacity can organize collection of public funds?"

THE HON. DR. P. SUBBARAYAN:—"As a matter of fact, I feel that Government servants should be governed entirely by the Government Servants' Conduct Rules and they should not be party to such collections. I have already said that Hon. Ministers stand in a different category."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Apart from laudable object of this fund, may I ask whether Government are prepared to state categorically whether Minister himself in his personal capacity apart from Government can make any collections?"

THE HON. DR. P. SUBBARAYAN:—"I am pretty certain that my Hon. Colleague being interested in the advancement of Tamil could have collected as much as he has done even if he remained a private citizen."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Arising out of the answer that Hon. Ministers are not governed by any Government Servants' Conduct Rules, may I know whether there are any Conduct Rules governing the conduct of Ministers as such?"

THE HON. DR. P. SUBBARAYAN:—"There are certain well-understood parliamentary conventions which I am sure, my Hon. Colleagues will carry out in the discharge of their duties."

MUHAMMAD RAZA KHAN SAHIB:—"May I know if, apart from the Hon. Minister for Education, the Hon. Finance Minister is also making collections for a Telugu Encyclopaedia and that competition has started among them for making the highest collections?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of competition in this matter. I am sure the Hon. Minister for Finance is as interested in the advancement of Telugu as the Hon. Minister for Education is interested in the advancement of Tamil."

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MOHAMED RAFFEEUDIN AHMED ANSARI SAHIB BAHADUR:—"In view of the fact that the Government Servants' Conduct Rules are out of date, will the Government think of revising them or scrapping them altogether?"

THE HON. DR. P. SUBBARAYAN:—"There is no question of scrapping the Government Servants' Conduct Rules; administration grows by convention and by practice and by everything that is done. (An hon. Member: By malpractices.) I deny it. Therefore, I feel that if the Government think that the rules require to be altered they will certainly take necessary steps to have them altered."

Number of conviction of political offenders.

* 514 Q.—SRI S. NAGARAJA MANIGAR (on behalf of Sri V. Raghavayya): Will the Hon. the Home Minister be pleased to state—

(a) the number of political offenders convicted in the Province from 1921 till now including those of 1942;

(b) whether the Government have made any effort so far to relieve distress among ex-political prisoners; and

(c) whether fines levied on political prisoners in 1940 and 1942 movements have been completely returned?

THE HON. DR. P. SUBBARAYAN:—" (a) The Government consider that the labour involved in collecting the information would be quite disproportionate to any useful purpose that may be served thereby.

" (b) The Government have issued the orders mentioned in the appendix ^a which are calculated to afford in one way or other relief to ex-political prisoners or their dependents.

" (c) The Government issued necessary orders in July, September and October 1946 directing the refund of fines levied and it is reported that the fines have been refunded to all those who have applied for refund except in a few cases which are pending verification before payment."

Village Food Committees.

* 515 Q.—P. K. MOIDEEN KUTTY SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state whether the Government have decided to abolish the Village Food Committees?

THE HON. DR. T. S. S. RAJAN:—"Yes. Orders have also been issued in the matter."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know to whom the powers and function of this Committee have been given after the abolition of these Committees?"

THE HON. DR. T. S. S. RAJAN:—"The officers of the Revenue Department."

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SRI R. V. SWAMINATHAN:—"Are the Government aware of the fact that the village and revenue officials were not able to cope with the demands of the village people and there was great demoralization in the matter of distribution of foodstuffs, manure and other things to the villagers since the time Prakasam Ministry started the village food committees?"

THE HON. DR. T. S. S. RAJAN:—"I certainly repudiate the charge made by the hon. Member."

11-30 a.m.

SRI PILLALAMARRI VENKATESWARLU:—"May I know if it is the policy of the Government to rely more upon the Revenue officials than upon the elected representatives of the people in the food committees?"

THE HON. DR. T. S. S. RAJAN:—"The Government are certainly aware of their responsibilities and they know the sort of officers whom they should trust in the discharge of their duties."

SRI PILLALAMARRI VENKATESWARLU:—"My question has not been answered, Sir."

MR. SPEAKER:—"Then the hon. Member may repeat his question."

SRI PILLALAMARRI VENKATESWARLU:—"My question is whether the Government relies more upon the Revenue officers rather than on the elected Members of the Village Food Committees."

THE HON. DR. T. S. S. RAJAN:—"There are no elected members of the village committees, Sir, and with regard to the trusting of the revenue officers the Government have got to do it."

SRI R. V. SWAMINATHAN:—"In view of the fact that the Government have decided to retain the Taluk and District Committees, I want to know, Sir, how is it that the Hon. Minister has decided to retain these committees as the majority of the members of these committees are elected by the village committees which have been abolished by the Government?"

THE HON. DR. T. S. S. RAJAN:—"The whole scheme of re-setting the district and taluk committees is under the consideration of the Government."

SRI K. BRAHMANANDAM REDDI:—"Do not the Government think it better to entrust this business to some other non-official agency rather than entrusting this to the officialdom?"

THE HON. DR. T. S. S. RAJAN:—"No, Sir."

SRI V. C. PALANISWAMI GOUNDER:—"Are the Government aware that the District Food Committee of Coimbatore passed a resolution unanimously protesting against the abolition of the village committees?"

THE HON. DR. T. S. S. RAJAN:—"The Government are not aware of the resolution of the Food Committee. But as far

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as the Collector of Coimbatore is concerned, the Government have got the information that he has advocated the abolition of these food committees."

SRI B. S. MURTHI:—"Is it a fact that the Government have passed orders asking the Revenue Officials to form village recreation and development committees in the place of such committees?"

THE HON. DR. T. S. S. RAJAN:—"That has nothing to do with the food committees. It is probable that the hon. Member's reference is to the Prohibition Committees."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it a fact that these village committees instead of helping in the work which was entrusted to them proved rather a hindrance to the same work on account of the aggravation of the factious spirit brought about by these committees?"

THE HON. DR. T. S. S. RAJAN:—"The Government have abolished these village committees because they were not working satisfactorily."

SRI M. S. PATTABHIRAMIAH:—"Will the Government consider the desirability of abolishing the taluk and district food committees as early as possible since they are not working as satisfactorily as they are expected to do, Sir?"

THE HON. DR. T. S. S. RAJAN:—"I have already stated, Sir, that the whole matter is under the consideration of the Government."

SRI K. BRAHMANANDAM REDDI:—"May I know the reasons which prompted the Government to say 'no' to my question regarding the entrusting of this matter to a non-official agency?"

THE HON. DR. T. S. S. RAJAN:—"I suppose my answer was quite clear that this Government have not at present anything to say in the matter."

MR. SPEAKER:—"I wish to know whether any and every question should have 15 minutes for supplementary questions. That means we will not be able to finish the agenda to-day!"

SRI V. C. PALANISWAMI GOUNDER:—"May I know, Sir, whether in view of the resolutions passed by the Coimbatore and Madura district committees to retain the village committees the Government will consider the retention of these committees and watch their conduct so that they may be used for future village panchayat functions?"

THE HON. DR. T. S. S. RAJAN:—"The whole question refers only to the village committees and not to any others, Sir."

SRI R. RAGHAVA MENON:—"Will the Hon. the Minister be pleased to state how it is that the village committees proved unsuccessful or how it is that they did not co-operate in the matter of working out the food policy?"

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THE HON. DR. T. S. S. RAJAN:—"A detailed answer to question has been placed before the House a number of times. I do not know whether it is necessary to repeat it again. But I may say in reply to the hon. Member that the report about the working of these committees showed that they are more a hindrance than help in the discharge of their duties."

SRI KALLUR SUBBA RAO:—"Do the Government consider that in view of the fact that decontrol has begun that these committees are useless hereafter?"

THE HON. DR. T. S. S. RAJAN:—"The whole question of control and decontrol is under the consideration of the Government and probably the abolition of these village committees does go a long way to help the solution."

SRI R. RAGHAVA MENON:—"Will the Hon. Minister be pleased to say, out of the 29,000 and odd food committees how many committees were not satisfactorily working? Is there any exact report about it?"

THE HON. DR. T. S. S. RAJAN:—"The village committees that worked well were an exception and the majority of them did very badly."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In view of the fact, Sir, that in such villages as mine where the village committees have worked to the satisfaction of all sections and communities of the village will the Hon. Minister give directions to see that such village committees at least are allowed to function until the policy of decontrol is fully implemented?"

THE HON. DR. T. S. S. RAJAN:—"It is indeed, unfortunate, Sir, that a few village committees that did good work have to be abolished. But I can say that almost the whole lot of them were bad and no exception could be made for any individual or single village."

MR. SPEAKER:—"Next question."

SRI R. V. SWAMINATHAN:—"Sir the previous question is a very important one and at least 20 minutes should be allowed for it."

MR. SPEAKER:—"Order, order. I know my duties. I have allowed already seven minutes for that question."

Procurement of paddy in Parvatipur taluk.

* 516 Q.—SRI GONA SEETHARAMASWAMI: Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government have received any complaints from the Taluk Congress Committee and from the public regarding the appointment of the Zamindar of Kurupam as an agent for procurement of paddy in Parvatipur taluk (Vizagapatam district); and

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

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THE HON. DR. T. S. S. RAJAN:—" (a) Yes.

" (b) The procurement agency of the Zamindar of Kurupam has been cancelled and the additional agent appointed by the Collector has been appointed as the sole agent for procurement in the zamindari area."

Restoration of the breached tank of Gutupalli village.

* 517 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received the report of the Chief Engineer regarding the restoration of the breached tank of Gutupalli village, Dhone taluk, Kurnool district;

(b) whether the Government have ordered the preliminary investigation of the work;

(c) if not, why not; and

(d) when the Government propose to take up the work?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) Yes.

" (b) The Chief Engineer (Irrigation) has received the Superintending Engineer's report on the preliminary investigation of the work, and has issued orders asking the Superintending Engineer to take up the detailed investigation of the scheme.

" (c) Does not arise.

" (d) The work will be taken up for execution soon after the detailed investigation is completed, if, the scheme being found feasible, it is finally sanctioned by the appropriate authority."

SRI N. VENKATASUBBAYYA:—"As Dhone lies outside any possible major project, may I request the Government to see that all such works are speeded up."

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir. We shall do our best."

The Dalmia Cement and Paper Marketing Company, Madras.

* 518 Q.—SRI PILLALAMARRI VENKATESWARLU (on behalf of Sri K. Anandan Nambiyar): Will the Hon. the Minister for Public Works be pleased to state—

(a) whether it is a fact that the Dalmia Cement and Paper Marketing Company, Armenian street, Madras, received a large quantity of cement from the Dalmia Cement Factory, Dalmiapuram, during the last two months;

(b) whether the Government received information regarding the disposal of cement in the black-market by the said company; and

(c) if so, what action the Government propose to take against the said company?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) & (b) The Government have no information.

" (c) Does not arise."

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Pensions paid to officers.

* 519 Q.—SRI GUNTUR NARASIMHA RAO: Will the Hon. the Minister for Finance be pleased to state the pensions paid annually to the non-gazetted officers and gazetted officers separately for the last five years, every year?

THE HON. SRI B. GOPALA REDDI:—“ Figures are not available regarding the amount of pensions paid to non-gazetted officers and gazetted officers separately since the pensionary charges are not booked in Government accounts under the above heads. But information regarding pensionary charges for the last five years is however available in the following form in the Presidency Administration Report:—

					RS. IN LAKHS.
1942-43	--	..	..	..	112.71
1943-44	..	..	..	..	127.97
1944-45	..	..	..	..	135.58
1945-46	..	..	..	..	144.58
1946-47	..	..	..	..	149.67 ”

SRI GUNTUR NARASIMHA RAO:—“ Are the Government considering the revision of the rules regarding the retirement of Gazetted and non-gazetted officers? ”

THE HON. SRI B. GOPALA REDDI:—“ No, Sir. No proposal is under the contemplation of the Government.”

BEGUM SULTAN MIR AMIRUDDIN:—“ May I know whether the Government are giving any dearness allowance to pensioners who draw a pension of over Rs. 100 but below Rs. 200 per mensem and if so what the amount is? ”

THE HON. SRI B. GOPALA REDDI:—“ As far as I am aware there is no such dearness allowance paid to officers drawing a pension between Rs. 100 and Rs. 200.”

BEGUM SULTAN MIR AMIRUDDIN:—“ In view of the fact that those who are drawing a pension between Rs. 100 and Rs. 200 are suffering great hardship in these expensive days will the Government extend their sympathy to them also and grant them some dearness allowance? ”

THE HON. SRI B. GOPALA REDDI:—“ No, Sir. As far as I am aware only this Government are giving dearness allowance to the pensioners. Even the Government of India are not giving any dearness allowance to the pensioners.”

SRI A. KALESWARA RAO:—“ May I know whether the contingent establishment which consists of 20,000 people in the province are receiving anything like pension or provident fund benefits? ”

THE HON. SRI B. GOPALA REDDI:—“ I think, Sir, they get some provident fund. I am not sure.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—“ In view of the fact that these people have served the Government during the best part of their lives and they have now retired may I know whether the Government will not treat them as people who are actually in service for the purpose of dearness allowance? ”

THE HON. SRI B. GOPALA REDDI:—“ No, Sir.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ May I ask, Sir, what is the justification for the Government to make a distinction between one class and another in view of the fact that they have given their best part of life to the Government and may I say that they deserve better treatment at the hands of the Government? ”

ABDUL MAJID SAHIB BAHADUR:—“ May I know from the Hon. Minister what is the policy of the present Government with regard to commutation of pensions.”

THE HON. SRI B. GOPALA REDDI:—“ The system of commutation of pensions is continuing and we are keeping up the old rules.”

SRI A. KALESWARA RAO:—“ May I know, Sir, whether these contingent establishments have put in representations to the Government that they are not treated like others in all these matters and whether the Government are taking any action about them? ”

THE HON. SRI B. GOPALA REDDI:—“ Several representations have been received from the contingent staff, Sir. But I do not know whether they refer to pensions.”

Abolition of the posts of District Industries Officers.

* 520 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Industries be pleased to state whether there is a proposal to abolish the posts of District Industries Officers in the department and, if so, for what reasons?

THE HON. SRI H. SITARAMA REDDI:—“ There is no proposal to abolish the posts of District Industries Officers.”

SRI PILLALAMARRI VENKATESWARLU:—“ May I know what are the duties of the industries officer, Sir? ”

THE HON. SRI H. SITARAMA REDDI:—“ A separate question may be put, Sir.”

SRI R. V. SWAMINATHAN:—“ May I know whether the Hon. Minister is satisfied with the work of these district industries officers, Sir? ”

THE HON. SRI H. SITARAMA REDDI:—“ The question is about the abolition of the posts and not about the working of the officers.”

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know whether there is any proposal for the reorganization of the district staff and, if so how does it affect the question of the district industries officers? "

THE HON. SRI H. SITARAMA REDDI:—" I would suggest to the hon. Leader of the Opposition to put a separate question specifically on the point."

SRI S. NAGARAJA MANIGAR:—" May I know if there is an officer for each district? "

THE HON. SRI H. SITARAMA REDDI:—" No, Sir."

11-45 a.m. SRI GUNTUR NARASIMHA RAO:—" Are the Government satisfied that the present officers are doing their jobs efficiently? "

THE HON. SRI H. SITARAMA REDDI:—" Yes, Sir."

SRI R. V. SWAMINATHAN:—" If the Hon. Minister is satisfied with the work of the District Industries Officers, why not appoint one officer for each district, Sir? "

THE HON. SRI H. SITARAMA REDDI:—" The suggestion will be considered when funds are available, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know whether the Government are doing anything by way of reorganization of the Industries Department at all? "

THE HON. SRI H. SITARAMA REDDI:—" As I have already said, Sir, a separate question may be put."

SRI PILLALAMARRI VENKATESWARLU:—" May I know what are the grounds on which the Government decide whether to appoint or remove industries officers in particular districts? "

THE HON. SRI H. SITARAMA REDDI:—" The necessity, Sir."

SRI P. KANDASWAMI PILLAI:—" At present there are no industries officers in all the districts. Is it due to want of funds or want of men? "

THE HON. SRI H. SITARAMA REDDI:—" There is no dearth of people. It is a question of necessity, Sir. If there is need for the appointment of an industries officer for each district and if funds permit, they will be appointed."

SRI S. NAGARAJA MANIGAR:—" What are the qualifications required for the officers, Sir? "

THE HON. SRI H. SITARAMA REDDI:—" I believe, Sir, I have already answered the question on the floor of the House some time ago. My hon. Friend must have been present then or he should have read the proceedings."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know, Sir, whether there is any proposal for replacing the existing industries officers by assistant engineers? "

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THE HON. SRI H. SITARAMA REDDI:—" I do not have any information at present."

SRI V. I. MUNISWAMI PILLAI:—" Are the Government aware that these district industries officers are not industrious at all and their very existence is not known in the districts? "

THE HON. SRI H. SITARAMA REDDI:—" I take the information from the hon. Member, Sir."

SRI P. KANDASWAMI PILLAI:—" In view of the answer given by the Hon. Minister, may I ask whether for Salem district which badly requires the advice of an industries officer the Government will appoint an officer? "

THE HON. SRI H. SITARAMA REDDI:—" The suggestion will be considered, Sir."

MUHAMMAD RAZA KHAN SAHIB:—" Is it a fact that the expansion made in the industries department by the former Director of Industries and Commerce is now being undone by the present Joint Director of Industries and Commerce with a vengeance? "

THE HON. SRI H. SITARAMA REDDI:—" No, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" In view of the fact that the province has to make very rapid strides in industrial development, may I know whether the Government has got any scheme for expanding the Industries Department to cope with the work? "

THE HON. SRI H. SITARAMA REDDI:—" As the needs arise, the Government will certainly expand the department."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" It is an admitted fact that the Government is engaged in the work of developing industries. I want to know whether the Government has not felt the need for expanding the Industries Department even by this time."

THE HON. SRI H. SITARAMA REDDI:—" When there is necessity the Government will certainly expand the department. That is what I have already stated."

Appointment of Special Officers for district boards.

* 521 Q.—SRI A. SUBRAHMANYAM: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that the Government propose to appoint Special Officers for the various district boards from non-officials; and

(b) if so, what are the qualifications and merits prescribed for the same?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. Minister for Local Administration):—" (a) & (b) The proposal is under consideration."

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SRI V. M. RAMASWAMI MUDALIAR:—"Are the Government considering the question of the abolition of the district boards and may I know when we can expect the Bill to be ready?"

THE HON. SRI K. MADHAVA MENON:—"I have nothing more to add to what is stated already. The matter is under consideration."

SRI V. C. PALANISWAMI GOUNDER:—"Are the Government aware that on account of the reconstitution of the district boards there is great popular discontent in the district that non-officials are not given any opportunity of making representations to the board and that special officers are carrying on the administration in a very autocratic manner?"

THE HON. SRI K. MADHAVA MENON:—"That is the very reason why there is a proposal to appoint non-official special officers."

MR. SPEAKER:—"I think the Hon. Minister is answering for some other Minister. I would suggest that hon. Members might put their questions in writing."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"No, Sir, the other day you supported the contention that any Member of the Government is equal to any other Member of the Government in the matter of answering questions and that they were all in full possession of information."

SRI R. V. SWAMINATHAN:—"In view of the fact that the Hon. Minister for Local Administration in reply to questions and supplementary questions in this House during the last one year on the matter of the abolition of district boards has always replied that the matter is under consideration, I want to know, Sir, how long it will take for the Ministry to abolish the district boards."

THE HON. SRI K. MADHAVA MENON:—"I am only answering a specific question regarding the appointment of non-official special officers for district boards and I have said that the matter is under consideration. The other questions are not relevant here."

SRI B. S. MURTHI:—"When the Hon. Minister is not present here will it not be good if the permanent Secretary to Government who is in charge of the portfolio . . ."

MR. SPEAKER:—"No, he cannot answer questions."

SRI V. M. RAMASWAMI MUDALIAR:—"May I know, Sir, whether the consideration of the question of appointment of non-official special officers or the continuance of the present special officers means that there is going to be inordinate delay in regard to the decision on the question of the election to district boards?"

THE HON. SRI K. MADHAVA MENON:—"The question of election to district boards depends on the question of franchise."

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MUHAMMAD RAZA KHAN SAHIB:—"Arising out of the answer of the Hon. Minister that the question of the appointment of non-official special officers is under consideration, is the Government aware of the feeling that the present Ministry wants to appoint non-officials who are their supporters and even M.L.As. and if so is it not a bad precedent?"

THE HON. SRI K. MADHAVA MENON:—"That may be the feeling of the hon. Member."

SRI V. I. MUNISWAMI PILLAI:—"Arising out of the answer of the Hon. Minister may I know what will happen to the special officers and personal assistants to Collectors who are now discharging the work of the administration of the district boards?"

THE HON. SRI K. MADHAVA MENON:—"The present special officers are the Collectors of the districts and they will continue to be Collectors of the districts. The personal assistants will revert to their original posts."

SRI A. KALESWARA RAO:—"Will it not be better to continue the official special officers in view of the fact that the Government will be charged with partiality if non-officials are appointed as special officers?"

THE HON. SRI K. MADHAVA MENON:—"That is a matter of opinion, Sir. As I have already said, the matter is under consideration and nothing has been decided yet."

SRI V. C. PALANISWAMI GOUNDER:—"I have not received any answer to my question that there is great discontent in the minds of the public that the non-official point of view is not taken into consideration by the special officers inasmuch as non-official members are not functioning."

THE HON. SRI K. MADHAVA MENON:—"That is the reason why the appointment of non-official special officers is under consideration."

SRI B. S. MURTHI:—"Is it not desirable to expedite the abolition of the district boards and meanwhile keep on the present officers in charge of district boards?"

THE HON. SRI K. MADHAVA MENON:—"That will be considered, Sir."

P. P. HASSAN KOYA SAHIB BAHADUR:—"Have the Government taken note of the feelings expressed that if non-official special officers are appointed, fairness may not be expected from them at the time of the ensuing elections?"

THE HON. SRI K. MADHAVA MENON:—"That may be the view of the hon. Member himself."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Is there any foundation for the impression in the minds of the people that the Government are putting off the elections because they are nervous about the Congress getting majorities in the districts?"

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THE HON. SRI K. MADHAVA MENON:—"That may be feeling of the party to which my hon. Friend belongs."

SRI ALLURI SATYANARAYANA RAJU:—"Are the Government aware that due to the multifarious activities and responsibilities of the District Collectors, the district board work is suffering?"

THE HON. SRI K. MADHAVA MENON:—"That is true, Sir. That is why the appointment of special officers is under consideration."

SRI KALLUR SUBBA RAO:—"May I know whether efficient Members like Mr. Raza Khan, M.L.A. are debarred from being appointed as special officers?"

THE HON. SRI K. MADHAVA MENON:—"Not at all, Sir."

SRI T. VISWANATHAM:—"In answer to the question whether the work of the district boards is suffering because the Collectors have various duties to perform, the Hon. Minister said that that was one of the reasons why the proposal for the appointment of non-official special officers was under consideration. Therefore, Sir, may I ask the Hon. Minister whether he is not prepared to take the contrary opinion given by hon. Members into consideration instead of brushing it aside as the opinion of the particular member?"

THE HON. SRI K. MADHAVA MENON:—"Certainly every Member is entitled to his own opinion and that will be considered."

SRI V. M. RAMASWAMI MUDALIAR:—"May I ask whether the special officers recruited from non-officials will be full-time officers of district boards?"

THE HON. SRI K. MADHAVA MENON:—"The hon. Member assumes that it has already been decided. I have said that the matter is under consideration."

The Muslim Women's College.

* 522 Q.—SRI K. T. KOSALRAM (on behalf of Sri D. V. Ramaswami): Will the Hon. the Minister for Education be pleased to state—

- (a) the strength of the Muslim Women's College; and
- (b) how many are Muslims?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"(a) The strength of the Muslim Women's College is 154.

"(b) Twenty-eight of them are Muslims."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it not a fact that the smallness of the number is due to want of hostel accommodation?"

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Quite possibly, Sir. But I do not think it is all due to that."

B. POCKER SAHIB BAHADUR:—"Is it not a fact that many Muslim women applied for admission to this College and they were admitted, but they could not join the college because no accommodation was provided for them and it was impossible for them to attend the College without being provided with hostel accommodation?"

MR. SPEAKER:—"I think this question has been put by the other hon. Member."

B. POCKER SAHIB BAHADUR:—"This question is entirely different, Sir, from what has been put already."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I am not aware of any such thing, Sir."

SRI K. BRAHMANANDAM REDDI:—"Do not the Government think it high time to change such designations as Muslim College, Hindu College and so on?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"The matter is under consideration, Sir."

SRI T. S. PATTABHIRAMAN:—"Is it not a fact that out of the three Muslim students in the B.A. class one has already expressed a desire to join the Presidency College?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"I think, Sir, of the three Muslim women students, one has preferred to join the Muslim Men's College."

SRI K. T. KOSALRAM:—"Is it not a fact that Muslim teachers are appointed to the College without any reference to the communal Government Order?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"As things stand at present only Muslims are preferred to these schools and colleges."

SRI M. S. PATTABHIRAMIAH:—"In view of the repeated statement of the Leader of the Assembly that this Madras Government is only a secular state, will the Government consider the desirability of abolishing all these religious denominational colleges such as the Muslim College, Christian College, Hindu College in this Presidency?"

MR. SPEAKER:—"The hon. Member means the names of Colleges."

SRI M. S. PATTABHIRAMIAH:—"Will the Government consider the desirability of abolishing or cease to maintain such religious educational institutions in this Presidency?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"As far as I am aware, Sir, all the colleges and schools to

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which Government give grants are not confined to any particular community. It is the intention of the Government not to allow the spread of separate institutions. But the question of continuing the present separate institutions is a matter on which this House, I hope, will shortly have an opportunity to express its opinion."

B. POCKER SAHIB BAHADUR:—"In view of the fact that this college is intended to encourage higher education particularly among Muslim women will Government consider the necessity of retaining the name of the Muslim Women's College?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"While Government have great sympathy for educating Muslim women I must express that it need not be necessary that there should be any particular designation for any institution to encourage that."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it not a fact, Sir, that the reason for starting this college was the backwardness of the Muslim women in the matter of education? If so, will the Government retain this college to enable Muslim women to rise to the level of the women of other communities?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"Government are certainly in favour of raising backward communities, but Government do not agree that any particular designation is necessary to encourage it."

SRI T. S. PATTABHIRAMAN:—"Is it a fact, Sir, that the staff of such colleges object to the singing of *Vande Mataram* and *Janamanagana* songs?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"I am not aware of any such thing."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it not a fact that similar educational institutions which had a small beginning, when given proper facilities, have given satisfactory results for the education of the people concerned?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"Quite true, Sir."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister for Education whether it is a fact that our Union College is being treated with disrespect by the staff of the above college?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

"No, Sir; I would deny that."

MR. SPEAKER:—"Question time is over. The answer to the rest of the questions will be printed in the proceedings."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, Question No. 523 may be taken up to-morrow."

MR. SPEAKER:—"No. That question stands in the name of Sri K. Anandan Nambiyar. Will the hon. Member produce his letter of authorization?" (Laughter.) (The hon. Member did not produce the letter of authorization.)

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Basis for the allotment of special class to political prisoners.

* 523 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) On what basis are political prisoners given special class;

(b) whether it is a fact that in the Cannanore Central Jail special class was allowed to M. C. Royarappan and denied to others sentenced under the same section; and if so, why this discrimination;

(c) why special class was not granted to A. K. Gopalan;

(d) whether any enquiry has been made into the complaints made by Azhikodan Raghavan in Cannanore Central Jail to the Inspector-General of Prisons about the malpractices in regard to supply of buttermilk in the said jail, and if enquiries have been made, what steps have been taken to rectify this practice;

(e) whether a complaint was made by A. K. Gopalan, a prisoner in Central Jail, to the Hon. Minister for Jails alleging grave misdeeds on the part of the Jailor there;

(f) whether it is a fact that A. K. Gopalan offered to prove any one of his complaints, if an enquiry was held;

(g) what steps the Government have taken in that matter; and

(h) whether it is a fact that A. K. Gopalan gave notice to the Government that unless special class was given to all politicals he would go on hunger-strike; and if so, when was this notice given?

THE HON. SRI K. MADHAVA MENON:—" (a) Prisoners are eligible for classification as special class if they are convicted of an offence in connexion with any movement declared to be a political movement by the Government so long as such a declaration is in force.

" (b) M. C. Royarappan Nambiyar was classified as special class prisoner by the convicting magistrate. This classification was made without the specific orders of the Government.

" (c) No movement had been declared by Government as a political movement at the time and therefore granting special class to A. K. Gopalan did not arise. Further the sentence passed on A. K. Gopalan was remitted before the question of classification could be decided.

" (d) No complaints were made to the Inspector-General of Prisons. Whenever Azhikodan Raghavan made complaints to the Superintendent that buttermilk was watery, etc., the Superintendent made enquiries then and there and disposed of the complaints. The complaints were all baseless and vague and no malpractice was noticed.

(e) Yes.

(f) Yes.

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"(g) The allegations made by A. K. Gopalan against the Jailor of the Central Jail, Cannanore, were not substantiated.

"(h) The attention of the hon. Member is invited to the answer given to clause (b) of his starred question No. 254, dated 16th October 1947."

The Cocanada Municipal Water-works Improvements Scheme.

* 524 Q.—SRI P. VENKATANARAYANA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government have sanctioned long ago the Cocanada Municipal Water-works Improvements Scheme in three parts and that the work had commenced but was held up after the completion of a portion of Part II of the scheme, owing to the conditions created by the war;

(b) whether it is a fact that the Government have not taken any steps to push through the scheme in spite of the urgent necessity of more water-supply and acute scarcity of the same in summer months during the closure of the Samalkot canal;

(c) whether it is a fact that the Government have asked the Cocanada Municipal Council to delete the provision of about Rs. 80,000 made in the Budget for 1947-8 for carrying out a portion of the scheme and, if so, why; and

(d) what steps the Government propose to take to expedite the scheme?

THE HON. SRI A. B. SHETTY:—“(a) Yes.

“(b) No. On the other hand, steps were taken to push through the scheme, but due to the general scarcity of materials required for the execution of the scheme, particularly, iron and steel, the scheme has been held up till now.

“(c) Yes. This was because much expenditure in the current year was not anticipated at the time.

“(d) Cocanada water-supply improvements consist of three parts, viz.—

Part I.—Construction of an additional storage tank at Samalkota lock and laying a gravitation main from the tank to the existing headworks at Cocanada.

Part II.—Construction of additional filter beds and improvements to the existing filters.

Part III.—Re-arranging the distribution system.

Part I.—The question of the proper rate of supply was under the consideration of the Chief Engineer and it has been finally decided to adhere to the *per capita* supply of 15 gallons per head per day in view of the poor supply available at Samalkota Canal. Necessary plans and estimates have been called for from the Sanitary Engineer by the Chief Engineer, and as soon as they are received

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from the Chief Engineer they will be sanctioned by Government. As regards Part II detailed plans and estimates have been received from the Chief Engineer, and they will be sanctioned shortly.

Part III of the improvement comes in the fourth year of the Post-War Development scheme and the plans and estimates will be got ready in time, for being taken up in the year programmed."

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

II.—INFORMATION RE SHORT NOTICE QUESTION ON POLICE FIRING IN KOVVUR.

SRI M. BAPINEEDU:—"On a point of information, Sir. I gave notice of a short notice question regarding Police firing in Kovvur taluk."

MR. SPEAKER:—"The hon. Member handed me that question only just at 11 o'clock, a minute or two before I came to the House. How can he expect an answer so soon?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member approached me . . ." (Laughter.)

MR. SPEAKER:—"When did he approach the Hon. Minister? Is it after he saw me?" (Laughter.)

THE HON. DR. P. SUBBARAYAN:—"No, Sir, not before he saw you. (Laughter.) I have explained to him that I shall call for the information regarding it urgently, and as soon as I get the information he can give notice of his short notice question, and the question will be answered."

MR. SPEAKER:—"Yes, that settles the matter."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, in the yesterday's newspapers we saw the news that the non-gazetted Government servants are going to strike throughout the Province on the 5th December for an hour. Is it . . ."

MR. SPEAKER:—"The hon. Member can put it in writing and send it on to me."

SRI ALLURI SATYANARAYANA RAJU:—"May I know, Sir, whether shooting by the Police in Kovvur taluk . . ."

MR. SPEAKER:—"The Hon. the Leader of the House said that he would answer the question when he got the information. So there is nothing more to be done now."

"The House will now proceed to the next item in the agenda."

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III.—BUSINESS OF THE HOUSE FOR THE DAY.

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Before we take up the next item, I wish to make a submission. Most of us did not get to-day's agenda on Sunday, and so we thought the debate on the Revenue Minister's motion would be continued and we had come prepared for that. But all on a sudden this morning we received the agenda and find that some other Bill is to be taken up."

MR. SPEAKER:—"Why all on a sudden? Was not the agenda circulated to the hon. Members on Saturday last even?"

MUHAMMAD RAZA KHAN SAHIB:—"Sir, before the Hon. Minister, Mr. Kala Venkata Rao moved his motion you made a definite statement to this House that the Chair would allow a debate to-day on his motion. How can the Chair go back on the statement?"

MR. SPEAKER:—"On Saturday evening itself to-day's agenda was circulated to hon. Members. As soon as this motion is over I shall certainly take up the motion standing in the name of the Hon. Kala Venkata Rao."

SRI KALLUR SUBBA RAO:—"On a point of information, Sir, may we take it that the Zamindari Abolition Bill has not yet been moved in this House?"

MR. SPEAKER:—"He has moved it; but it has not yet been placed before the House for discussion."

"The Hon. Minister, Mr. Gopala Reddi, will now move his motion."

IV.—GOVERNMENT BILLS.

THE MADRAS GENERAL SALES TAX (AMENDMENT) BILL, 1947
(L.A. BILL NO. 25 OF 1947)

* THE HON. SRI B. GOPALA REDDI:—"Sir, I present the report* of the Select Committee on the Madras General Sales Tax (Amendment) Bill, 1947, and move that the Bill as reported by the Select Committee be taken into consideration. In presenting the report, I may remind hon. Members of the motion moved by Sri P. Natesan for circulating the Bill for eliciting public opinion. It was opposed by me and so it could not be circulated for public opinion. Though the motion was defeated the purpose of the motion was served, I would say, more than amply served, as the Select Committee heard various representations in the Select Committee stage; for nearly a week or more we were busy listening to various representations on various points. After eleven sittings or so, we drafted the final report, which is now before the House, and I am sure the House will pass the Bill without much ado or trouble."

"I may, for the benefit of the House, inform the members of the changes that were made in the Select Committee stage. First

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of all, the Select Committee have retained the provision regarding the commission agents as it was previously, but under more stringent supervision. But they will continue to enjoy exemption. The amending Bill contemplated a tax on coffee; but the Select Committee exempted coffee and so coffee will have exemption from tax. But tea will be taxed as contemplated by the amending Bill. At the first stage, all export of tea either outside the province or outside the country will continue to have complete exemption. The original Bill contemplated to tax it at one-fourth per cent at all points. But the Select Committee made it a single-point tax of only one-fourth per cent. Cotton will have exemption from any tax. Yarn will be taxed only at two points at one-fourth per cent at each point. Handloom cloth will be taxed not at all stages, but only at the last stage when it actually passes to the consumer. Half per cent rebate which was sought to be removed will continue to be given for manufactured articles. I am sure hon. Members would have seen the schedule of articles called luxury articles. Wireless reception instruments and apparatus and component parts thereof, including all electrical valves, etc., will be taxed at one single point in addition to general sales tax. Sir, so much fuss was made about 'wilful omission' in the Bill, but the Select Committee thought 'wilful omission' must be retained as it is. Civil courts also will have jurisdiction, and as I promised at the Select Committee stage, that question will be considered later on and if necessary an amending Bill will be brought. (Dr. S. Subrahmanyam: 'What about diamonds?') The Select Committee went into the question of diamonds very carefully and we thought for the present they need not be subject to any special tax, because it will be difficult to control its movement because of the very ineffective land frontiers. There is another provision which exempts cotton at all points. As they are already subject to some other tax the Select Committee thought to exempt them here. These are some of the salient amendments made by the Select Committee. All the difficult portions of the amending Bill have been removed by the Select Committee, and so I hope the Bill will have an easy passage in this House."

MR. SPEAKER:—"It appears several Members of the House got copies of the agenda only this morning and so there is not sufficient time for them to give notice of amendments. So I fix 1-30 p.m. to-day by which time they can give notice of amendments to this Bill."

* P. P. HASSAN KOYA SAHIB BAHADUR:—"Mr. Speaker, Sir, I must to-day publicly acknowledge with thanks the courtesy the Hon. Finance Minister showed to the members of the Select Committee. He was generous enough to call for the representatives of all commercial bodies in this Province and hear their representations with great interest and attention. We were very happy to see both the Finance Minister and the Minister for Industries deeply anxious about Commerce and Industry and they were anxious not to do anything which might affect them in the

* Published in the Fort St. George Gazette Extraordinary, dated 28th November 1947.

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12-15 p.m. long run detrimentally. As was said by the Hon. Finance Minister, very many improvements have been made in the Select Committee. Commission agents who were first sought to be included in the scope of the amending Bill and taxed have been exempted. Section 8 of the original Act is to remain. An unreasonable provision that was made with regard to bankers carrying on trade in negotiable documents has been removed by the Select Committee. I am glad that the Select Committee has done a wise thing in granting certain privileges to handloom cloth. It was good that the Select Committee went into the question seriously. When we examined the representatives of trade and commerce in this country, we found that there were very many difficulties, and serious injustice would have been caused if the Select Committee had not examined them. I refer particularly to the textile industry. If we had not heard the representatives of that industry, we would have been most unreasonable because we would have done things which would have been impossible of fulfilment by the people. This applies to the spinning and weaving mills. The prices of textile goods are controlled by the Government of India and this Government have no power to alter them. Whatever that might be, our other objection to the bill was that since the sales tax is an indirect tax this should not be treated lightly by this Government. This tax will not only affect the consumer and increase the cost of living but will also affect the prosperity of trade and commerce in the long run. I would urge the Hon. Finance Minister not to treat the matter as closed but to watch the trade and industry most carefully, and study their reactions from day to day. If he finds that the position is deteriorating in any particular industry, he must consider it as his sacred duty to make such amendments as may be found necessary, notwithstanding the procedural difficulties involved. We are passing through a most disastrous period in the history of this Province. After the artificial prosperity that this Province witnessed during the war years, the markets are showing a tendency to collapse. There is the fear of a great financial collapse in the Province, and prices of things are going down. The Hon. Finance Minister must deem it his duty to see that this increase in taxation does not lead to further deterioration.

"Certain points were left over by the Select Committee, and the Government have given an assurance that such points would be examined with care and decisions taken. A representative from Cochin was able to show to the Select Committee that people trading in the port of British Cochin would be subjected to a double taxation. I hope the Government have taken due note of this and that they will give relief wherever the enforcement of double taxation causes hardship.

"I must congratulate the Hon. Finance Minister on agreeing to the wish of the Select Committee to re-establish the jurisdiction of courts. That is a very great concession to the unanimous

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demand made by the people of this Province that it should not be the policy of a democratic Government to oust the jurisdiction of courts. If the tribunal and an appeal to the High Court were retained, the Finance Minister would have done the best thing. But until the constitution of the tribunal, he has agreed to retain the jurisdiction of courts. Barring our fundamental objections to the Bill, the Hon. Finance Minister and the members of the Select Committee deserve congratulations in that they have done the wisest thing in the circumstances considering that the demands of the provincial exchequer are great, we support this measure in the hope that such adjustments as may be found necessary in future would be readily made by the Hon. Finance Minister."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, Sir, I have great pleasure in supporting the Bill as presented by the Select Committee. While doing so, I have to convey to the Hon. Minister for Finance the lasting gratitude of the trade and commerce of this Province for the hearing he has given to the representatives of trade and commerce. It is only after hearing the evidence of people who are interested in trade and commerce that the Hon. Minister for Finance and the other members of the Select Committee understood the gravity of the effect of the imposition of this tax. Permit me to associate myself with my hon. Friend Mr. Hassan Koya in conveying our congratulations to the Hon. Minister for Finance, and the Hon. Minister for Industries Mr. Sitarama Reddi, because we know that in them we have two gentlemen who are deeply interested in the industrial advancement of this Province. Our congratulations are also due to the Congress members of the Select Committee who ultimately realized the difficulties of trade and agreed to modify some of the stringent provisions of the original Bill.

"The Hon. Minister for Finance has already narrated the various modifications that have been effected in the Bill. Commission agents, who were sought to be taxed, were eliminated to a great extent and I am sure that this will help in the proper development of commission agencies operating in this Province. Some of the members brought to our notice that these commission agents were simply exploiting the situation. It has been often said that they are the parasites of society, that they bring nothing with them but take away the cream of any trade or commercial transaction. I may agree to some extent with such an accusation. At the same time, we must realize that commission agents have been existing in this Province not only to-day but ever since trade and commerce appeared in this Province and that they have been rendering useful and vital service to the commercial and industrial advancement of the Province. They have been helping not only the consumers but also the producers in this Province and also in this country. But one thing we have done and that is that no commission agent should indulge in dealer transactions. When once he steps into that field of activity, he must be taxed as any other dealer doing business in this Province.

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"Another very salient feature of the Bill is the elimination of banks. To consider banks as mere dealers and tax them is to drive away banking transaction from this Province. It redounds to the wisdom of the Hon. Minister for Finance and the members of the Select Committee including the Congress members that they have at last agreed to exclude banks from the operation of this taxation. After all, every member of this Honourable House knows that on banks depend the development of this Province and that he must help the growth of banks. Therefore the Select Committee has exempted banks from the operation of this Bill.

"With regard to cotton and yarn, there was a certain body of opinion that they must be brought within the operation of this Bill. One fact I would like to bring to the notice of this House and that is that any tax on cotton and yarn will ultimately fall upon the handloom weavers of this Province. And thus a further burden will be added to the heavy burden under which they are already groaning. Although I, as one interested in the handloom industry, would like that handloom cloth as such should be exempted from the operation of the Bill, people there were who said that dealers in handloom cloth had made enormous wealth and that they must also be prepared to pay something to the Province. Therefore we had to accede to the request of taxing handloom cloth at one point, that is at the last stage when the cloth actually passes into the hands of the consumers. Whatever might be the efforts of the Select Committee and the anxiety of the Finance Minister in this direction, the Government of India in their Finance Bill which is under discussion on the floor of the Central Assembly have announced the imposition of a duty of four annas per square yard of cotton cloth exported from this country. The Hon. Minister for Industries knows that most of the cloth that goes out of this Province to overseas countries, particularly handloom cloth, is cloth of counts below 36, that is coarser varieties. Four annas per square yard ultimately works out to nearly 30 to 40 per cent *ad valorem* duty. The duty is very heavy and our cloth will become very unpopular in our export market. Ultimately the export trade of this Province will be hit hard. Therefore I wish that the Hon. Minister for Finance and the Hon. Minister for Industries move the Government of India to exempt handloom cloth from the operation of the proposed export duty.

"Lastly, we are happy to hear from the Finance Minister that he would make early arrangements for constituting the tribunal. He has also given an assurance that he would set up a Sales Tax Advisory Committee. We welcome such an assurance because constitution of advisory committees has almost become a convention with the Central Government also. The Central Government have got advisory committees for various departments. If the Finance Minister appoints an advisory committee for the Sales Tax, it will go a long way to solve the hardships of the commercial community in this Province. Several questions can be easily solved by the advisory committee. I wish that the

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Finance Minister will organize this committee as early as possible so that it will add to the relief that is being given to trade and commerce under this Bill.

"Sir, although I support the Bill, I cannot help opposing the principles underlying the Bill. I have already pointed out in my speech the other day that this Bill will ultimately increase the price of food-stuffs and of several other commodities and those of us who are interested in the advancement of this Province must see that we do not encourage any measure which goes to increase the price level. Because, as I have already pointed out, by raising the price level we are only trying to increase inflation and these two will work as a sort of spiral or a vicious circle and ultimately destroy the economic life of the Province. Therefore, Sir, when conditions improve in this Province and when the Finance Minister thinks that he could reasonably eliminate several of the commodities from the operation of the Sales Tax, I am sure, he will take immediate steps to see that they are eliminated and thus help to bring down the price level in this Province. If the price level continues alongside the inflationary spiral, then all our efforts in the industrialization of the Province will become futile, because whatever amount you are going to invest in industry is going to be a mere waste at a time when prices come down and it will prove a great financial loss to this Province.

"With these few words, I once again congratulate the Hon. Minister for Finance and support the Bill that is now before the House for its consideration."

* SRI P. NATESAN:—"Mr. Speaker, rarely is it, Sir, that Members of the Opposition congratulate the Finance Minister of a Provincial Government, particularly when he brings up taxation measures in some form or other, and I think that the present occasion is one of those rare privileges, when the Hon. Finance Minister should be congratulated by members on this side of the House. I should therefore like to add my own congratulations to those that have been given by other members of this House.

"Sir, the Hon. Finance Minister was very considerate, very patient and very courteous to the members of the Select Committee and to those people who were invited by the Select Committee to give evidence before them. He has set a very good example by sending for all people who would like to have their say on the Bill and every institution or public body representing any interest, which wanted to make its representations was there and I should say that the Select Committee also gave a very patient hearing to them.

"Sir, I think that most of the points that I wanted to place before the House have been dealt with by the previous speakers. The Bill as originally introduced completely removed section 8 of the existing Act and as a result it entailed certain consequential amendments in the present Bill, as for instance, the definition of the terms, 'dealers', 'sales', etc. In certain cases, Sir, some

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transactions would have been taxed twice. The proposal in the amending Bill to collect sales tax on the sale of imported goods through the agency of banks has now been given up in the Bill as emerged from the Select Committee, for that would have affected established banking. In certain circumstances it would have amounted to an import duty.

"Sir, another point is that in the case of goods which are not at present being taxed and is proposed to be taxed at a single point, like yarn, handloom cloth and tea, the Select Committee has now conceded the principle that competitive capacity of our trade should not be injured by levying tax on exports.

"Then, Sir, the amending Bill as originally introduced proposed to exclude the jurisdiction of civil courts completely. This should have been very objectionable from the point of view of the business community as it would have left the assesses completely at the mercy of the assessing authorities. This has now been deleted completely and I regard this as a very considerable improvement.

"Sir, in the case of luxury articles, the original Bill was rather bald and it left even luxury articles to be defined by the Government; but now a short selected list has been appended, the principle being that the goods should be such as are exclusively dealt with by certain classes of dealers. Sir, in the Select Committee I was really not for taxing electrical goods in the list of luxury articles, not because I am interested in this business, but because the policy of the Government is to give as much electricity to the villagers as possible. Not only the villagers want to make use of cheap electricity for their agricultural and irrigation purposes, but there are a number of other people who want electricity for their domestic use. It has been urged throughout the country that electricity ought to be made as cheap as possible not only for pumping water for agricultural purposes but also for domestic consumption, and it is our duty to see that the standard of the poor people is raised. Even in villages we want to see that the mud houses are lit with electricity. Sir, this tax on electrical goods will be a great strain on people who would like to go in for electrical installations. But since the hon. Minister for Finance wanted somehow or other to get as much money as possible by way of sales tax and as he has been very liberal and sympathetic towards us every time, at least this time I did not want to persist in this matter of avoiding this tax on electrical goods.

"Then, Sir, as I spoke the other day, I certainly object to the taxation of articles, materials and commodities used in the construction of buildings and other immovable properties. Sir, we are at present suffering from an acute shortage of houses and the policy of the Government must be to see that as many houses as are possible are built up quickly. With the existing shortage of materials and with the high cost of labour, this sales tax on materials to be used for construction purposes will certainly make the cost of buildings disproportionately high and retard the

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progress of housing, which the Government have in view. Sir, again in this case also, we had to give in, because the Finance Minister was getting nervous that we were modifying all his taxation proposals.

"Sir, under the Bill as emerged from the Select Committee, some more articles like the cotton yarn are to be taxed at one-fourth of one per cent of the turnover at each of the two points. That is an improvement on the original Bill. This extra tax that is going to be paid for the yarn will not affect the consumer. It will only affect the dealers.

"Sir, in the case of bullion also we have been able to gain our point. There also, we have put the tax at one-fourth of one per cent of the turnover at a single point, although the merchants were inclined to give as much as half per cent.

"Sir, as a representative of the Southern India Chamber of Commerce, it gives me very great pleasure to support the Bill as recommended by the Select Committee, although we could not have everything in our own way. As I stated at the beginning, the Hon. Finance Minister was very considerate and amenable to reason. He has been very fair even to the extent of giving up revenues where he was convinced that the tax would really injure some interests or other.

"Sir, there is nothing more that I could usefully say, because all the things that I wanted to do so far as mercantile interests are concerned have been dealt with to the advantage of the trade and I have therefore very great pleasure in once again congratulating the Hon. Finance Minister on the excellent Bill he has now brought forward."

* SRI C. M. KOTHARI:—"Mr. Speaker, Sir, the Bill as emerged from the Select Committee has vastly changed although the Bill as originally introduced looked as if the severity of the taxation was very heavy. All the same, Sir, I should not be uncharitable to the Hon. Finance Minister, because when he introduced his original amending Bill, he must have in his sleeves some kind of relaxation. I am sure, Sir, he must have realized the tremendous strain, which the trade and industry of this Province have been subject to, by various other taxes, and I must congratulate the Hon. Finance Minister and the other members of the Congress in having decided to reduce the burden of taxation to the present level.

"Sir, I would not take up much of the time of the House, except to say that in 1937 when the Sales Tax was introduced, there were certain articles which were exempted from this tax on the ground of necessity and those were tea and yarn. Under the Bill as revised by the Select Committee which is now before the House, tea to the consumers in Madras Province is to be taxed. I would submit to the Hon. Finance Minister to see that the taxation is reduced under the rule-making powers vested in the Government, so that it may not be a burden on the kitchen of the poor man.

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"Sir, as regards yarn, no doubt it is to be taxed at one-fourth of one per cent at two points, once to the quota-holder and the other to the wholesaler. But I feel, the control is likely to be removed in time, and I submit that Hon. Minister will then see that he exempts yarn from the taxation altogether.

"Sir, the last point I should like to submit is this. The appellate tribunal that is going to be constituted under this Bill should be on the lines of the tribunal that is constituted under the Income Tax Act. I hope that the Hon. Minister will put into action the formation of such an appellate tribunal at an early date. The other Members of the House have stated all the changes in detail that have been made by the Select Committee and I have nothing more to add. There is a clause which needs the attention of the House and of the Hon. Finance Minister and that is in connexion with remissions to be obtained within 12 months of the tax. I submit, Sir, that such a thing will be a hardship. Even under the Income Tax Act such remissions are obtained within six years. I hope the Hon. Finance Minister would make it at least three years for such remissions to be obtained.

"Lastly, Sir, with regard to our work in the Select Committee, I must say that I am very thankful to the Hon. Minister for Finance and the Hon. the Minister for Industries and other members of the Congress Party who took a very realistic view of the situation and for the accommodating spirit which they have displayed in conceding the various demands of the trades affected and I am sure, that if the clauses of the original Bill had been retained they would have affected the trade of our Province adversely. With these words, I thank you, Sir, for giving me an opportunity to speak on this Bill."

12-15 P.M. * MR. B. W. BATCHELOR:—"Mr. Speaker, Sir, I remember some of my friends on this side of the House having said that the most important duty of an Opposition was to oppose. Well, Sir, I must share the sentiments expressed by hon. Members on this side on the accommodating attitude of the Hon. Finance Minister, as Chairman of the Select Committee. At the same time, I join in the praise of the Bill which has emerged, with somewhat restrained enthusiasm. Some of the speakers have applauded the exemptions which have been obtained in the Bill now before us, on the ground that certain trades or industries have escaped or gained a reduction in their liability to tax. But I would remind hon. Members, Sir, that it is not the merchant or the manufacturer or the producer that pays this tax; it is the consumer; it is all of us here in our capacity as consumers. And so, though the Hon. Finance Minister is now basking in the general approval of this House, I would warn him that benevolent though he may appear to be, there is another side to his nature. You will, I am sure, find, when the returns are sent in at the end of the financial year, that he has dipped into our pockets in a way which might be stigmatized as repacious. Then he will be able to inform this

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House of the amount he expects to obtain by this tax—I think it is somewhere in the neighbourhood of Rs. 1 lakh per diem. Am I right, Sir? Therefore, that is the reason why we, on this side of the House, feel that the purposes behind the Bill must be opposed. It is not as if the money is to be made available for social benefits and for public health it is really money intended to make up for the loss of a revenue which we on this side of the House firmly believe that the Government should continue to enjoy.

"With these words, Sir, I support the Bill as amended, but subject to the criticisms which have already been made in this House on the general principles behind it."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I was very much pleased to hear the Members of the Opposition who happened to be members of the Select Committee speaking in great terms of praise about the Finance Minister's capacity for being accommodating to those who were in opposition to him. Apparently, they came into contact with him only this time, and therefore they were surprised. He is generally a very accommodating person, and I expected this of him. But I must say that all that was said in his statement is not found in the Bill itself, as presented to the House, and I hope he will implement his promise very soon. He told us, Sir, about the tribunal. Great exception was taken last time by all sections of the House to the omission of provision for a tribunal or other civil court to go into the matters arising out of the provisions of this Bill. Even now I am surprised to find there is no mention of the tribunal in this amended Bill as it has emerged from the Select Committee; and yet I find the members of the Select Committee congratulating the Finance Minister. I will join in the congratulations, but I am only missing the tribunal. I really do not know whether without any provision for a tribunal in this Bill as passed in the Assembly, the Finance Minister will have the right to form a tribunal at all. If so, other complications may arise if the provision for a tribunal is not included in the Bill itself.

"Then it was also said that there was a very obnoxious provision of taking away the jurisdiction of the civil courts. It is true to some extent the obnoxiousness has been removed; but under clause 12 of the Bill, a new section 16-A of the Act is still there. It is a very difficult provision and a strange provision also. This Bill has certain penal provisions. When a man is prosecuted, he has got to say something in defence in the court; but under the provisions of this Act, when prosecuted, he shall not say anything. I do not know whether all the Members have read or seen the implications of this provision or whether they have simply been carried away by the give and take policy of the Finance Minister, without looking into the legal effects of it. It is said here: 'The validity of the assessment of any tax, or of the levy of any fee or other amount, made under this Act, or the liability of any person to pay any tax, fee or other amount so assessed or levied, shall not be questioned in any criminal court in any prosecution

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or other proceedings, whether under this Act or otherwise'. Neither the validity nor the liability can be questioned in the court when a merchant or dealer is prosecuted, and he cannot give an answer; it is specifically stated that the dealer cannot say in his answer that the assessment is invalid or that he is not liable to be taxed. Then what is it they are expected to do in the court? Are they to be taken as sheep to a slaughter house and are they expected to simply say there: 'All right, you have prosecuted me, therefore you may fine me, I might have earned something hitherto under other transactions; therefore I shall pay, or I shall be the guest of the Government at Vellore or some other place'? Therefore, I say, those sweets words 'that the courts jurisdiction is still retained, that the people have got civil remedies and that this Government are not encroaching upon civil remedies' are not at all correct statements. If possibly the Government have such an idea in their mind, the wording in the Bill at any rate does not bear out that contention, and I hope the Hon. Finance Minister will see his way to amend this particular section suitably. The dealer cannot only not question the validity of the assessment; he cannot even say that he is not liable to the assessment. The section further says: 'shall not be questioned in any criminal court in any prosecution or other proceeding, whether under this Act or otherwise'. The provision regarding civil courts has really lost all its grace and its usefulness by this particular provision here and also by the omission of a provision for the tribunal. There is no use saying 'I shall make provision for a tribunal'. Unless this Legislature authorizes the formation of a tribunal, a tribunal cannot be formed. Then again, Sir, so much is being left to the rules. So much time has elapsed since the publication of the Bill and yet the rules are not yet before this House. Are we to have another sitting of the Legislature for the purpose?"

THE HON. SRI B. GOPALA REDDI:—"In about a week's time it will be done."

* SRI T. VISWANATHAM:—"We will perhaps then be on some other more important business; or the Finance Minister may not be given a chance to bring the rules before us. What I say is, even though the Select Committee had eight or ten sittings, if we are able to have the rules and are not able to re-establish the power of the courts over executive orders, we have not done much. Therefore, while I do not grudge the praise given to the Hon. Finance Minister—and I have no objection to add to that praise, though I am not a member of the Select Committee—I still earnestly appeal to him and to the Government to see that the power of the law over the executive is established not only in this particular piece of legislation, but also in other legislative measures. However penal the provision may be and however essentially necessary finance may be, this provision has got to be modified if we really want to see that we pass a law which will be real law. With this appeal, Sir, I support the Bill, I support the praise given and I also appeal to the Hon. Minister to change this provision suitably."

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* SRI GUNTUR NARASIMHA RAO:—"Mr. Speaker, Sir, the Hon. Minister for Finance introduced the original Bill and the Select Committee members have made several changes in it. During the course of the Select Committee's sittings, the Hon. Minister gave every opportunity to representatives of associations to represent their grievances and the difficulties they were feeling all these years since the introduction of the Sales Tax Act. I would tell the House that he has been very reasonable and has as far as possible tried to remedy things. The Members of the Opposition, especially the Members of the Muslim League Party, in the various committees and in the Legislature itself have been sometimes very unreasonable; and so, it is only fair that I should now gratefully say that as a party they have been very reasonable and accommodating in this respect and it stands to reason that I should acknowledge their effort to see that a good Bill came out. I would also request them to be very reasonable in the future both in the House and in the Select Committees and see that good Bills are brought out."

"As regards section 8, I want to say one thing. The officers in the districts have been working the Act, each in his own way; in some districts merchants are being taxed while in some others they are not taxed. It is the duty of the Government to see that Commercial Tax Officers behave and pass orders in conformity with the regular practice and not in their own way by taxing certain individuals in some districts and not taxing others in other districts. It was suggested in the Select Committee that the Finance Minister should set up an advisory committee, a permanent board, wherein the commercial sections would find a place, so that wherever difficulties have to be got over, the Government may be advised by the commercial people."

"As regards the inclusion of a clause about the tribunal, the Finance Minister has promised it. The members of the Select Committee could not themselves give notice of an amendment for the reason that the Government did not include the subject in the agenda. The Finance Minister has promised, as I said, to bring it up at an early date. If such a provision is not brought before the House and made into law early enough, the difficulties which the merchants are experiencing will become worse, especially where the Commercial Tax Officers are very unreasonable. In such cases, the merchants will have to go up to the Revenue Board in appeal and the revision petitions are only looked into on the merits, and on the basis of the information supplied to them by the Commercial Tax Officers. So, it is highly necessary that such a board as that which has been constituted in the Income-tax department should be constituted early enough, so that the assesseees will have their grievances remedied by such a body."

"Sir, I once again congratulate the Hon. Minister for Finance and also the Opposition Members on the Select Committee on having helped to get this Bill passed very smoothly by this Assembly."

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* **SRI PILLALAMARRI VENKATESWARLU** :—“ Mr. Speaker, Sir, of course the Opposition has joined the Government in giving this Bill their wholehearted support; and the mercantile interests in this House are also supporting it and praising the Hon. Finance Minister. I think no other Finance Minister has received such support, particularly from the mercantile interests. I do not know whether the Finance Minister will be happy for the support which the commercial interests are giving him or otherwise. I however feel that the Finance Minister is not happy over the support he is getting from the mercantile community. It is evident that by the support he is getting, his finance is being reduced. As a matter of fact, today I would have welcomed the Bill as it emerged from the Select Committee had it been a bit more comprehensive and removed the sales tax altogether on particular commodities with which people have to deal more in their every-day life. If the sales tax is removed from at least 80 per cent of the commodities, that would receive the wholehearted support of the people, even if our mercantile friends might oppose such a thing. But here the tables are turned entirely and the very fact that the mercantile community is supporting the Bill means that our Finance Minister has yielded to the mercantile community. For instance, if you go through clause 3 of the Bill relating to the tax on motor vehicles, component parts of motor vehicles, articles used as parts of motor vehicles, wireless reception instruments and such other articles which are being used by the richer section of the population and which were originally assessed 2 annas in the rupee now stand reduced to 6 pies in the Select Committee and they were weighed by the suggestions of the mercantile interests.”

* **SRI P. NATESAN** :—“ On a point of information, Sir. I just want to correct my hon. Friend. It is 9 pies per rupee and not 2 annas. It is 6 pies in addition to the 3 pies.”

* **SRI PILLALAMARRI VENKATESWARLU** :—“ It is nothing of the kind. The point is raised simply to interrupt my speech. In this connexion, I wish to state that on the articles which are being used by the richer classes of the population, the tax has been reduced while it has been increased on those essential articles which are being used by the people at large. For instance, Sir, you find that the newspapers are going to be taxed under this Act. I have sent an amendment on that but unfortunately my hon. Colleague, Mr. Anandan Nambiyar, is not here to support the amendment. (Laughter.) All the same, Sir, I take a strong objection to newspapers being taxed. Even before the Select Committee was appointed, I requested the Hon. the Leader of the House and the Hon. the Finance Minister to include a member of the Communist Party in the Select Committee, so that the people's voice may be heard in the Select Committee but that was not taken note of. After all, the Muslim League as the main Opposition Party may not be sitting here after the 15th of

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this month, and after that date, the Communist Party has to be recognized as the main Opposition group and so, it must have a right to send one of its members on the Select Committee. If a member of the Communist Party had been there, he would have opposed the tax on the newspaper. There is no objection to tax such luxury articles such as motor-cars, radios and such other things but these newspapers should not be taxed. If newspapers are taxed, it means, the poor public is going to be taxed. If you want to encourage the people to read, you must not tax the newspapers or other magazines. Unfortunately, it is sought to impose the tax on these newspapers, and I have given an amendment to remove the tax on these newspapers. I only appeal to the Hon. the Minister for Finance to exempt these newspapers from this tax.

“ Another point is, Sir, about tax on handloom cloth. This tax is sought to be imposed on the wholesaler and the retailer. Why should the poor consumer be also taxed? My suggestion is that the yarn should be taxed at the production centres. Now yarn is not being taxed at the mill gates. If the Hon. the Finance Minister should levy the tax at the mill gate itself, I am sure he will get a greater amount of finance. So, I request him to levy this tax at the production centres. Another suggestion is that at the producing centres the tax must be raised. Just as in the case of film producers, the cloth producers also should be taxed at the production centres, that is, at the mill gates. I would request the Government to take the administration of the mills themselves. It will be better if the Government nationalize the mill industry. Instead of taxing the management for the sake of more finances and instead of resorting to such repressive measures, if the Government nationalize this mill industry, they will get large amounts of revenue. With these words, I commend the Bill.”

* **N. MUHAMMAD ANWAR SAHIB BAHADUR** :—“ Mr. Speaker, Sir, member after member of the Select Committee has congratulated the Hon. the Minister for Finance for the report that has emerged from the Select Committee and it gave the impression that they turned themselves into a mutual admiration society. (Laughter.) But, one thing I must admit. It is really gratifying to see that with a certain amount of unanimity, the Select Committee have come forward with certain good improvements over the Bill that was originally presented on the floor of this House. Of course, I must also say that my Communist friend has now belied my expectations. I entirely agree with him that although the sales tax is going to give a fillip to inflation against which we must all set our minds, the incidence is going to ultimately fall on the consumers whose case we are here to support and vindicate. Therefore, Mr. Speaker, Sir, for very good reasons, I believe, he was not included in the Select Committee. (Laughter.) It was very surprising to me, of course a very pleasant surprise, to see that our friend sitting on the other side of the House, Mr. Guntur Narasimha Rao, should have the satisfaction over the reasonable attitude adopted towards certain members of my party elected to the Select Committee. Sir, let me

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tell him that although it was not in everything we are in agreement with the Government, when we come into closer grip and when we come to brass-tacks, we are as much reasonable as most of the members on the other side are."

BEGUM SULTAN MIR AMIRUDDIN:—"More reasonable."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"I stand corrected. (Laughter.) We are more reasonable. I am entirely in agreement with the hon. the Lady Member who is always coming forward in matters of social reform. And her amendment on Women's Right for Agricultural Lands moved yesterday is proof in point how she and her party to which I have the honour to belong, have been more reasonable in the matter of reform than the Congress Party that is in power to-day. ('Hear, hear.')

"Mr. Speaker, Sir, while I am fully in agreement with the Select Committee, one thing is very dissatisfactory about this Committee. We are here encouraging exports and yet, I find that ever so many of the raw materials that are required for the manufacture of our exports do come in for this taxation, especially the hides and skins. I must say that almost every raw material that goes towards the manufacture of these hides and skins is being taxed: wattle bark, indigenous barks, myrabalam, lime, etc. It is a stable industry and our Province has the largest export of these goods in this Union. Sir, so many other indigenous ingredients of tanning industry come in for this sales tax which will affect the production of this export. I only appeal to the Hon. the Minister for Finance to exempt these from this tax and he will be wiser for having agreed to the representation made on behalf of the Southern India Hides and Skins Merchants' Association. Necessary relief should be given for this in order that we may encourage this export which happens to be the largest export in the country; with the decline of jute and cotton exports this happens to be the largest export of our Union.

"Mr. Speaker, Sir, I must say that there are certain important foodstuffs and if conditions permit, they must also be given exemption from the purview of this tax. I am very happy to see that the Hon. the Finance Minister has given an assurance that he will very soon bring about a tribunal which will go into the appeals on this matter. While I am very happy to see that a tribunal is going to be set up, I want that an advisory committee on the sales tax must also be soon set up in order that there will be a check, a reasonable check, imposed upon the vagaries of administration, particularly in matters concerning commercial taxes. Mr. Speaker, really we are so much aggrieved to see that owing to this sales tax in the Province, the merchants and the traders do submit to ever so many ways and means of this Sales Tax department which are not very healthy. I only wish that we guarantee our traders and merchants from such vagaries of this department, so that their rights and liberties will not be encroached upon.

"Sir, I am glad to note that the commission agents and the banking operations have been exempted from the purview of this

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taxation. I welcome that, and I congratulate the members of the Select Committee who have seen the reasonableness of our demand. In the wake of our freedom, it was only recently we won our freedom and we should not exploit that freedom—notwithstanding our Communist friends here, we have got to see that our banking organizations advance by leaps and bounds and it is but in the fitness of things, the Hon. the Finance Minister should have agreed to exempt them from this tax.

"Then, Sir, I wish to say one more thing, and that is with regard to the taxing of the advertisement space in newspapers and I commend that suggestion for the consideration of the powers that be. For some advertisement spaces, the tariff rates have been very much inflated far beyond the degree of inflation in the cost of living. If this advertisement space is taxed, it will provide a very profitable avenue for augmenting the revenues. I only agitate that also should come in for this taxation. I entirely agree with the members of the Select Committee and I congratulate the Hon. the Minister for Finance. At the same time, I welcome this measure notwithstanding our opposition on fundamentals. With these words, I commend the Bill."

* MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I do not propose to join with my hon. Colleague, Mr. Anwar, in giving unnecessary congratulations for the Hon. the Finance Minister. I simply say that he has done his duty and nothing more and nothing less. I must say to the votaries of this taxation measure introduced by the Government, particularly those in the Select Committee, who voted with the Government that these measures are non-political and therefore there need not be any opposition either from the members of the Muslim League or the members of the European Group—and I will also include for argument's sake at least from the members of the Communist Party. Government have been very reasonable in this matter. I do not wish to add one more congratulation to the Hon. the Finance Minister but the fact remains that he has been very reasonable towards the members of the Select Committee. As stated by my hon. Friend, Mr. Guntur Narasimha Rao, the members of the Select Committee have also been very reasonable and very accommodative with the members of the Select Committee with the result that the sales tax measure has undergone a considerable change. It is no use simply indulging in congratulations; I am sure that the Government will be more reasonable and more accommodative in future. It is particularly gratifying to note that the Select Committee have received the various interests who submitted their memoranda to the Government. One thing in the report of the Select Committee to which I wish to refer is about the taxation of food stuffs. Well, Sir, as far as these food stuffs and vegetables and other perishable articles are concerned, I think they should be taxed only at one point because the people dealing in these vegetables and such other perishable articles are poor people and I also understand that no tax is imposed on

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such articles in other provinces. So, I would suggest to the Hon. the Finance Minister that it would be much better if the tax on these vegetables and other perishable articles is imposed only at one point.

1-15 p.m. "Well, Sir, another matter to which I should like to draw the attention of the Hon. the Finance Minister is with reference to clause 2, sub-clause (vi). I find that the contractors have to pay something more by way of sales tax. Sir, it was said in the first stage when this measure was introduced that the case of contractors who purchase various materials for the construction of houses and other things and who are now paying sales tax at different stages in most cases, would be considered, but now we find they are called upon to pay on the total turnover. I think it is too much, particularly at a time when they should help the Government—it is also the anxiety of the Government—in the matter of construction of new buildings not only in the City of Madras but also in other important urban parts of the Province. Therefore, I think, the Hon. the Finance Minister should have given some sort of concession to contractors, particularly in view of the fact that they are paying the tax at different stages of purchase of building materials like bricks, lime, steel and such other materials which are quite necessary for construction. I think they deserve a certain amount of consideration at the hands of the Hon. the Finance Member.

"Sir, the third thing is—and I have referred to it on previous occasions also—that when important pieces of legislation are passed, we leave them to the officials to be carried out. I want to know how they are going to educate the masses, particularly the businessmen, merchants and others who may not be conversant with what is going on in the Assembly where we discuss various clauses of the Bill affecting them. Therefore, I think, it will be quite right on the part of the Ministry or the officials concerned if they educate the public who are going to be affected by this tax by telling them as to how this legislation is going to affect them, to what extent they will have to pay and so on. No doubt it will mean some expenditure to the Government but it is worth spending, because when we are thinking of democracy and adult franchise, the people affected should be educated as to how the tax would affect them, whatever may be their views in the matter.

"With regard to rule-making, the Hon. the Finance Minister has stated that some of the important rules to be issued with reference to this important Bill will be placed before this House and we will be given ample opportunity to discuss them and express our opinions. I may say one thing in this connexion and I do not like to make any insinuation against the officials in the Sales Tax department. After all they might have done very well in their anxiety to get as much revenue to Government as possible and there might have been complaints here and there of harassment by some over-enthusiastic officials to get more money to the exchequer. I do concede that Government should get their money even to the last pie, but I am hopeful that without much harassment they can

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collect the tax, because now that we have attained Independence people would pay their dues to the Government to the last pie. I therefore request the Government to see that they are more courteous in this matter, because in these days courtesy really pays. I do hope that the Hon. the Finance Minister will take note of these things.

"Sir, as it is a general debate I do not like to say anything about the points raised by my hon. Friend, Mr. Guntur Narasimha Rao and my Communist Friend, Mr. Venkateswarlu. Only one word more, Sir, before I conclude my speech. We, the members of the League party, support the actions of the Government whenever they are in the best interests of the people, irrespective of communal considerations and will continue to do so as long as we remain Members of this Assembly. My hon. Friend, Mr. Venkateswarlu, expressed the pious hope that when the League Party is liquidated—but I may mention here that we will continue to be a party and make every effort to see that we are going on very well with the Congress members opposite—it would be replaced by the Communist party. Woe unto this country if that should occur. I support the Bill, Sir."

MOHAMED RAFEEUDIN AHMAD ANSARI SAHIB
BAHADUR:—"Mr. Speaker, Sir, I find two things unsatisfactory about this Bill. The first is the ousting of the jurisdiction of the criminal courts. I may bring to the notice of the Government the feeling that has been growing in a large section of the people that the popular Government has been steadily ousting the jurisdiction of courts in legislation after legislation they are passing. Why it is so doing, it is not possible for me to understand. After all there is no reason to my mind why a popular Government should fight shy of the jurisdiction of courts. It will be seen that the courts are not empowered to decide whether a particular measure is *ultra vires* of the powers of the Government or not, though the courts are there to enforce the spirit and the letter of the particular piece of legislation. I say there is no harm in giving that amount of jurisdiction to the courts of law. In this particular case, although the civil courts have been given a certain amount of jurisdiction, still the criminal courts have been ousted of their jurisdiction with regard to the prosecution which might be launched with reference to this Bill. Sir, I do not see any use in launching prosecutions before criminal courts when those criminal courts have no powers to decide whether a particular assessment has been correctly levied or not. If you want to take away the powers of the court with regard to deciding whether a particular assessment has been correctly levied or not, I think the better and straighter course would be to give powers to the Commercial Tax Officers themselves to punish and to fine the people who have not paid their assessment. After all what is the point in filing prosecutions before criminal courts and at the same time not giving powers to criminal courts to decide whether a particular assessment has been correctly levied or not. It is not as if the criminal courts are asked to decide whether the Madras Legislature has powers to enact a measure of

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this kind. All that I ask is, the criminal courts should be given powers to decide whether the Commercial Tax authorities have, in the particular case which is brought before the court, correctly levied the assessment according to the spirit and letter of the provisions of the Bill itself. Therefore, Sir, I request the Government to give the power to the criminal court to decide whether a particular assessment has been correctly levied or not.

“ Then, Sir, the second thing which I find unsatisfactory about this Bill is the omission to give exemption from the levy of the sales tax to butchers and meat sellers in this Province. I dare say, the Hon. the Finance Minister is aware of the fact that the class of persons who constitute this particular branch of business of butchers are mostly illiterate persons; they are mostly poor people and they are neither trained nor educated enough to maintain an account of their business. The result of this is, when the assessing authorities assess the business of the meat sellers, they will have no foundation to go upon and in most cases such assessment will be only arbitrary and unjust. It should also be noted that the assessment on meat-selling is levied on the basis of the gross turnover. Now, this basis is very misleading in respect of this particular case, because the gross turnover might be anything and it might also reach a figure so as to bring meat sellers under the operation of this Bill, whereas the actual net profit which would accrue to the butcher would be far disproportionate to the gross turnover. In most cases it happens that the assessing authorities do not take into account all the prevailing conditions in this business. For instance, the deterioration which takes place in the various stages of meat-selling and the loss sustained by the meat seller who sells it in retail, are not at all taken into account. Then, Sir, the yield which varies from season to season, is also left out of account. These matters cause a great deal of hardship to these people and I dare say the Hon. Finance Minister knows that the community which is mostly affected by this business are the Muslim community. The Hon. the Leader of the Opposition has also drawn the attention of the hon. Minister to this aspect of the matter at the Select Committee stage, but I regret to find that among the list of articles which have been exempted from the operation of the tax, meat-selling is not included. Except these two, namely, ousting the jurisdiction of criminal courts and omission of meat sellers from the list of exemptions, I find the other provisions in the Bill are more or less satisfactory and I do hope the Hon. the Finance Minister will take into consideration these two points when finally the Bill is given shape.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ Mr. Speaker, Sir, the Hon. Mr. Gopala Reddi, the Finance Minister, is a very admirable gentleman (Laughter) and at the same time, I must also confess that he is a strong Finance Minister. I was rather surprised from the manner in which some of the hon. Members who have spoken before me have congratulated the Hon. Finance Minister and in making their appeal to him, have rather

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become his victims wholesale. Probably they have forgotten the fundamental fact that this sales tax is a tax which affects the consumer, the ordinary man-in-the-street, and that the merchants and members representing the commercial interests are not the people who can appreciate the extent to which this measure affects the consumer. It is no doubt true that the duty of collecting the tax and paying it to the Government devolves upon them. No doubt they have to suffer many hardships, particularly in maintaining accounts and being responsible for the payment of the tax to the very pie, even half-a-pie or a fraction of the pie. But, they do not realize what will be the effect of this additional incidence of taxation on the trade itself and the loss involved in it. The large commercial interests cannot appreciate its effect as the small dealer does, because the number of large business men is much smaller than the small dealer . . .”

MR. SPEAKER:—“ The hon. Member may continue his speech after lunch. I now adjourn the House to meet again at 2-30 p.m. to-day.”

The House then adjourned for lunch

(After lunch—2-30 p.m.)

MR. SPEAKER:—“ Mr. Hameed Khan will now continue his speech.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ Mr Speaker, Sir, I was saying that our Hon. the Finance Minister is a strong Finance Minister. Apart from the very genial manner in which he is able to captivate people and disarm opposition I must admit that he is sincerely accommodative in the Select Committees and he does his very best to bring down the rigidity of the measure which he in the first instance brings before this House. It is therefore impossible for one to understand, Sir, why in the initial stages he becomes so hard-hearted as to bring forward measures which sit too tightly on the tax-payer and then at a later stage he becomes very accommodative and is sincerely anxious to find out ways and means to reduce the rigour and rigidity and try to accommodate the members who are there to reduce the burden. That is how this has been going on. This is not the only measure, Sir, on which I have spoken. I spoke on the entertainments tax. There also the same thing. He has been able to please even the Opposition Members. Sir, while we are in that mood we cannot forget the fact that sufficient addition has been made to the already heavy burden on the consumer. He has now to pay in some cases very much higher percentage, sometimes 200 per cent of tax that he has been paying. It is true that in the Bill we find mention of only pies like six pies and nine pies but the sum total of the tax on large purchases and sales would amount to tens of thousands of rupees and in some cases even more. It all depends on the commodity that passes from one hand to the other. If we realize what amount is involved in this transaction we will find that ultimately

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it falls upon the consumer. What does this mean, Sir? It means that the capacity of the consumer should be increased simultaneously. What has been done to increase the capacity of the tax-payer is yet to be seen. We have not yet known any measure that has been brought forward in order to improve the capacity of the tax-payer whereas we have seen tax increased on account of the fact that we have lost enormous revenue on account of the prohibition programme. Government is only coming forward to levy more and more taxes on the consumer and he will be in a worse position on account of the lowering of his standard of living and also of his capacity to pay. Here we are increasing the burden more and more. That is one thing. We have done something in the Select Committee to reduce the burden which was heavy in the first instance.

"Now, Sir, there has been given a schedule of goods which are called luxury articles. I am surprised that many things that are included in this schedule are regarded as not luxury articles. Motor vehicles are not certainly luxury articles to-day. We are living in a modern civilized world. We are not living in a bullock cart age. We want our people however poor they may be to be able to have all the necessities and facilities to make a happy living, but if you regard articles like motors, camera, cinematograph, binoculars, eye glasses, electrical instrument and so on as what are called luxury articles, I fail to see what is our policy so far as improving the atmosphere in which you expect the people not only to live happily but to live well. If we are going to deny all these articles, then, Sir, we will have to go back to the iron age or to the age which in our country is known as 'bullock cart age'. These are not days of stone throwing at each other but these are days of many worst means of killing each other. I am sorry that this is so. I wish to express my regret that even lighting bulbs which are to-day absolutely necessary in an electrified house are classed as articles of luxury. This is a necessity and not a luxury. Probably the Government expects the people to go without electricity altogether. So far as motor cars are concerned I said it is not a luxury article for motor cars are used in the villages by the villagers themselves, and they are used for agricultural purposes. On the one hand we are anxious to improve the industrial position of the country and yet we are taxing the very materials which are necessary to make our industries prosper. We also want to mechanise agriculture. I do not know, Sir, whether we are doing the right thing by taxing these articles.

"It is true that some of the articles have been exempted from taxation. I believe, Sir, that Government has exempted from taxation coffee whereas tea is to be taxed at one stage. I fail to understand why this discrimination has been made between one thing and the other. What is the policy of this Government in this regard? It is a rather invidious discrimination. If it was the desire of the Hon. Minister and the Select Committee to get more money from an article of food like that, I think they should have

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caught hold of coffee which is a better source of revenue than tea in this Province. I do not know why coffee has been exempted from this taxation.

"Sir, in the earlier stages all of us were for exempting both articles of food and clothing from taxation whereas yarn which is very necessary for purposes of cloth is also being taxed and even an article of food is being taxed. My Friend Mr. Majid has made reference to the additional burden that has been levied on this commodity for purposes of export. The Government of India impose a very heavy duty of 4 annas per square yard of cloth that is exported from this country to overseas countries. To add to this the Government of Madras are also levying another tax which makes it difficult for a province like Madras to maintain this industry with ease. Handloom industry is the largest and the more extensive industry in this part of the country. Government should give facilities for this industry instead of increasing their burden so that they may prosper.

"I do not agree with the view of setting up an independent tribunal to consider cases arising from this measure. The ordinary law courts should have been resorted to for purposes of redressing the grievances that might arise as a result of this Act.

"The mere constitution of a special tribunal would give a very strange idea as to the functions which the special tribunal will have to discharge; the tribunal will be one which owes its creation to Government and will be appointed by them and I do not believe that that tribunal will be as independent as can be expected of any other court of law because the Government appoint the tribunal and as this measure is concerned as against those who will be affected it is an agent of Government to look after their interests so far by the provisions of this measure. It might be that as a tribunal, they are supposed to be an independent tribunal; it may consist of one individual judge or a number of persons but these gentlemen will have that psychological effect on their minds that they are there for this purpose and to expect whole justice and nothing but whole justice from them is certainly too much to expect from them. I believe it would have been better for the Hon. Minister to have given up the idea of a tribunal and confined himself to the ordinary law courts instead.

"Regarding 16-A, I do not think it is altogether over-weighted against parties other than Government. So far as I can understand, it might be to help parties other than Government itself for otherwise there is the possibility of those who are affected by this measure to be brought before a criminal court. I think that it is evidently with that purpose that this has been introduced by the Select Committee. If that is not the object, I would rather have it deleted. If it is the object of the Government to save the Commercial Tax Officers and if by this section they want them to resort to all possible measures short of violence in the collection of taxes, if that is the intention of the promoters of the Bill, I suggest that it

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is necessary to delete the clause altogether. If it is going to save tax collectors from proceedings in a criminal court, rather delete that clause.

"After having said that, I wish to say that, after having lost to the tune of 15 to 17 crores of rupees on account of the introduction of total prohibition which they might bring about before the end of next year, only persons who are certainly not drunkards themselves have to pay for saving the drunkards from the evil habit of drink. Already they are being over-burdened with taxation and they have to foot the bill for the loss that the Government have incurred on account of total prohibition. I do not know whether this measure will not bring at least 10 crores of rupees and I believe that he himself will come forward and tell us how much he expects to get through this measure. But so far as I could see, I believe that he may be able to get at least Rs. 50,000 per day to Rs. 1,00,000 per day. That is a very decent amount so far as the Government is concerned. But it is an amount whose incidence is spread among the consumers and persons who are carrying on business and it sits very heavily upon them. Evidently, Government had no other alternative but to have recourse to this measure as it was introduced in the first instance by Mr. C. Rajagopala Chariar when he was the Finance Minister of this Province and they had thought it fit that this is the only means of adding to their coffers and so have come forward with this measure. When once it becomes law, I am afraid it will be a very heavy burden not only on the consumer but also upon business and that the effect will be rather disastrous on the economy of the province. Of course, it is very easy for some of us, to appreciate the way in which the Select Committee has reduced the burden; but the burden is there; the burden is a reduced burden and that is all and not more than that. I close by once again expressing my appreciation of the very accommodating manner in which the Hon. Finance Minister functioned in the Select Committee and anxiously desires to meet all points so that the rigour of measure does not affect seriously those affected by this measure."

* SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, encomium has been paid to the Hon. the Finance Minister who has taken this Bill to the Select Committee and has produced better results. But from the point of view of the agriculturist, I do not think that the Bill as it emerged from the Select Committee will be satisfactory. When the Bill was introduced in this House, it was clear from the notes on clause 2 that it enabled the levy of tax on coffee and tea and of any other agricultural produce which may be notified by them. I strongly supported the introduction of the Bill not only for the purpose of meeting the deficit that has been created by the introduction of Prohibition but also yield return to finance many of the urgent needs of the country. The other day, I pleaded that agricultural produce must be exempt from the operation of this Bill because there are many agriculturists who have very small gardens and the produce from these

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gardens would be too meagre to bring in any big return. In the Bill as it emerged from the Select Committee, I find that they have made a definite recommendation omitting coffee altogether and exempted tea that is exported outside the province. This opens up a big question. Coffee-growers, as most of friends who come from the plantation areas will bear me out, have been ruined due to the existence of the bug pest and in its place, they have taken up tea. What happens? There are small growers and big growers. The big growers have put in large capital and have floated big companies and they have got their own factories. I think not less than 60 per cent of the crop output of these factories go out of this province, mostly to foreign countries. If we were to exempt tea that goes out of this province as made tea, I think a large slice of the revenue will be lost and I do not know the reason why the poor men in our own province who have taken up to the drinking of tea should be levied this tax at all. After all by taxing these small growers, ultimately the consumer has to pay the tax. There is a lacuna in this amendment that has been introduced at the Select Committee stage. It reads 'the sale of tea grown by the seller.' As a matter of fact, small growers who have got tea gardens, sell their leaf to the factories where it is manufactured and it cannot be called 'tea grown by the seller'. My hon. Friend Mr. Bokkai Gowder has given notice of an amendment which might meet the case but there also I think the small growers who are selling the leaf will be left scot-free. I think the Hon. Minister will see whether he could improve clause 5 by including the 'sale of tea leaf and tea manufactured by a seller'. I think that will meet the case. However, I wish that the Hon. the Finance Minister will reconsider the decision exempting tea that is exported outside this province because I do not think that by exempting tea and including coffee you will get a very big revenue. With these observations, I feel that the Hon. Minister will reconsider the decision in the case of clause 5."

* PYNDIAH VENKATANARAYANA:—"Mr. Speaker, I rise to support the Bill as amended and reported by the Select Committee. It is only after an elaborate enquiry and eleven sittings that the Committee was able to come to these conclusions. It is not correct to say, as has been said by the hon. Communist Member of the House, that the Hon. the Minister for Finance has yielded to the pressure of the mercantile community. He infers this from the complements and tributes paid to him by the various members not only from his party men but also from members on the Opposition benches. The hon. Member is probably not aware that the Hon. Finance Minister is greatly skilled in the art of capturing the minds of the Opposition without sacrificing his interests—I mean the interests of Government. He is a treasure of courtesy, etiquette, spirit of accommodation and fine manners, in exchange of which the Hon. Minister wanted to fill his exchequer with an inflow of perennial revenue by fresh taxation covered by this Bill. No doubt the Hon. Minister agreed to some concession in favour of trade but

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when questions involving large revenue came up for decision, he was quite firm and unbending. I assure the House that he has more than succeeded in achieving his object of getting more revenue. If the measure as reported by the Select Committee is passed, I believe Government would get an additional revenue of about a lakh of rupees per day. With these observations, I wholeheartedly supported the Bill."

* SRI P. KANDASWAMI PILLAI:—"Mr. Speaker, Sir, I generally support Bills placed before this House by Hon. Ministers of this Government. I am going to support Government this time also with a few observations. I feel the spirit of the Bill will not be achieved if Government leave out commission agents. In this province, lakhs and lakhs of profit are earned by merchants on commission basis. I do not know why the Hon. Finance Minister did not bring them under the ambit of this Bill."

"Apart from that, Sir, I am grateful to the Hon. Finance Minister that he has reduced the tax on handloom cloth. Because my place of Salem consists of mainly weavers and handloom cloth traders. They have requested this Assembly through me to see that tax is not levied on handloom cloth. Already handloom cloth trade is dragging and has a lingering existence for want of sufficient quota of yarn. Therefore I am really glad that the tax is levied only at one point, even though that might have been avoided."

"One other serious point I wish to bring to the notice of the House is this: the Opposition generally oppose all measures brought by Government. But it is a curious sight to see that they support this measure, and not only that, they have paid encomiums to the Hon. Finance Minister. I was trying to find what it was due to and am at a loss to find a reason. It is something that we should pass for a moment and ponder. I doubt whether the spirit of the Bill has been brought down. I do not know whether the object of the Bill can be achieved if commission agents are exempted. With these observations I support this Bill."

SRIMATHI V. LAKSHMI AMMAL:—"அக்கிராசனாதிபதி அவர்களே, விற்பனைவரி திருத்தச் சட்டம் Select Committee-க்கு போய் வந்திருப்பதை நான் மனப்பூர்வமாக ஆதரிக்கிறேன். இந்தச் சட்டம் Select Committee யிலிருந்து அநேகம் மாறுதல்களுடன் வந்தபிறகு இந்தச் சட்டசபையில் எல்லா மெம்பர்களும் நமது நிதி மந்திரி அவர்களை பாராட்டி இருக்கிறார்கள் என்பது குறிப்பிடத்தக்கது. ஆனால் நிதி மந்திரி அவர்கள் இந்த திருத்தச் சட்டம் கொண்டுவந்தபோது என்ன தொகை அவர்கள் எதிர்பார்த்திருப்பார்களோ அந்த தொகை அவர்களுக்கு இப்பொழுது கிடைத்திருக்குமோ இருக்காதோ என்பது சந்தேகம். இந்த விற்பனை வரிச் சட்டம் ஆரம்பத்தில் ரூபாய்க்கு ஒரு தம்பிடியாக போடப்பட்டிருந்தது. பிறகு Advisory Government காலத்தில் ரூபாய்க்கு இரண்டு தம்பிடி களாக உயர்த்தப்பட்டது. இப்பொழுது நமது நிதி மந்திரி அவர்களே ரூபாய்க்கு மூன்று தம்பிடியாக திருத்தம் கொண்டுவந்திருக்கிறார்கள். சில சாமான்களுக்கு அதாவது வரிபோடாத சாமான்களுக்கும் போடவேண்டுமென்றும் கொண்டுவந்தார்கள். ஆனால் Select Committee-யில் பெரும்பாலும் பரிசீலனைசெய்யப்பட்டு அநேகம் கோஷ்டிகளை சந்தித்து அவர்கள் பின் விவாதம் நடத்தி இந்தவிதமான முடிவுக்குவந்தார்கள். இதை எல்லோரும் பாராட்டுவார்கள். ஆனால் இப்பொழுது 16 கோடி ரூபாய்க்கு"

[1st December 1947] [Srimathi V. Lakshmi Ammal]

நிறுத்தத்தால். நமக்கு நஷ்டம் ஏற்பட்டு இருக்கிற தொகையை ஈடுசெய்வதற்காகத்தான் இதைக் கொண்டுவந்திருக்கிறார்கள். நாம் கவான்மெண்டிட்டுருந்து அநேகம் நன்மையான காரியங்களை எதிர்பார்க்கிறோம். அந்த முறையில் இப்பொழுது ரூபாய்க்கு மூன்று தம்பிடி இருந்ததை ரூபாய்க்கு நாலு தம்பிடியாக போட்டிருந்தால் அடிக்கடி வெவ்வேறு விதமாக வரிச் சட்டமால் ஒரேதடவையாக போட்டு ஈடுசெய்திருக்கலாம் என்பது என்னுடைய அபிப்பிராயம். ஆனால் நம் மாகாணத்தில் ஜனங்களால் வரிகொடுப்பது என்பது ரொம்பவும் கஷ்டமான காரியம். பொதுவாக ஜனங்களுக்கு வரி கொடுப்பது என்றால் மிகவும் கஷ்டம்தான். மேலும் நம்முடைய மாகாணம் எல்லா மாகாணங்களையும்விட எளிய மாகாணம். வியாபாரதரையில் இனிமேல்தான் நம் மாகாணம் முன்னேற்றமடையவேண்டும். அந்தமாதிரி இருக்கிற ஓர் நிலைமையில் இந்த வியாபாரம் முன்னேற்றமடையவதற்கு தடைசெய்யக்கூடாதென்று Select Committee யாரால் அநேகவிதமான திருத்தங்கள் செய்யப்பட்டிருக்கிறது. வெகுவாக ஏற்றுமதிகளுக்கெல்லாம் வரியை இல்லாமல்செய்திருக்கிறது. இன்னும் விளைவுபொருள்களுக்கெல்லாம் வரி இல்லாமல் செய்திருக்கிறது. காப்பிக்கொட்டைக்கு ஏற்கனவே முதல் point-ல் மாத்திரம் வரி இல்லாமல் இருந்தது. மற்ற point-ல் வரி ஏற்கெனவே வசூல்செய்யப்பட்டிருக்கிறது. முதல் point-க்கும் Select Committee யாரால் போடவேண்டாம் என்று எடுக்கப்பட்டிருக்கிறது. அப்படி இருந்தும் காப்பிக்கொட்டை வியாபாரம் செய்கிறவர்கள் ஸ்டம் ஸ்டமாக சம்பாதிக்கிறார்கள். ஜனங்களுக்கு காப்பிக்கொட்டை கிடைப்பது கஷ்டமாக இருக்கிறது. அதை கவனிக்கவேண்டுமென்று தெரிவித்துக்கொள்ளுகிறேன். காப்பிக்கொட்டையில் ஏராளமான வரும்படியை எதிர்பார்த்துதான் பொதுஜனங்களுக்கு காப்பிக்கொட்டையை வெளிவிடாமல் வைத்துக்கொண்டிருக்கிறார்கள். காப்பிக்கொட்டைக்கு முதல் point-க்கு வரி வேண்டாம் என்று Select Committee-யாரால் தெரிவிக்கப்பட்டிருக்கிறது."

"இன்னும் கைத்தறி துணிக்கு ஏற்கனவே சட்டப்பிரகாரம் வரி இல்லாமல் இருந்தது. இப்பொழுது வாங்குகிற இடத்தில் அதாவது Retail Sales மாத்திரம் மூன்று தம்பிடியாக மாத்திரம் போடப்பட்டிருக்கிறது. அது அநேகம் வியாபாரிகளுக்கு அனுசூலமாக இருக்கும். ஏனென்றால் வியாபாரிகளுக்கு மில்லில் நெய்யும் துணியை தனியாக வைத்து விற்கமுடியாது. தனியாக கைத்தரியும் வைத்து விற்கமுடியாது. இரண்டு விதமான துணியையும் ஒரே கட்டையில் வைத்து விற்கிறவர்களுக்கு கணக்கு வைத்துக்கொள்வதற்கு சௌகரியமாக இருக்கும். ஆகையால் கைத்தறி துணிக்கு வரி போட்டதும் அவர்களுக்கு சௌகரியமாக இருக்கும். ஒரே point-ல் மாத்திரம் போடப்பட்டிருப்பது கவனிக்கத்தக்கது."

"நூலில் வரி போடவேண்டுமென்று ஏற்கெனவே திருத்தச் சட்டத்தில் இருந்த பிரகாரம் இல்லாமல் Select Committee-யார் நூலில் ஒரு பங்கு அதாவது 1/2 பைசா போடவேண்டுமென்பதாக தீர்மானப்படுத்தியிருக்கிறார்கள்."

"ஆகையால் அநேகவிதமான திருத்தங்களுடன் எல்லா ஜனங்களாலும் வரவேற்கக்கூடிய ஒரு முறையில் நமது நிதி மந்திரி அவர்கள் தீர் விசாரித்து இந்த திருத்தங்களை ஏற்றுக்கொண்டு இந்த சபைமுன் இந்தச் சட்டத்தை சமர்ப்பித்திருக்கிறார்கள். இவ்வித திருத்தங்களுடனும் இந்த விற்பனை வரியை நான் பூரணமாக ஆதரிக்கிறேன்."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, while supporting this measure I wish to refer to the remark that was made by Mr. Batchelor. He observed that the Opposition seemed to have forgotten their duty, which was merely to oppose. That may be a Western convention; that may be the practice that obtains in Britain; but we on this side of the House, wish to set up a precedent for others to follow. We shall oppose a measure only when we feel that it is not justified and shall support it whenever we consider that the Government are acting"

[Begum Sultan Mir Amiruddin] [1st December 1947]

rightly. We shall be guided by the principles of truth, justice and righteousness and in consonance with the promptings of our conscience. Sir, there is great need in the world today to elevate politics to a higher level, and I consider it the duty of every politician to strive towards that end. There is need both in the West and in the East to give a new orientation to modern political methods and political devices, for then alone can we glance down the vista of the future with satisfaction.

“Coming now to the Bill in question, I am very glad to find that the Hon. the Minister for Finance has once again received encomiums from every side of this House for his spirit of accommodation. He was well-advised in adopting a reasonable attitude for the measure that he has brought forward is one of far-reaching consequences; it is one that affects the rich and the poor alike. Sir, gone are the days when the poor used to exclaim:

‘What’s it to us if taxes rise or fall?’

Thanks to our fortune we pay none at all.’

Those days no longer exist. Today the poor consumer has to pay a tax on every article of necessity with the exception of salt. Therefore it is gratifying that this measure was not rushed through but that the Select Committee had eleven sittings and considered every aspect of the Bill. Sir, we are living at a time when there is great need to encourage production in order to check inflation. In view of that the Hon. the Minister for Finance was well-advised to adopt certain suggestions, that were made to him to minimise the evil effects of this Bill on production. I am glad to note that in response to our appeals, he has exempted coffee from taxation, a beverage with reference to which, as I stated on the previous occasion, the poet has declared, that it makes the politicians wise. Perhaps it is because of this that it has received favourable consideration. (Laughter.) But, Sir, why has a discrimination been made with reference to tea a beverage which ‘cheers but not inebriates.’ In these days of prohibition that cheering beverage, tea, is a valuable substitute for toddy. There is a difference between coffee and tea so far as the poor are concerned for whereas coffee requires a good deal of milk, for tea very little milk is needed. People here are not accustomed to black coffee without milk such as is relished in Turkey and Egypt. (Sri R. V. Swaminathan: ‘Here too people like black coffee.’) I am glad to hear it. But as far as I know, people in South India take a good quantity of milk with their coffee, whereas tea requires very little milk. Since tea is cheaper, it is a good substitute for toddy for the poor people. As the tax on this beverage will be an additional burden on the poor, I feel that should not have been levied. I see that tea that is exported outside is exempted. I wish to know why this distinction has been made between tea exported from the province and tea consumed therein. Why should concession be extended to foreigners but our own people made to pay more for this article? I am also sorry to note

1st December 1947] [Begum Sultan Mir Amiruddin]

that perishable foodstuffs like fruits, vegetables and meat have not been exempted from this tax. In these days when there is considerable scarcity of foodstuffs, the perishable articles of food should have been left out from the operation of the Act. Further at a time of building scarcity when there is an acute shortage of house accommodation, I feel that the tax that is to be levied on contractors and building materials will serve as a deterrent to house building. The report of the Provincial Housing Committee will be shortly in the hands of the Hon. Minister—I think within a week or two and then he will see for himself what a tremendous shortage of housing accommodation is prevalent in the province. The Hon. Minister himself will have to come forward to shell out a good deal of money from the exchequer to provide houses for the people. As such I feel that it would have been well if building materials has been exempted from the operation of this Act at the present time. The levy could be enforced on these articles after some years when the situation had eased. Newspapers also, I learn, are subjected to this tax. Though I am glad to note that some concession has been shown to them whereby the levy is to be at one point only hereafter, I feel that their case called for further concessions because a tax on newspapers is tantamount to a tax on knowledge. Newspapers constitute a very important medium for furthering the cause of adult education, and literacy and preventing people from relapsing into illiteracy after they become literates. Therefore a tax on newspapers should not be imposed, particularly at the present time, when adult franchise is looming large over the horizon and when it is the duty of the Government to exert their utmost to see that the people of this province do not grope in the mire of ignorance.

“I am glad to find that in response to our appeals the jurisdiction of the civil courts has now been restored. But what about the criminal courts? What has impelled the Government to deprive the latter of their jurisdiction? I cannot understand why the Government should divest the law courts of their powers. In a democratic country the law courts are the custodians of the rights of the people. Therefore I request the Government to see to it that the jurisdiction of the law courts is not interfered with.

“I find that a new clause has been inserted in the Bill investing the Government with the power of making exemptions in cases wherein they consider such preferential treatment is called for. With reference to this I wish to state that the Government should be careful in granting these exemptions so as not to create invidious distinctions and unnecessary heart burnings. In the Rent Control Act there is a similar clause empowering the Government to exempt such buildings from the operation of the Act as they consider necessary. Recently that clause was put into effect in such a manner that it has given rise to much controversy. I therefore wish to utter a note of caution in regard to the application of the new clause. I hope that when exemptions

[Begum Sultan Mir Amiruddin] [1st December 1947]

are granted every step will be taken to avoid invidious distinctions. With these observations I have pleasure in supporting the Bill."

* MR. W. J. FERNANDEZ:—"Mr. Speaker, Sir, when the General Sales Tax (Amendment) Bill was introduced in the House and thrown open for discussion I was disappointed to find that the Hon. the Finance Minister was adamant on the question of publishing the Bill in order to elicit public opinion when such a motion was moved by a few speakers on this side. I could not understand his attitude because after all one feels that the Government should welcome all shades of opinion on a matter which vitally affects the people, and after taking into consideration the views of the public they should come up to the Legislature with their hands considerably strengthened and with chances of pleasing the public much more than they could do otherwise. It was very evident that the Hon. the Finance Minister then was in a mighty hurry to get the Bill passed into law so as to levy the intended taxation under the Bill from the beginning of last month. It was due to his anxiety to fill the coffers of the treasury which are being rapidly depleted by the Prohibition policy. Now it is a pleasure to find the Hon. the Minister for Finance has responded more or less to the feelings expressed on this side by consulting various shades of opinion and taking a lot of time over this matter which is quite contrary to what I expected. I thought that it would be a very formal matter of passage through the Select Committee and coming out in a few days practically in the same form and being passed through this House by the big majority which the Government command. I repeat, Sir, that it is very refreshing to find that the Hon. Finance Minister has shown a response to the feelings expressed and I think he deserved the heartiest congratulations and I join in the congratulations with the rest of the House and making it clear how very much we appreciate the responsive and open mind he has kept in this matter.

"The Bill which has emerged from the Select Committee has considerably whittled down the incidence of taxation. To that extent it is a redeeming feature, though the Hon. Finance Minister may be disappointed with the amount that he would get as compared with that he wanted at first. Still, Sir, taxes are never welcome. There is a natural opposition to additional burden, particularly in this case where this is going to affect millions and millions of people. It is the consumer on whom this tax is going to fall ultimately. Much as I welcome this amended Bill I think that it is a matter of regret that the benefits which this Bill when passed into law is going to bring to the Government by way of large additional revenues will not be available for the people who will be called upon to pay the tax.

1st December 1947] [Mr. W. J. Fernandez]

"This is yet one more measure by the Government to make good the loss they are sustaining by their prohibition policy. I do not blame them. They have made pledges and probably they feel that they should fulfil their pledges. But it is a pity that they are rushing through the policy. They did not deem it fit to go slowly and provide for certain needs of the public like more medical aid in villages and so forth. That of course is their look out. We are not concerned. What I feel is that it is a pity that it is not going to enure for the benefit of the public. It is only going to help the Government to fill up the gap which they have caused by a certain policy. It is a matter of regret that the revenues are to be diverted to fill the coffers instead of being spent on ameliorative measures for the benefit of the various classes in this country. Nevertheless, as people responsible along with the Government for the administration of the Province, it is our duty, however much we may regret the action of the Government in this matter, to support the Government and as a dutiful citizen I extend my support also to this Bill."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, as I have made clear on a previous occasion I am opposed to this very tax as a whole, because it is a tax upon the consumers irrespective of their position, either as rich or poor people. But however, Sir, the Government seem to be adamant and they do not at all give heed to any advice given in that direction. As the Bill has emerged from the Select Committee there are indeed certain good features about it and we have to congratulate the Hon. Minister for Finance for showing so much compromising attitude in the matter. The congratulations and encomiums offered to the Hon. Finance Minister are not so much for his having made the Bill a good one. What I would say is that it is at best less injurious than it was in its original form. A great writer and moralist says: 'One should be glad when he finds a miser, an uncompromising miser has begun to spend his money even on intoxicating drinks,' which is a prohibited thing. The idea there is, miserliness is really very bad and when that miserliness has begun to melt one should really be glad because that very same person when he has begun to spend his money on bad things is likely to spend on good things as well. Here the point one should remember is that when one Member of the Government has begun to relent and give heed to reasonable pleas of the Members representing the public the hope is there that it will expand itself and that hope which has begun with the Hon. Finance Minister may extend and they might be more accommodative in the future. It is upon this that the Members are paying encomiums to the Hon. the Finance Minister. Of course it is the duty of the Opposition not to attack everything but only to attack bad laws and things. It is also their duty to encourage a good thing when it comes from any party and more so from the Government side.

[M. Muhammad Ismail Sahib Bahadur] [1st December 1947]

3-30 p.m. "Sir, the objections which we raised to this Bill have not all been cured. However we are satisfied to find that they have introduced certain welcome features or they have removed certain obnoxious features. They have left alone the commission agents, and the banks and retained the very important word 'wilful'. They have restored the jurisdiction of the courts though they have not gone to the extent to which they should have gone. I do not know why this popular Government should fight shy of placing all their cards before a court of law. If even they fight shy of courts of law, how much more should the people of the Province fight shy of them? They do not take into consideration that aspect of the matter. That is not the way of encouraging the habit of law-abidingness in the people. The Government must set an example of being prepared to go to a court of law on everything, so that the people also might not fight shy of them and might feel confident that the court of law is there to take care of them.

"Sir, I find that perishable articles like fruit, vegetables and meat are not excluded from the purview of the Bill. Though the taxable limit has been raised in the matter of fruits and vegetables, I submit that it is not reasonable to tax such articles as these which are perishable and which are dealt with by small people and people of little education. (At this stage the Deputy Speaker occupied the chair.) On a previous occasion I pleaded for one of the groups of traders, I mean the meat-stall holders. They are a set of poor, ignorant and illiterate people and cannot afford to engage an accountant or assistant. The very nature of the trade is such as not to enable them to keep accounts and ply their trade at the same time. This Bill does not bear any evidence of any consideration being given to these people.

"Madam, on a previous occasion I referred to the tanning industry. It is in a very peculiar position. It gets its raw materials mostly from outside the Province and the finished products find a market in the world markets for the simple reason that they do not find a market in this country. The products of this industry have to be converted into wealth so that a considerable source of national wealth may not be wasted. No handicap should be placed on the industry. Even if a small handicap is placed on it, it might go away from this Province. The people who sell the raw materials might be induced to start industries in their own Province rather than pay the sales tax. In the world market even a small difference affects the marketing of goods. Even a difference of half or one-quarter per cent makes a difference in the competitive markets of the world. Sir, all these facts and more I placed before the Hon. Finance Minister. But I do not find any evidence of his having been convinced of the reasonableness of my plea. However, I find clause 6 (1) to which the Hon. Finance Minister drew my attention. Under that clause

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at least, I hope the tanning industry and the trades I have mentioned might expect consideration at the hands of the Hon. Finance Minister.

"Madam, I want to mention one important point before I resume my seat. I quite agree with my hon. Friend Mr. Viswanatham that it would have been much better if a provision had been made in the Bill regarding the tribunal to which the Hon. Finance Minister referred, because that is a very important affair which will bring the public into touch with the Government and the machinery that administers the Act which affects every department of life of the people. Even now it is not too late for the Government to introduce a clause with reference to the tribunal.

"Finally, Madam, I would like to say that I wholly agree with my hon. Friend, Begum Sultan Mir Amiruddin, in her plea for the exemption of newspapers from the ambit of the Bill. Journalism constitutes the very breath of public life and it has not yet sufficiently developed in this country and it has not anywhere approached the position which it holds in some of the western countries leaving alone America or Great Britain. It requires every encouragement at the hands of the Government as well as the public. Therefore the Government should bring the newspapers under the exemption clause as soon as this Bill is passed. With these words, Madam, I give my conditional support to the Bill."

* THE HON. SRI B. GOPALA REDDI:—"Madam, Deputy Speaker, I am particularly happy to find that this House is in a very good mood to-day and they have given a cordial reception to the Bill as it has emerged from the Select Committee. The Bill contemplates the levying of an additional tax to the tune of four crores of rupees and the House has given its assent in a very cheerful manner. I expected much criticism on the increase of the percentage from 1 per cent to 1½ per cent or Rs. 1-9-0 on Rs. 100. Nobody has ever mentioned about it and I am very happy about it. The House has given its assent already by the way in which it has welcomed the report of the Select Committee, to a taxation measure which is going to impose a tax of more than four crores of rupees. It is really embarrassing to find hon. Members complimenting the mover and I am sure they have seen the reasonableness of the taxation measure, which has been necessitated by the huge loss of Rs. 17 crores on account of our prohibition policy. In view of that, they have welcomed this measure. I am sure the House will continue to give its support to the Government in order to make good the loss due to prohibition.

"The hon. Member Mr. Batchelor wanted to know how much the Government expected from this measure. I cannot correctly assess the amount that will be collected ultimately, but I can give some figures which are encouraging. For the first six months of 1946-47 the Government collected Rs. 316 lakhs under the General Sales Tax Act. For the same period in 1947-48, the

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Government realized Rs. 375.84 lakhs. These are only 45 per cent of the annual revenues though they were collections for six months. Even if the tax had been at 1 per cent, it would have been eight crores this year. At Rs. 1-9-0, we may not expect exactly 50 per cent over eight crores of rupees, but we can safely expect to get $2\frac{1}{2}$ to 3 crores more and ultimately it will come to $10\frac{1}{2}$ to 11 crores of rupees. And there are so many exemptions which are now being withdrawn for the first time. The levy of additional tax on the so-called luxury articles which are in fact not luxury articles but scheduled articles, will add a few lakhs more to the total.

"Madam, for the first time perhaps, the general sales tax is going to be the main source of revenue for the Government excepting land revenue. Land revenue was the principal item in our budget, but in recent years excise revenue excelled land revenue and went up to Rs. 17 crores. With the evaporation of the excise revenue, the sales tax is going to occupy the first place and we expect for a full year about Rs. 12 crores.

3-45
p.m. "The Government wanted to bring the measure into force from the 1st November, but it was not to be. Even in the 1st December, it could not be brought into force because the Select Committee took a very long time. It examined many witnesses and collected a large amount of data. Therefore, even the 1st of December is out of the question. So, if the turnover rules and other rules are approved by this House, the Act will come into force from 1st January 1948 and you can have a rough idea of what it is going to bring for the last quarter of 1947-48. When the Bill is of far-reaching importance, the House was in a very good mood and welcomed it. I am particularly thankful to the members of the Select Committee who were of immense help to the Government in examining the intricate statistics that were presented to us, and the Committee acted like a tariff board as it were. I did not realize the immensity and the complexity involved in the work. It is all easy for me to take decisions in my own office. But when representation after representation and various shades of differences were being presented, we had to act in a very reasonable manner and see that industry and commerce in this Province do not suffer on account of the sales tax and that the people do not avoid taxation by short-circuiting the normal trade channels. It would be easy to short circuit the hawkers and marketing places and divert the trade to places in Pudukottah, Bangalore and Bombay and thereby legally escape taxation. We took particular care in modifying the tax on scheduled articles. We had to see what it will cost a motorist to bring a motor car from Bombay. The tax in Bombay is 3-1/3 per cent and it is levied at one point only, and there is no higher rate of tax for motor cars and other luxury articles. We took into account the tax levied by the Bombay Government and the charge for conveying the motor car or lorry to this Province in fixing the rate of half an anna for motor cars, motor cycles and

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other articles. In that way, we examined a series of the so-called luxury goods to see how much tax they can bear. Because we have to compete with the biggest of Indian markets, the Bombay market, the Bangalore market and the other States round about us, we had to take all these things into consideration when we imposed a higher tax. Mr. Venkateswarlu rightly objected to the small percentage of taxation on motor cars and my defence of it, I suppose, must have explained the whole case to him. If we impose a tax of two annas as originally contemplated, the tax would be over a thousand rupees for a motor car of Rs. 10,000 besides the charge of Rs. 400 or 500 for bringing it from Bombay. So we had to levy the tax in such a manner as will not divert the import and sale of motor cars. So we had to do a sort of tariff board work to see whether each trade could bear the burden of a higher tax or not, and we rightly came to the conclusion that this tax should be in addition of general sales tax and that it must be levied at one point only.

"The biggest attack this time was about ousting the jurisdiction of criminal courts. While the Members welcomed the retention of the jurisdiction of civil courts, they objected to ousting the jurisdiction of criminal courts. We examined the question very carefully and, I suppose, we did the right thing. The offences under this Act are generally referred to Second-class Magistrates, Sub-Magistrates, Sheristadar-Magistrates and petty Magistrates in mufassal towns. They cannot go into the intricate problems of the Sales Tax Act. They cannot go into the question whether the tax has been rightly assessed or not and whether it is due or not. If an assessee is aggrieved by the verdict of a criminal court, it is always open to him to take the matter before a civil court and ask the Munsif or the Judge to go into the fundamentals of the assessment. What we have done is that let him not challenge the assessment in a criminal court. It has come to the notice of Government that one verdict was given by a criminal court and another verdict by a civil court. There was conflict of judgment. To avoid these difficulties, we have ousted the jurisdiction of the criminal courts and retained the jurisdiction of the civil courts. It is always open to the aggrieved party to take the matter before a civil court and get a verdict in favour of him, if he so chooses. Nothing wrong has been done in ousting the jurisdiction of the criminal courts.

"My hon. Friend Mr. Viswanatham raised the question of the tribunal. The tribunal will be set up very soon. We cannot appoint the tribunal by executive orders. We have to get the sanction of the House and amend the Sales Tax Act. While we are anxious to set up this tribunal, unfortunately the rules in that connexion have to be framed by the Board of Revenue, examined by the Government, published and due notice given to the Members so that they can scrutinize them. When the Government are taking time to consider the setting up of the tribunal, there is no use in hurrying up the Government, as the result may be an ill-conceived

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tribunal which cannot satisfy the requirements of this Act. As I said on a previous occasion, even the tribunal that was set up under the Indian Income Tax Act came into being only after 40 or 50 years of the operation of the Act. The General Sales Tax Act has hardly been before the public for 8 or 9 years. The Manual is not yet ready, the department is not yet made permanent. People from the Excise and Revenue Departments come to-day and disappear to-morrow. When the whole thing is in a fluid condition, we thought that it would be premature to set up a tribunal. That is why we are taking some time. I once again give the assurance to the House that all steps are being taken to amend the Act and to set up a proper tribunal, so that there may not be any hardship to the assessee and everything will go on smoothly.

"I must also thank the Select Committee for giving me a power which I did not seek, namely, the power mentioned in clause 6.

(1) The Provincial Government may, by notification in the *Fort St. George Gazette*, make an exemption, or reduction in rate, in respect of any tax payable under this Act—

(i) on the sale of any specified class of goods, at all points or at any specified point or points in the series of sales by successive dealers; or

(ii) by any specified class of persons, in regard to the whole or any part of their turnover.

(2) Any exemption from tax, or reduction in the rate of tax, notified under sub-section (1)—

(a) may extend to the whole Province or to any specified area or areas therein.

This clause was not in the original amending Bill. Representations were made by the Chamber of Commerce, British Cochin, and the Select Committee thought it fit to give power to the Government to go into the hardships of specified class of goods or of transactions in particular localities and give relief. While the Government have no power to increase the tax, they have power to reduce the tax or exempt certain goods from the operation of the Act. It has thrown a very onerous responsibility on the Government. My hon. Friend, Begum Amiruddin, has already warned that the power should be exercised in such a manner as to cause no hardship to any individual or individuals and not to give room for suspicion of either nepotism or favouritism. I thank the hon. Lady Member for the timely warning. I also realize that the power can be used, abused or misused. To safeguard myself from any possible attacks in future, I am anxious to set up a standing advisory committee as soon as the Act comes into force. Cases of reduction in taxation or exemptions will be placed before the committee and a convention will grow that no reduction or exemption will be given unless approved by it. I suppose that this is an effective safeguard against any possible abuse of the power which the Legislature has, on its

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own motion, put into the hands of the Government. I give the assurance to my hon. Friend, Mr. Abdul Majid, that the advisory committee will go not only into the Sales Tax, but the Commercial Taxes in general.

"The question of tea and coffee was raised very pertinently. Some members objected to the exemption given to coffee, while some others congratulated me on exempting coffee from taxation. Originally we wanted to tax tea and coffee even at the first point. But now they have been subjected to taxation except at the first point. Very very interesting data were placed before the Select Committee and the effective manner in which the case was presented before us is still ringing in my ears. Minute statistics and the position in international markets were explained specially with regard to tea. There was a time when we were holding a pre-eminent position in the export of tea. Our position is being challenged by Africa, specially Kenya, perhaps South America, and some other countries, and now we are not having that pre-eminent position. London market also is fighting shy of taking our exports. The Government of Great Britain have reduced the ration of tea consumption which means saving of so many millions of tons of tea. South Africa is increasing its acreage under tea and challenging our export trade in tea. So, we propose to exempt the exported tea and tax only the tea consumed in the Province.

"After all the consumers of the Province have to pay for it. It 4 p.m. was thought that the consumption of tea in this Province should be taxed at the original point which enjoyed exemption previously and that if it was going to be a great hardship, or if it was going to kill either the production of tea or consumption of tea, certainly the Government can review the position after some time and take necessary steps to exempt it from taxation. But we are convinced that for the time being it can bear this slight burden of tax.

"With regard to coffee, the position is very peculiar. What is intended is not total exemption for coffee as hon. Members can see from the proceedings of the Select Committee under the head 'coffee' that the Committee has decided to have further investigation in the matter. We have neither taxed coffee nor exempted it altogether from taxation because of the peculiar position of the coffee trade. The Coffee Control Board at Bangalore is getting all the coffee into a pool and there it is making the original sale. This Coffee Control Board is working under the aegis of the Government of India and we are not quite sure about the position whether we will be taxing the Government of India if we levy the sales tax on the coffee sale at the first point. So we decided that we must go into the question in greater detail and see whether coffee also can be included within the ambit of this taxation. So, hon. Members need not get away with the impression that coffee has gone scot-free while tea alone has been subject to the tax. We shall go and examine the nature of the sales that the Coffee Control Board at

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Bangalore is conducting and see whether it can also be taxed at some point or other or whether any preferential tax can be imposed which it can bear easily. Therefore there is no point in saying that coffee has gone without being taxed while tea alone has been taxed.

“ Sir, the question of taxing yarn and handloom cloth gave us a lot of trouble. The whole mechanism under which these things are being marketed now is neither known to us nor to the Minister in charge of Industries. Some of us in the Select Committee who have at least nothing at all to do with the textile trade at any stage,—either in the production stage or in the consumption stage—were not able to understand even some of the technical terms used in the trade, such as quota-holders, retailers, etc., and therefore we had to ask the Textile Commissioner to come before us and explain the whole mechanism of the trade and how the various percentages were fixed by the Government of India and how this tax should be telescoped within the 20 or 30 per cent margin which the Government of India have allowed for the dealers. Some of us who are laymen in these matters found it very difficult to understand the entire position and after a great deal of discussion we ultimately came to the conclusion that yarn should be taxed at only two points and that it could bear only one-fourth of one per cent of the turn-over, although our original idea was to tax it fully at the ex-mill. We have at the same time asked the Provincial Textile Commissioner to see that this tax is not passed on ultimately to the handloom weaver. So now the handloom weaver will be safe and he will not in any way be hit by the imposition of this tax. He can therefore continue to get the rates which he was getting previously and he will not in any way be affected. The handloom cloth which was also originally intended to be taxed although booked outside the Province is also to be exempt from this tax. Strong representations were made by various Piecegoods Merchants' Associations in the Province who pleaded eloquently before us that it must continue to have exemption, as the prices of mill cloth were showing a tendency to fall, that the strain of the existing taxation on their business had already reached the breaking point, that the prices of cloth had already gone by 20 or 30 per cent and that the co-operative institutions which were dealing in handloom cloth were selling them at very high prices. In view of all these representations, we decided to impose the sales tax on handloom cloth at the last point before it reaches the consumer and so now, the handloom cloth will be taxed at only one point at full rates and I am sure it would not be a great burden on those who are dealing in handloom cloth, and on those who are purchasing handloom cloth.

“ As regards cotton, Sir, we have decided to exempt it altogether from this tax, because representations even from the Government of

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India came to us that cotton should not be taxed. We all remember the statement made by the Hon. Shyam Prasad Mukerjee the other day, and also the representations of the great mill-owners before him that any tax on cotton will be detrimental to the textile trade of India as a whole, and therefore we thought that this tax should not be telescoped into their percentage of margin fixed by the Government of India, and so we ultimately decided that cotton should continue to have exemption. Some hon. Member raised the point—I suppose it was Mr. Hameed Khan—why handloom cloth going outside the Province should get this exemption while purchasers in our own Province should be taxed. He asked, when the Government of India are going to levy an *ad valorem* duty on cloth, why should not this Government also think of levying a tax on the export of cloth. Sir, the answer is very simple. We anticipated that, we knew that it was on the offing, that the Government of India would impose some kind of *ad valorem* duty on the export of cloth, because Mr. Sivasankar, the Textile Commissioner who came from Bombay told me what was taking place at the headquarters and so we decided to exempt this tax on export of handloom cloth. So, when the Government of India propose that tax, they are taxing only on a cloth which is not subject to our Provincial taxation; it will be subject only to the Government of India taxation. So, there is no double taxation and my hon. Friend Mr. Hameed Khan can rest in peace that those unfortunate goods are not being subject to both the Provincial and Central taxation.

“ Then, Sir, with regard to newspapers. More than one hon. Member beginning from Mr. P. Venkateswarlu down to the Leader of the Opposition referred to this tax. I admit, Sir, that it is a tax on knowledge, but we are giving some relief just now. Newspapers are now being taxed at two points, one at the headquarters from which the papers issue and the other at the agent in the mufassal where he gets the newspapers and distributes them to his customers. Now, both at the headquarters and at the mufassal place, they are being taxed at one point. After receiving several representations from those agents, we have decided to exempt them from all taxation and newspapers will hereafter be subject to one point taxation at the headquarters only and the tax instead of being one rupee previously for every hundred rupees worth of newspapers sent out, will hereafter be Rs. 1-9-0 per cent at the central office. The net reduction will therefore be 7 annas per cent. There is one other important point that should be noted in this connection and this was also very rightly represented to us by the proprietors of newspapers, namely, that this tax will not be passed on to the consumer, because whether we tax them or not, they said that they were not going to increase the price of newspapers to more than two annas. So, the subscriber of the newspapers is in fact not going to pay this tax. Only the proprietor is going to pay the tax from out of his profits. Therefore, this tax is not a tax on knowledge. I do not say that all newspaper proprietors are making profits, but

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certainly well-established newspapers are making profits and out of their margin of profits, we are expecting them to pay this Rs. 1-9-0 per cent.

"Sir, it was Mr. Majid, who pointed out more than once in the Select Committee—perhaps I should not refer to our proceedings in the Select Committee—that the sale of space for advertisements should be taxed under this Act itself, and that newspaper advertisements must also be taxed. We thought that space was not a commodity that could legitimately come under the Sale of Goods Act and that a new Bill must be brought forward in order to tax advertisements. I may therefore assure my hon. Friend Mr. Majid and other friends that we will seriously think of bringing in such a Bill and when it matures, newspapers will certainly get exemption under this tax, because they will be paying something on those advertisements which they are publishing in such large numbers. Therefore newspapers can also be satisfied for the present, because they can expect some exemption from this tax, very soon, when that Bill comes up.

"Then, Sir, with regard to hides and skins, we have not done anything new. A number of members representing the hides and skins trade were good enough to come before us in the Select Committee and made their representations. They gave us all the minute details of the various process of the trade and also furnished us a lot of statistics. It was rather a very difficult job for us to follow them in all their details and in all the intricacies of their trade and because they said that the hides and skins trade is in such a delicate condition and because the competitive capacity of this trade in foreign markets is tender and delicate, we thought that we should not do anything new and therefore we left them untouched. Now they are being subject to tax on the purchase value and for the time being they will continue to pay the tax on that basis. As regards taxing them at the sale value, as I said just now, we shall examine the question again—and I understand that a Central Advisory Committee is also examining the question very closely and we shall then come before the House, if we feel that it can bear some more taxation and therefore nothing will be done for the present.

4-15 p.m. "Lastly, Sir, on the question of perishable commodities like vegetables and fruits and also meat. There are other perishables too whose case was not advocated here. There are the coffee hotels; the idlies prepared there are perishable, the dosais are perishable. The coffee hotel people also came before us and gave us very interesting information; they stated that they cannot pass the tax on to the consumers because the average consumer is only a three annas or four annas or five annas man, and they cannot charge a pie or a pie and a half on the bill and it cannot also be collected; and so they pleaded that they must be given exemption. We did not however give the exemption, and they will

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continue to be taxed as they were being taxed previously. All the coffee hotels in the city and in the mufassal, all the big hotels like Connemara and the Bosottos are also paying the tax and their case is on the same footing as vegetables and fruits. If vegetables and fruits are perishable, certainly the articles prepared in the hotels are on the same par. I think if coffee hotels are paying the tax, these fruits and vegetables also should continue to pay. As a matter of fact, dealers in vegetables and fruits are to-day paying the tax; whether they are literate or illiterate, they are maintaining some sort of rough accounts and they are paying the tax for the last eight or nine years and they must continue to pay the tax even though it is slightly enhanced now, i.e., by nine annas for every Rs. 100. We have shown them a little concession, and small mercies do go a long way to please them, viz., instead of on a turnover of Rs. 10,000 we will tax them on a turnover of Rs. 20,000, if the present licensing slab as it is to-day is continued. So, dealers with a turnover of Rs. 20,000 alone will be subjected to the general sales tax at Rs. 1-9-0 per cent, and I am sure they will not grudge to pay that. The same is the case with the butchers. Even right from the very beginning, the case of the butchers has come up before the House and before the Government, and for one reason or other, their request was always negatived, and it must be for very obvious reasons. All that they have got to do is to tell the Commercial Tax Officer how many cattle they have butchered on a particular day, or how many cattle or sheep or goats they have purchased that day and sent them to the slaughter house. The rest the Commercial Tax Officer will do; he will calculate. The butcher need not be a literate man, he need not be a graduate or a matriculate to say: 'I have killed ten sheep to-day and you can assess me on that'. As I said, the rest will be done by our people."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of information, Sir. The Hon. Minister for Finance displays much ignorance with regard to butchers, when I believe the Hon. Speaker of this House and the Leader of the Opposition happen to be authorities thereon by virtue of their Presidentship of the Association." (Laughter.)

* THE HON. SRI B. GOPALA REDDI:—"So, Sir, without much difficulty they are paying the tax and they will continue to pay the tax.

"I think I have covered almost all the points; and if there are any left, when we take up the clauses and discuss them in detail, I shall place at the disposal of the House whatever information is available with me.

"I am sorry I forgot to say that some friends have criticised the Select Committee for giving total exemption to the commission agents. While as a matter of fact many are happy over it, a few friends are objecting to the exemption of commission agents.

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as usual. But we are making the rules very tight. The rules will be before the House within a week and you will have ample opportunities of seeing whether they could be subjected to tax in a very rigorous manner or in a lenient manner, and that subject will come up for discussion when we take up the rules. I may however state for the information of the House that the total number of licensed commission agents is going down from year to year because our department is trying to check up and hunt up all bogus agents and we are cancelling the licences of such dealers. While the number was 4,365 in 1943-44, it came down to 2,715 in 1944-45 and it is still showing a further downward tendency. So, the department is taking full care to see that no bogus dealers go scot-free under the name of commission agents. Our friends need not therefore object to the retention of clause 8 in the Act and the exemption of commission agents.

"I think I have now covered all the points referred to, and I hope the House will give its wholehearted support to the further stages of this Bill."

MR. SPEAKER:—"The motion before the House is that the Bill as reported by the Select Committee on the Madras General Sales Tax (Amendment) Bill, 1947, (Bill No. 25 of 1947), and the Bill as amended by the Select Committee be taken into consideration."

The motion was put and carried.

Clause 2.

MR. SPEAKER:—"The question is that clause 2 do stand part of the Bill. I think there are no amendments given notice of."

MR. H. B. WALFORD:—"Mr. Speaker, Sir, I think there is an amendment made in clause 2 with reference to Explanation (2)."

MR. SPEAKER:—"There is no amendment now with reference to clause 2 of the Bill, I think."

MR. H. B. WALFORD:—"I thought that Explanation (2) under clause (b) of section 2 was deleted, and in its place, a new section 14-A has been inserted by clause 10 of the Bill."

MR. SPEAKER:—"We are now on clause 2 only; will you kindly explain to me what the amendment to this clause is?"

MR. H. B. WALFORD:—"I thought there was a chance made in clause 2 of the Bill; I see it was made by the Select Committee."

MR. SPEAKER:—"No amendment has been given notice of to clause 2 of the Bill as amended by the Select Committee. I therefore put clause 2 to the House."

Clause 2 was put and carried.

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Clause 3.

Clause 3 was put and carried.

Clause 4.

* SRI V. M. RAMASWAMI MUDALIAR:—"Mr. Speaker, Sir, I have given notice of an amendment; viz.,

'In the proposed section 5 (i) after the words "sale of cotton" the words "fruits and vegetables" shall be inserted.'

That is to say, in the catalogue of goods that are totally exempted from this tax are cotton, handspun yarn, any cloth woven on handlooms wholly with handspun yarn, etc.; I seek to introduce after the words 'sale of cotton' in the first line, the words 'fruits and vegetables.'

"The object of my amendment is to bring to the attention of the Hon. Finance Minister and of this House the fact that this trade in fruits and vegetables deserves special consideration at their hands for the reasons which I shall presently give. I have heard and have had the benefit of the views of the Hon. Finance Minister on this question as to why he has not been able to treat fruits and vegetables on a special footing and exempt them from this tax, in the speech that he made just now. Sir, it pained me to see that the Hon. Finance Minister has compared the trade in fruits and vegetables and put it on a par with the hotel trade, manufacturing probably idlies, Delhi durbars, jelabis and things of that sort. The fundamental difference between fruits and vegetables and perishables manufactured in the hotels which he says are gladly paying the tax is that not only are fruits and vegetables perishables, but they are unprocessed perishables, they are in the natural stage. To my mind that makes a fundamental difference for in the case of processed food, it certainly is open to the manufacturer to regulate and stop the manufacture of the goods at a certain stage. For instance, if there is demand for 50 idlies, the dealer stops with that number, if there is demand for 500, he stops with that number; so, he is in a position to regulate the manufacture of these refreshments. But in the case of fruits and vegetables, after they are grown and when they come into the market, there is no question of regulating the supply at all. If, 5,000 oranges come into the market on a certain day from the various parts of the country, those 5,000 fruits must be sold on that particular day, or they must be allowed to perish. That is one difference. Secondly, the more important difference is this: if you look into the trade and examine the mechanism of the trade as the Hon. Finance Minister would call it, the difference will be found to be vital. In the case of fruits and vegetables, the persons who have taken up this trade will, on examination, be found to have generally lost in the trade because of the very perishable nature of the articles, the very uncertain state of their being kept, and the lack of facilities for keeping them for long periods such as are found to exist in other and more civilized

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countries. I therefore invite the Hon. Finance Minister to review the financial position of those employed in the vegetable and fruit trade on the one hand and those employed in the hotel trade on the other. The hotel trade generally is a very flourishing trade, and we have now so many hotels springing up merely because it is a very flourishing and promising trade, whereas in the case of traders in vegetables and fruits, I am in a position to say with some authority that the trade has been far from being unhappy or prosperous. In some cases, the people who were in the trade a few years ago are not there now, because they have failed in business. If the Government have any doubt on this question, I would invite them to examine the accounts of a quasi-Government organization which was carrying on the trade in vegetables and fruits in Bunder street in the Madras City fruit market, i.e., the Kodur fruit growers' association; they tried to carry on the trade for some years; with the aid of a Government subsidy or patronage but in the end, the business resulted in a loss on account of the perishable nature of the article they were dealing in, on account of the intricacies of the trade and also on account of the competition in the trade which was so great that this quasi-Government and Government aided society or Government subsidized association dealing in fruits had to face huge loss, with the result that the co-operative society had to be closed down altogether. That is therefore another important point which I suggest has not been properly examined by the Government. And the Hon. Finance Minister has been more than ungenerous in this matter, may I humbly suggest to him?

4-30
P.M.

"I believe after the speech in the general debate, the Hon. the Minister gave me the impression of having yielded in very many matters to very large organized, vested and vocal interests and not heeded to small voice of the associations of fruit growers and dealers in vegetables who came to be organized only in recent months. Sir, as I said, the industry in fruits and vegetables is one which requires quick sales. Quick sales must take place; immediately after the fruits or vegetables are cut from the trees or gardens, they must go to the nearest market within the time and they must be sold the very same day. Sir, the Hon. the Finance Minister has been congratulated for the modifications that were made in the Select Committee with regard to cotton, yarn and handloom cloth. He seemed to be very reasonable and I only request him to extend his concession to vegetables and fruits. I will briefly state the trade mechanism with regard to these perishable articles. After they are cut from the trees, they leave the garden immediately and there is the small dealer who has paid months in advance some money and he gets the articles and takes them to the nearest market. Some times the goods go to the markets in the nearest towns through commission agents and sometimes, they are sold in the nearest village markets. Every morning and evening, the sales take place in the market. They must sell the stock the same day and whatever remains unsold has to be taken by the commission agents, not voluntarily, but by

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force of custom in the trade. So, he has to take the unsold stock upon himself, and the whole responsibility rests with him in disposing of the stock. So, the commission agent in the morning is turned into the dealer and has to purchase the stock in the evening. Thus, Sir, by reason of the custom in this trade, the commission agents becomes converted into the dealer and takes upon himself the whole stock on his own account. Thus at the end of the day, the commission agent is converted into a dealer and is brought within the ambit of this legislation. What happens? He takes the unsold stock on his account and despatches it to various mufassal centres on his own account. Sometimes, they perish during transport, because it may be that they reach their destinations after three or four days after they leave the garden or cut from the trees. That is why I say that we must take the peculiarities of this trade into consideration. I respectfully submit that the Hon. the Finance Minister and the Select Committee have not, in my humble opinion, paid sufficient attention to the peculiar nature of this trade.

"Then, Sir, I may add one more important argument in support of this amendment. In the other Provinces, after experience in the working of the Sales Tax for about two years, they have exempted fruits and vegetables from the General Sales Tax Act. In Bombay and in the Punjab, they do not tax fruits and vegetables at all and in Bengal, where they were once taxing fruits and vegetables, have now removed them from the purview of the General Sales Tax (Amendment) Act, passed in the year 1946. After having gained the experience of the working of this Act for more than a couple of years, they not only exempted fruits and vegetables from the purview of this tax but they also gave retrospective effect from the year 1944. Mr. Speaker, Sir, I think the concession which the Hon. the Minister for Finance has shown with respect to yarn and such other things is very well deserved in this case also and I trust that he will take advantage of the power that is given to him in clause 6 of the proposed Bill. We know that power is vested in him to exempt certain specified goods or to reduce the taxation. If exemption is not altogether possible, I request him at least to tax these perishable goods only at one point instead of at several points through which these things pass from hand to hand. I am glad to note that the Hon. the Finance Minister is going to appoint a Standing Committee for this Act and I hope that that Committee will go into the question of these perishable articles and will exempt them from the purview of this Act."

*SRI T. VISWANATHAM:—"Of course, I am seconding my hon. Friend who moved the amendment. It is a very legitimate amendment. Not only vegetables and fruits but also flowers should be excluded from the purview of this Bill. (Laughter). As my hon. Friend, Mr. Ramaswami Mudaliyar referred to the mechanism of the trade and as flowers are also of a perishable nature, I would earnestly appeal to the Hon. the Finance Minister

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to go a little deeper into the matter and to make investigations into this mechanism of the market. I see from the Hon. the Minister's tour programme, he is going to Waltair on the 11th or 12th of this month. I would ask him to go to the cheris and see for himself how these vegetables are brought and sold, and how they pass through three or four hands. These fruits and vegetables are sold more by hawking than by any regular sale. We might see this even in some markets in Madras. Therefore, it will almost be an impossibility to levy this tax on such persons, it is hard particularly on those who are vegetarians. (Laughter.) It will be an absolute class taxation. Already vegetables are very costly and we are not having sufficient rations. We are advised by Ministers and experts to eat more vegetables."

SRI P. NATESAN:—"Take meat."

* SRI T. VISWANATHAM:—"There are natural dietarians and there are people who use fruits in their daily dietary. Again, there are people who take to naturapathy who consume these fruits. All these factors must be taken into consideration and fruits must be exempted from the purview of this tax."

"Then, Sir, about flowers, fifty to sixty per cent of the population in our Province require flowers. Every day and every evening and at the time of worship of God, we require these flowers. So, from every point of view and also from the mode of enforcing this taxation, these vegetables, fruits and flowers must be exempted, else you will throw the poor dealers into the hands of petty officials, and you make the fruit, the vegetable and the flower costlier. Moreover, there is no particular advantage in taxing these vegetables and flowers and fruits. So, I very gladly support the amendment moved by my hon. Friend, Mr. Ramaswami Mudaliyar, and I would commend its acceptance without reservation. If you were accommodating in the Select Committee, I would request you to be accommodating in this House also."

* SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, it is not with the object of embarrassing the Hon. the Finance Minister that I rise to support the amendment. Sir, in the Nilgiris, after the Europeans had left the station, most of my community men have taken to both vegetable and fruit growing and now most of the women of my community have become petty traders by selling fruits and vegetables. By including these things under the purview of this Bill, I fear, they have to face serious inconveniences. If they have to maintain accounts and if they are to be taxed, then their economic position will become very serious. I therefore feel, they should be exempted, as has fallen from the lips of my hon. Friend Sri Ramaswami Mudaliyar. It is quite necessary therefore that the Hon. the Finance Minister should accept the amendment and give exemption to fruits and vegetables. As he has already suggested, he is going to appoint an Advisory Committee for the working of this Act and

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I hope this thing will be taken up by that Committee so that the poor scheduled class people, who are engaged in the fruit and vegetable industry, may be given some help."

* THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I heard a very interesting discussion on fruits, vegetables and flowers. Perhaps if this amendment is accepted—I am not going to accept it—then fish, mutton and eggs also have to be included among these things. As my hon. Friend Sri Viswanatham has said, these vegetables and fruits are sold by hawkers who take these things in their baskets and sell them. So, their turnover is naturally less than Rs. 60 per day. If the turnover is less than Rs. 60 they are not taxed. Only if the turnover goes to more than Rs. 20,000 a year, they will be subject to this tax. Ordinary hawkers cannot be expected to have more than Rs. 15 or Rs. 20 turnover every day. In the Select Committee, we have considered and given exemption to this class of goods as follows. While other dealers are taxed for turnovers exceeding Rs. 10,000, the dealers in vegetables and fruits will be taxed only if the turnover is over Rs. 20,000. Thus we have already given cent per cent exemption, as it were, with regard to these fruits and vegetables. Only if the turnover exceeds Rs. 20,000 they will be subject to the tax. It works out to Rs. 60 a day and the petty hawkers and dealers will certainly not have a turnover of Rs. 60 per day."

"As regards the suggestion that the Harijan agriculturists who produce these fruits and flowers in the Coimbatore and Nilgiris should be exempted from the purview of this tax, I may point out, that the agriculturists who grow these vegetables and fruits, sell those things to the dealers and thus the agriculturists themselves are not subject to this tax. Even for the dealers, if the turnover is less than Rs. 60 per day, they get the exemption."

"Again, my hon. Friend, Sri Ramaswami Mudaliyar, pointed that they are all perishable articles. I may state that all of them are not perishable, for instance, potato. It can stand for fifteen or twenty days. There are fruits also which can stand for several days. I do not know why they should get this exemption at all. Of course, brinjals and lady's fingers are perishable and even the fruits and vegetables, which are so-called perishable articles, stand for two or three days by which time they can be disposed of. I think, my hon. Friend has not made out a case for exempting these supposed perishable articles."

"As regards flowers, it is a very interesting position. Certainly flowers are perishable. They are needed by most of our womenfolk. I do not know how much income is expected out of this source. Only if their turnover is more than Rs. 60 a day, they will be subject to this tax. I will examine and, if possible, I shall try to exempt flowers from the purview of this Act. I do not know how much money is expected by imposing a tax on these flowers. Whatever it is, I will certainly make further

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enquiries with regard to flowers and also examine whether Government can exempt these flowers from the purview of this Act altogether. I oppose the amendment and I request my hon. Friend, Sri Ramaswami Mudaliyar, to withdraw the amendment."

SRI R. V. SWAMINATHAN:—"Sir, may I request the Hon. Minister to exempt at least such of the flowers which are more likely to be used by the fair sex?"

SRI V. M. RAMASWAMI MUDALIAR:—"I beg leave of the House to withdraw my amendment, Sir."

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

SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, . . ."

MR. SPEAKER:—"The hon. Member may formally move his amendment."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, I always abide by your advice, but we are in a peculiar position here. My reasons for the amendment are simple. My amendment is:—

'In the proposed section 5 (iii) after the word "retail dealer" the words "or to a consumer" shall be inserted.'

The main object of this amendment is to see that the consumer should not be taxed, especially when they are exempting retail dealers and wholesalers under this section. In this connection I would like to mention that most of the handloom cloth is being sold . . ."

MR. SPEAKER:—"The amendment of the hon. Member is self-explanatory and he need not expatiate on it."

SRI PILLALAMARRI VENKATESWARLU:—"I would like to explain my amendment, Sir. Most of the petty traders that are accustomed to trade in handloom cloth are to be exempted. My hon. Friend Mr. Majid, who is also interested in this trade, may second my amendment if he agrees with me, because on the question of handloom cloth we are in agreement. I request the Hon. Minister to accept my amendment; otherwise, I will have to withdraw it."

The amendment fell through for want of a seconder.

* SRI BOKKAI GOWDER:—"Mr. Speaker, Sir, I beg to move that—

'In the proposed section 5 (v), the following shall be substituted for the existing clause:—

"(v) the sale of tea manufactured by the seller or manufactured out of leaf grown on any land in which he has interest, whether as owner, usufructuary mortgagee, tenant or otherwise, shall be exempt from taxation at the first stage of sale ex-factory under section 3, sub-section (1)."

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"The object in my moving the amendment is to remove the distinction between the big estate owners and small tea garden owners in respect of this taxation. If really the Select Committee had heard the Small Growers' Association, then this clause would not have been introduced here. According to the report of the Select Committee, the tea consumed in the Province is to be taxed whereas its export to foreign countries will enjoy exemption. Sir, the total quantity of tea manufactured by the big estate owners entirely go to Bombay or to Cochin and is exempted from taxation, whereas the small growers who join together and build a factory and manufacture tea, they are subjected to this taxation. They are not in a position to compete with the big estate owners for producing high quality tea and they are only able to produce low quality tea, the market for which is only within the Province. So, it is only their tea that comes into the market and even at the first stage is subjected to this taxation. My amendment seeks to remove that initial taxation at the factory itself for the small grower also. I would therefore request the Hon. Finance Minister to accept this amendment, but if it is not possible for him to accept it, at least under the provisions of section 6, he will have to exempt taxation of sale ex-factory, as it is done to big estate owners in this clause."

SRI M. A. EASWARAN:—"I second it, Sir."

* THE HON. SRI B. GOPALA REDDI:—"Sir, the hon. Member came to me in my room and explained his amendment and I did not fully understand his amendment then, nor even now, as he spoke on it. I promise to go into the matter in greater detail and see what I can do in the matter."

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

SRI PILLALAMARRI VENKATESWARLU:—"I see that my amendment is in a way accepted by the Hon. Finance Minister . . ."

MR. SPEAKER:—"So, the hon. Member need not move it."

SRI PILLALAMARRI VENKATESWARLU:—"Anyhow, Sir, it must be formally moved and he has to formally accept or reject it. I move, Sir, that—

'In the proposed section 5 (vi), the words "and of newspapers, that is to say, of periodical works containing public news or comments on public news" shall be omitted.'

Sir, the Hon. Minister for Finance has already given an assurance that at a later stage when he is bringing forward a measure for advertisements in newspapers, he would consider the question of exempting newspapers from this taxation. My point is, that he is going to do it in a month or two and for this short period why should he impose this taxation on papers. Moreover, during the course of his speech he has stated that this tax is in no way going to affect the purchasers of newspapers. My objection is, papers like the *Hindu* . . ."

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MR. SPEAKER:—"The hon. Member need not repeat the arguments which he has used in the first stage of the Bill."

SRI PILLALAMARRI VENKATESWARLU:—"Only one more sentence, Sir."

SRI A. KALESWARA RAO:—"On a point of order, Sir."

MR. SPEAKER:—"Let the hon. Member finish his speech."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, even the League Opposition are prepared to accept my amendment and I hope, the Hon. Finance Minister will also accept the amendment for exempting newspapers from the scope of this Bill. Now that the Hon. the Leader of the Opposition has come, I appeal to him also to support my amendment."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I second it, Sir."

* THE HON. SRI B. GOPALA REDDI:—"I have already explained the position, Sir. I have given the assurance that the whole matter will be examined some time later, but for the time being this may be allowed to continue. My hon. Friend raised the question of the *Hindu* and may I ask him whether it is too much for the *Hindu* to pay Rs. 15,000 a year? I request him therefore to withdraw his amendment."

SRI PILLALAMARRI VENKATESWARLU:—"I withdraw the amendment."

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

MR. SPEAKER:—"I am anxious to finish this Bill to-day. I, therefore, request the House to wait for another 15 minutes and finish the Bill. There are only a few more amendments to the Bill."

* SRI M. G. NATESA CHETTIYAR:—"Mr. Speaker, Sir, even at the first reading stage, I appealed to the Hon. the Finance Minister to exempt certain kinds of cottage industries from this taxation and the particular item with which I am concerned at the moment is, the exemption of taxation on sales of products of stone or wooden country oil-manufacturing chekku, which is one of the most important industry in this Province. Sir, the industry of chekkus was in more affluent circumstances previously, but since the advent of the sales tax and the taxing of products of chekkus, their number has dwindled. Not only that, many of those engaged in this industry had to give up their profession on account of this taxation and the occupants had even gone to jail because they could not pay the amount of taxation. I may point out in this connexion, Mahatma Gandhi himself had said that this is one of the important cottage industries of this country, especially in South India and as such it should not be taxed for the sales of products of this industry. He said neither the local bodies nor

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the Government should impose any fee or tax on this industry. This view of his appeared in his journal 'Harijan.' In view of the fact that oil is a good and necessary substitute for fat, since it is used practically in every household and since it provides employment for a large number of poor people, I expected the Hon. Minister would have given due consideration to exempt the tax in question. Even though the representatives of the producers appeared before the Select Committee and put forth their views, I am very much disappointed to find that no provision has been made in the present Bill to exempt this industry at least from taxation. I once again earnestly request the Hon. Finance Minister to exempt the products of the chekkus. (A voice: 'What is meant by chekku?') They are otherwise called 'kanam' and it is the hereditary profession of my community, though of late other poor people are also engaged in the profession without any communal distinction. With these few words, Sir, I move the amendment that stands in my name, namely:—

"In the proposed section 5, the following new item shall be added, at the end:—

"the sales of products of country chekkus (stone and wooden) at the source only."

This is the amendment which I propose, Sir . . ."

MR. SPEAKER:—"The hon. Member may resume his seat, because he has already finished his speech."

SRI M. G. NATESA CHETTIYAR:—"Not yet, Sir. I may mention for the information of the House that since the advent of the oil expellers in this part of the Province, the chekku industry has been gradually driven out of existence, and the people, who were employed or engaged in that industry, are to-day remaining without employment. So, Sir, in the interests of the poor people engaged in this cottage industry, I request the Hon. Finance Minister to accept my amendment."

SRI M. A. EASWARAN:—"I second the amendment, Sir."

THE HON. SRI B. GOPALA REDDI:—"Sir, I have considered the matter in greater detail and decided to exempt the products of only one chekku, i.e., if a person owns only one chekku, he will not be subjected to taxation, but if he has, say, three or four chekkus and has a roaring profession, he may be subjected to this taxation. One-chekku owners are exempt from taxation and so my hon. Friend must be satisfied. I hope he will withdraw his amendment."

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

Clause 4 was put and carried.

Clauses 5 to 11 were separately put and carried.

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Clause 12.

5 p.m. * SRI T. VISWANATHAM:—"I wish to move the amendment that stands in my name, Sir. I did not expect to speak at this part of the day but it is an important amendment which I wish to move notwithstanding the explanation and elucidation given by the Hon. the Finance Minister. My amendment reads as follows:—

Clause 12.

'The following shall be substituted to the proposed subsection 16-A:—

- "(1) Any assessee affected by the assessment as finally decided by the Board of Revenue, may appeal against the decision to a civil court in whose jurisdiction he resides or carries on his business, wholly or partly, on which the assessment is made.*
- (2) Any assessee who files an appeal under this section or, who, in case of criminal prosecution against him under this Act, wished to raise the plea of the invalidity of the assessment, or of his non-liability to pay the tax, shall first pay up the amount of the tax assessed and he shall be entitled to a refund according to the terms of the decision.*
- (3) An appeal filed under the provisions of this section shall be treated as an appeal from an original decree under the Civil Procedure Code. Decisions of criminal courts shall be subject to revision under the Criminal Procedure Code."*

"Sir, in replying to the general debate, the Hon. the Finance Minister said he had ousted the jurisdiction of the criminal courts on account of certain juristic considerations which he has propounded. This is a new kind of addition to the jurisprudence propounded from the Treasury Benches recently. He has said, that often these prosecutions are before Magistrates, who do not know the intricacies of the law and therefore I shall hang the accused. The Hon. Minister has propounded the theory that in a criminal court an assessee is not to be given the benefit of defence because the Magistrate who tries him is an ignorant person. You are passing laws in which there are intricacies and those who try the accused do not know the intricacies of the law. Therefore the accused should be hanged straightaway. That is not the way I expect my Hon. Friend the Finance Minister to look points of law and civil rights of persons. We must have some respect for the law and the law courts when we are making laws. You must accept the rights of assesseees to appeal against decisions. That is why I have submitted that this amendment may be accepted by the Hon. the Finance Minister.

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"With regard to civil courts he thinks that it is retained in the sense that he has removed a particular clause which ousted the jurisdiction of the civil courts. Unless one is specifically entitled to go to a civil court just as for any other matter there is no real protection. After all we find from the statistics published by the Government, of fraudulent evasion of taxes, for 1945-46, that it is only 17. There are some people who may unnecessarily be dragged before a court and therefore they must be given the protection of the courts. It is not a case of mass attempt of defrauding the exchequer. Statistics show that there are not very many cases of people who cause real obstruction to the inspecting staff. There were only 66 such cases where there were as many as 88,000 assesseees.

"I am coming at the last moment when the House is weary, but I believe, most of the Members will agree that this is an important point wherein the rights of citizens are concerned. When we take all power and authority and vest it into the hands of the executive, we must also protect the assesseees from the harassment of the petty officials. We are making a wrong inroad into the rights of citizens. This will not stop here. I ask the Finance Minister not to make these inroads but have respect for the law and its supremacy over the executive."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I have great pleasure in supporting the amendment moved by Sri Viswanatham. While I heard the Finance Minister talking about this matter, I was a little amused. The position is this. While he gives right to the civil court to determine whether certain assessment is valid or invalid, he says that a criminal court shall have nothing to do with the question of the validity of the assessment. I do not know how he has been advised to bring forward an enactment of this kind. The accused is not given an opportunity to tell the court 'You cannot convict me because this assessment is invalid' and he may at once point out that he is entitled to go to the civil court and say that this is invalid. So the offence depends upon the validity or invalidity of the assessment and it is an anomaly how a man could be convicted for an offence which might turn out to be not an offence at all if the civil court holds that the assessment is invalid. Can we conceive any position of law like this? It is absolutely wrong on principle. It is inconsistent. I can understand the Hon. Minister saying straightaway 'Whatever my officials do, your courts cannot touch them at all, neither the civil court nor the criminal court'. I can never understand the position in which you can say in a civil court that this assessment is invalid, but you cannot say a similar thing in a criminal court. This is a decision which cannot be conceived of under any jurisprudence. Therefore, Sir, this is inconsistent, inconceivable and wrong in principle. Apart from that, as my friend, the mover of the resolution, said you cannot take away the right of the accused to point out that the assessment is wrong and he cannot be assessed. You are

[Mahboob Ali Baig Sahib Bahadur] [1st December 1947]

giving enormous powers to convict a man to the petty officials like the Serishtadar or second-class magistrate. This is a free country and we must be tried by competent men. So under the circumstances the amendment moved by my friend is the only amendment that can be thought of as legitimate, consistent and according to the law and principle. Therefore, Sir, I have great pleasure in supporting this amendment, and I think, the Finance Minister would do well to consult the Government Law Advisers in the matter and also take time and see that these criticisms are met."

* THE HON. SRI B. GOPALA REDDI:—"The point is, whether a criminal court can question the tax assessed or whether it should take as tax due. If it is tax due the criminal court originally had jurisdiction to say that it is rightly due. Now, we are amending in due form the tax assessed and in the light of it, the criminal court is ousted from its jurisdiction. Sir, we shall certainly review the whole thing in the light of criticisms levelled when we are constituting a tribunal. I may point out, Sir, that in the District Municipalities Act, the City Corporation Act and the District Boards Act, the tax assessed is not questioned in any court of law. However, I shall get the matter examined and I request the hon. mover to withdraw his amendment."

SRI T. VISWANATHAM:—"I withdraw the amendment."

The House gave permission for withdrawing Sri T. Viswanatham's amendment.

Clause 12 was put and carried.

Clause 13 was put and carried.

Clause 14 was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI B. GOPALA REDDI:—"I move—
'that the Bill be passed into law.'"

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

V.—ANNOUNCEMENT *re* UNVEILING OF A PORTRAIT OF MAHATMA GANDHI IN COUNCIL CHAMBER AND ABOUT THE BUSINESS OF THE HOUSE.

MR. SPEAKER:—"My hon. Friend Mr. Ramakrishna Raju, the President of the Upper House has asked me to inform this House that a portrait of Mahatmajī will be unveiled by His Excellency the Governor of Madras on the 4th December at 3 p.m. at the Council Chamber. The President cordially invites hon. Members of the Legislative Assembly to the function. He regrets that space does not permit sufficient accommodation for all the Members. Seats are being arranged in the Visitors' gallery and verandahs. He will feel thankful if as many members as can be accommodated will attend the function."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Can we not have that function here?"

MR. SPEAKER:—"The portrait is to be in the Upper House."

"The House will work tomorrow, day after tomorrow and Thursday. We will work for half a day on that day. On the 5th and 6th there will be sittings of the Council. 7th is Sunday and on the 8th the Upper house will sit. On 9th December 1947 we meet again and I will give you the date when we shall adjourn."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of information, Sir. You said Sir that you will allow five days for the Zamindari Bill. Excepting the time taken by Mr. Prakasam you said you will give us 15 hours." 5-15 p.m.

MR. SPEAKER:—"That was the arrangement. The Hon. Leader of the House said that they wanted three days, while some others said they wanted six to ten days. I told the House on that day that when we took up this Bill I should take into consideration the opinion of all sides of the House. If I take up this Zamindari Bill to-morrow it is not possible to finish it in two days and it will have to be carried over to the 9th instant. I do not want to have such a break in the middle. So we will take up the smaller Bills in these two days."

SRI T. VISWANATHAM:—"Sir, I have to make a representation. The Senate of the Andhra University meets on the 12th instant. For that members have to start from Madras on the 10th instant itself as the Mail reaches Waltair only at about 4 p.m. So it is not desirable to have the session here between the 10th and the 14th. May I request you to bear this in mind when fixing the dates of the meeting."

MR. SPEAKER:—"I shall communicate this to Hon. the Leader of the House and let the hon. Members know to-morrow."

"I now adjourn the House till to-morrow 11 a.m."

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APPENDIX.

[Vide answer to starred question No. 514 asked by Sri S. Nagaraja Manigar (on behalf of Sri V. Raghavayya) at the meeting of the Legislative Assembly held on the 1st December 1947, page 897 supra.]

List of orders issued by Government.

1. *Refund of fines.*—In G.O. No. 1503 Public (General), dated 4th July 1945, the Government have ordered the refund of fines imposed by courts and collected from persons who took part in the Individual Satyagraha Movement in 1940-41, and the Civil Disobedience Movement, 1942.

2. *Refund of collective fines.*—In G.O. No. 2042, Public (General), dated 26th September 1946, fines imposed under the Collective Fines Ordinance in 1942-43 have been ordered to be refunded on a pro rata basis.

3. *Removal of disqualification for service.*—In G.O. No. 2158, Public (Services), dated 11th October 1946, the Government have ordered that conviction for offences in connexion with the Individual Satyagraha Campaign in 1940-41 and the Civil Disobedience Movement in 1942 shall not be treated as a bar to appointment in the Public Service.

4. *Relief to the dependants of persons who died in jails.*—In G.O. No. 2146, Public (General), dated 10th October 1946, the Government have decided to grant financial assistance in deserving cases to the dependants or relatives of those detenus and convicts who died in jails during their detention or imprisonment in connexion with the Individual Satyagraha Movement in 1940-41 and the Civil Disobedience Movement 1942. The dependants of persons who died shortly after release from jails and who died as undertrial prisoners also have been granted financial assistance.

5. *Relief to the families of persons who died in police firings during the Civil Disobedience Movement.*—The Government have sanctioned compassionate grants to the families of persons who died as a result of gunshot wounds in police firings during the Civil Disobedience Movement in 1942.

6. *Grant of land to political sufferers.*—The Government have decided to assign plots of land at the disposal of the Government to political sufferers. Individual assignments will not exceed 5 acres of wet land or its equivalent in dry.

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 2nd December 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Prevalence of cholera in certain taluks of the Tanjore district.

* 524-A Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether cholera is prevalent in Mannargudi and Tiruturaipundi taluks of the Tanjore district;

(b) whether the Government have taken any preventive measures to check the spread of the disease;

(c) how many people in the affected places were inoculated; and what further steps the Government have taken to prevent the spread of the disease in future; and

(d) whether the Government will state the number of deaths caused due to this disease?

THE HON. SRI A. B. SHETTY:—“(a) Yes.

“(b) Yes.

“About 50,000 persons have been inoculated in the infected villages of Mannargudi and Tiruturaipundi taluks. The other control measures adopted are—

Chlorination of water-supplies, their protection from contamination wherever possible, disinfection of cholera excreta, infected articles, houses and their surroundings, isolation and treatment of cholera patients, anti-cholera inoculations, propaganda about the causation and prevention of cholera and cleaning of the infected localities.

“(d) the number of deaths from cholera in Mannargudi taluk is 184 and in Tiruturaipundi taluk is 130.”

THE HON. SRI A. B. SHETTY:—“Such outbreaks of cholera aware that on account of the unprotected water-supply, cholera is spreading in Mannargudi municipal area and, if so, whether the Government have got any proposal for giving protected water-supply in Mannargudi municipal area?”

THE HON. SRI A. B. SHETTY:—Such outbreaks of cholera happen mostly in places where no protected water-supply is available. I have no information as to what proposals there are in regard to protected water-supply for Mannargudi taluk.”

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SRI B. S. MURTHI:—" May I know whether any other places are affected with cholera? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir. Several places are. "

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—" May I enquire whether the Government will take speedy measures so that this cholera epidemic may not spread over to adjacent taluks in the Tanjore district? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir. All necessary action is usually being taken in the matter. "

SRI A. KALESWARA RAO:—" May I know, Sir, whether the Government has received a report with regard to protected water-supply in the whole Province from a Committee appointed by them and, if so, what steps have been taken by them on the report? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir. My hon. Friend Mr. Kaleswara Rao himself was the Chairman of the Committee and their report has come and it is in the Press. "

SRI V. C. PALANISWAMI GOUNDER:—" It is a known fact Sir, that whenever epidemics occur, especially cholera, the cheris are seriously affected. I want to know, Sir, whether the Government have taken special steps to prevent the spread of infection in the cheris? "

THE HON. SRI A. B. SHETTY:—" I have already mentioned all the measures that are being taken in the matter, Sir. "

MR. SPEAKER:—" The question has not been probably understood by the Hon. Minister. The question is that epidemics spread in a virulent form in the cheris and whether the Government will take care that it does not affect the cheris. The Hon. Minister may not know what is meant by cheris as he comes from Mangalore. Cheris are the places where the Scheduled Classes usually live. "

THE HON. SRI A. B. SHETTY:—" I know cheris, Sir. Even the other day when I went to Tanjore, I visited a village and the cheri attached to the village and saw the conditions there. "

SRI T. VISWANATHAM:—" Arising out of the question of my hon. Friend Sri Kaleswara Rao and the answer given about the report of the Committee I want to know whether that report has any direct connexion with the spread of the epidemic in the Tanjore district in the Mannargudi taluk? "

THE HON. SRI A. B. SHETTY:—" The report is about water-supply and drainage schemes in urban areas and water-supply in rural areas. The question of protected water-supply has much to do with cholera, Sir. "

SRI B. S. MURTHI:—" May I know, Sir, whether the Government are taking any action on the proposals made by the Committee in order to prevent the spread of cholera? "

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THE HON. SRI A. B. SHETTY:—" I have already stated, Sir, that the report is in the Press and as soon as it is out the Government will decide what they should do in the matter of the recommendations made in the report. "

SRI D. DURAIRAJA PANDIAN:—" May I know, Sir, whether the Government are aware that cholera is prevalent in Tenkasi? "

THE HON. SRI A. B. SHETTY:—" I know that it is prevalent in several of the Tamil districts. Whether it is prevalent in Tenkasi I cannot say just now. "

SRI B. S. MURTHI:—" Am I to understand, Sir, that the report was straightway sent to the Press before the Government could know what their proposals were in regard to cholera which is taking a very heavy death roll? "

THE HON. SRI A. B. SHETTY:—" The Government thought it necessary to publish the report, Sir, and make it available to all the Members of the House as well as the public who are interested in the question. "

DR. S. SUBRAHMANYA AYYAR:—" In view of the high incidence of the disease and the high mortality, will the Government recruit extra staff so that the disease may be put down quickly? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir. I have already answered the question. All the necessary action is being taken in the matter; extra staff is employed and inoculation is done. "

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" I repeat the question put by my hon. Friend Mr. Murthi previously, that is to say, whether the Government did not go through the report of the Committee on protected water-supply before they sent it to the Press and if they had gone through the report, Sir, may I know what steps the Government have got in mind to take any action to give protected water-supply to the people in the Province as quickly as possible? "

THE HON. SRI A. B. SHETTY:—" The Government have not so far considered the report, Sir. I have seen it and I thought it desirable to get it printed and make it available to the public. "

SRI S. C. BALAKRISHNAN:—" In view of the fact that there is this epidemic in the villages on account of malnutrition and lack of food-grains, will the Government consider decontrolling food-grains so that the people can get sufficient food. "

MR. SPEAKER:—" The hon. Member can address the question to the Hon. the Food Minister. "

SRI D. DURAIRAJA PANDIAN:—" Are the Government aware that cholera in Tenkasi has subsided immediately when the people there were prohibited from taking water from the local river? "

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THE HON. SRI A. B. SHETTY:—"That may be so, Sir. This is a question about Mannargudi and Tiruturaipundi and not Tenkasi. In many cases it is because people drink contaminated water from irrigation channels that these epidemics of cholera break out."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that this question of water-supply has been agitating the minds of the people for very many decades in this Province and therefore will the Government take steps in that direction as quickly as possible?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir, it is exactly for that reason that a Committee was appointed and the Government will consider the report as soon as it comes out of the Press."

Activities of R.S.S. in Malabar.

* 525 Q.—M. MUHAMMAD ISMAIL SAHIB BAHADUR (on behalf of K. M. Seethi Sahib Bahadur): Will the Hon. the Home Minister be pleased to state—

(a) whether the Government have considered the possible repercussions of the activities of the R.S.S. in Malabar on the peace and tranquillity of the district; and

(b) what steps the Government have taken to avert communal disharmony and disturbances in the Malabar district and other districts, if any, owing to the activities of the R.S.S.?

THE HON. DR. P. SUBBARAYAN:—" (a) The Government have no reason to believe that the activities of the Rashtriya Swayam Sevak Sangh in Malabar are likely to affect the peace and tranquillity of the district.

" (b) The Government are not aware of any communal disharmony or disturbances caused by the activities of the Sangh."

SRI K. BRAHMANANDAM REDDI:—"Will the Government agree with me if I say that the dissolution of the Muslim League and the abandonment of their policy in the Indian Union will play a great part in controlling the undesirable activities . . ."

MR. SPEAKER:—"The hon. Member wants to give information to the Government on the matter."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister for Home whether the Government are aware of the activities of the Muslim League National Guards in fomenting communal troubles?"

THE HON. DR. P. SUBBARAYAN:—"The Government are keeping under watch all these private organizations and as I have stated again and again if there is any breach of the

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peace due to the activities of these organization the Government will put them down without any distinction whether the organization belongs to the Muslim community or the Hindu community."

M. V. MYDROSS SAHIB BAHADUR:—"Is it not a fact, Sir, that the A.I.C.C. at its sitting held on the 16th November 1947 has passed a resolution condemning the activities of this R.S.S. and recommendations have been submitted to the Central and Provincial Governments to put down their activities?"

THE HON. DR. P. SUBBARAYAN:—"I do not think hon. Members of this House are interested in any resolutions passed by an organization even though I may happen to belong to it."

SRI A. KALESWARA RAO:—"May I know, Sir, whether the A.I.C.C. and Mahatma Gandhi have particularly named the R.S.S., the Muslim League National Volunteers and the Akhali Volunteers and condemned them that they are pursuing violent activities to achieve their objects and what steps the Government purpose to take against all such suspicious organizations?"

THE HON. DR. P. SUBBARAYAN:—"I have already mentioned in answer to the question of the hon. Member from Malabar that the Government have nothing to do with the resolutions of private organizations though hon. Members of the Government may belong to such organizations in their political activity. But at the same time, I want to assure hon. Members, that if any organization, it does not matter to what community it belongs, causes a breach of the peace or endangers law and order, the Government know what steps they should take to put it down with a strong hand."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Is the Hon. Minister for Home aware that this organization is not merely a communal organization, but it is a semi-military organization and it has been preaching hatred against Muslims and so it is a dangerous organization, which, if allowed to continue, will have its repercussions in other parts of the country?"

THE HON. DR. P. SUBBARAYAN:—"I have already only mentioned that there are other communal organizations like the National Guards and the Rashtriya Swayam Sevak Sangh for the new Government are keeping under watch upon the Government of both these organizations, and I am not the existing prices of the matter any further than that."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I have been addressed in know, Sir, whether Government have got any effect that the activities of the Muslim National Guards will the Hon. Minister anywhere been against law and order in the Government have recommended"

THE HON. DR. P. SUBBARAYAN:—"The Government are keeping under watch all these private organizations and as I have stated again and again if there is any breach of the possession of Government is of a confidential nature. I am not prepared to disclose it."

SRI B. S. MAILIKARJUNA RAO:—"The Government are keeping under watch all these private organizations and as I have stated again and again if there is any breach of the aware that the Rashtriya Swayam Sevak Sangh on millets."

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of the people belonging to various political parties and that young men of various political parties are taking part in it and are getting physical training and that this Sangh is started imbued with the object of cultivating self-help and self-reliance among its members?"

THE HON. DR. P. SUBBARAYAN:—"I am obliged to the hon. Member for the information he has given with regard to the activities of the Sangh. All that I am concerned with is the keeping of law and order. If any organization confines its activities to physical training, naturally Government will have no objection, because Government want its people to be strong and self-supporting against any future danger. But at the same time, as a responsible Government they must also keep under watch their activities which might lead to communal bickerings and hatred, and this the Government will put down with a strong hand."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that the R.S.S. has been preaching of boycott of one section of the people against another section, and if so, may I know what steps Government have taken in that direction?"

THE HON. DR. P. SUBBARAYAN:—"I know what the hon. Member means by one section. I would tell the hon. Member to be frank; I know he means by it, the Muslim community. I may tell him that social boycott is not encouraged by Government; and I have announced more than once, if there are such social boycotts Government will take every step to see that the rights of the people affected by such boycott are protected."

[SRI K. RAGHAVAN:—"Is the Hon. Minister aware of the fact that the Rashtriya Swayam Sevak Sangh is getting popularity in Malabar after the decision of Malabar District Muslim League Working Committee has passed the resolution that they are prepared to take revenge against Hindus for what has happened to Muslims of Bengal and Bihar?"

THE HON. DR. P. SUBBARAYAN:—"I said yesterday, it is the activities of the various communal organizations which have led to the scare in the minds of people. That is why Government keep under watch the activities of these organizations. I am prepared on the information given by the hon. Member to see that such activities are put an end to. For what happened in Bihar and Bengal there have been reactions elsewhere. But I hope our people are sufficiently trained in peace and in communal harmony as not to bring about such relations and also a scare which will go very badly against both communities. I am saying this not on behalf of one community alone but on behalf of both communities and that is why I deplore that such resolutions should have been passed, if they have been really passed. I shall enquire, and if it is found to be so, Government will take necessary action."

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P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Are the Government aware that there is no such resolution has been passed by the working committee of the Malabar District Muslim League as is mentioned by Mr. Raghavan who has made such an irresponsible statement without verifying facts?" (Laughter.)

THE HON. DR. P. SUBBARAYAN:—"When two hon. Members of this House differ on fundamentals, the only course open to me is to get necessary information from the officials who, I am sure, will give the correct information. Therefore all that I say is I am not taking the information given here for the moment. But I will get the necessary information and if the facts are correct Government will take necessary action."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that similar organizations have been circulating statements, not only orally but also in printed pamphlets, which is doing a lot of mischief against the harmony in the Province?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Member will give enough information or say in what pamphlets such things occur, and if I find they are of such a nature as to excite communal disharmony, I will take necessary action."

MR. SPEAKER:—"I have already allowed enough time for this question. I will now pass on to the next question."

Promise of increased price for food-grains.

* 526 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Food be pleased to state—

(a) whether in his radio speech published on the 2nd November, he has promised an increased price for food-grains;

(b) if so, whether the Government of India have agreed in the matter; and

(c) what increase does he propose to give?

THE HON. DR. T. S. S. RAJAN:—" (a) No. It was only stated that the Government had under their consideration the question of fixing fair prices for food-grains for the new Kharif year and that they would prevail upon the Government of India to grant such increase over the existing prices as may be justified.

" (b) & (c) The Government of India have been addressed in the matter and their reply is awaited."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister for Food be pleased to state the rate our Government have recommended to the Central Government?"

THE HON. DR. T. S. S. RAJAN:—"We have recommended an increase of Rs. 1-8-0 per maund on rice, Re. 1 per maund on paddy and twelve annas per maund on millets."

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SRI V. M. RAMASWAMI MUDALIYAR:—" May I ask the Government whether the report of the Prices Inquiry Committee of the Central Food Committee has recommended an increase of two rupees per maund of paddy? "

THE HON. DR. T. S. S. RAJAN:—" The Government are aware of it. But this two rupees depends on so many considerations. But the Prices Inquiry Committee appointed by this Government have recommended what I have said."

P. P. HASSAN KOYA SAHIB BAHADUR:—" May I know whether this talk of increase in price has affected procurement of food-grains in several places and so at least in future will the Government keep those proposals confidential until they are given effect to? "

THE HON. DR. T. S. S. RAJAN:—" Government are aware of its effect on procurement. But as the matter has been under the consideration of the Government, and when once information has been asked with regard to what recommendation this Government has made I am in duty bound to give the information."

SRI A. KALESWARA RAO:—" Are the Government aware that without stopping blackmarketing and without allowing small bags of rice move about daily from place to place any increase in price of food-grains will only create hardship among labourers in towns, as it does not allow that advantages to be enjoyed by the ryots? "

THE HON. DR. T. S. S. RAJAN:—" If a large number of people take to blackmarketing on a large scale it will be impossible for Government to carry out the scheme of food control."

P. P. HASSAN KOYA SAHIB BAHADUR:—" May I know if it was not possible to avoid the hint in his speech regarding the increase in price? "

THE HON. DR. T. S. S. RAJAN:—" It is not an increase in price that was suggested but an increase in the quota of ration."

SRI S. NAGARAJA MANIGAR:—" May I know whether the Hon. Minister is aware that in addition to low prices that the producers are receiving, they have also to pay at the rate of half an anna per maund to enable the produce to reach the wholesaler? "

THE HON. DR. T. S. S. RAJAN:—" It is all paid by the consumer. For when once rice comes to the market all these transactions of half an anna and one anna and six pies are all added to the issue price, which covers all these figures. Therefore really the amount is paid by the consumer; in the price he is asked to pay is added all these small payments, the transport charges, the small margin of profit allowed to millers, etc."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" In view of the fact that the producers deserve better prices and also in view of the fact that these higher prices have now been disclosed will the Government do their best to see that these prices mentioned by the Hon. Minister are accepted finally by the Government of India? "

THE HON. DR. T. S. S. RAJAN:—" The prices that have been mentioned by me have been mentioned already in the report of the Prices Enquiry Committee and it has already appeared in the Press. Therefore it is nothing new I have disclosed to the House. With regard to the final decision in the matter I am not in a position to say, what the Government of India are going to say. The Government of India are being addressed on this matter and when they give their decision it shall be announced."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" Are the Government aware that if these prices are not accepted by the Government of India procurement will be seriously affected and there will be difficulty in the Province as a result? "

THE HON. DR. T. S. S. RAJAN:—" This Government hope the Government of India may accept it."

SRI K. A. NACHIAPPA GOUNDER:—" May I ask the Hon. Minister whether there is much difference between the prices fixed in Madras Province and that fixed in Bombay Province? "

THE HON. DR. T. S. S. RAJAN:—" There is a certain amount of difference; but I do not think it is much."

SRI V. M. RAMASWAMI MUDALIAR:—" May I know whether the Government realize that so long as there is no control over the price of cattle and other necessities of agriculturists, that is to say, as long as there is disintegrated control, there is no meaning in fixing the price of paddy? "

THE HON. DR. T. S. S. RAJAN:—" The hon. Member has raised a very big issue and it is not a matter that can be fully dealt with in an interpellation."

SRI V. S. PALANISWAMI GOUNDER:—" May I ask the Government what is the method by which the Government arrive at these fair prices? "

THE HON. DR. T. S. S. RAJAN:—" There is a sub-committee appointed by the Food Advisory Committee. They go into the question of producers' cost, the price of auxiliary materials required by the agriculturists and so on, and after discussion arrive at their recommendation."

SRI S. NAGARAJA MANIGAR:—" I want to tell the Hon. Minister, I am sure, when I said that the cartage of paddy is paid by the producer, when I made that statement."

MR. SPEAKER:—" The hon. Member is giving an information."

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SRI B. S. MURTHI:—"Is it not a fact, Sir, that last year when a recommendation like this was made to the Central Government, the Central Government turned it down and as a result of that procurement failed, and as a result Government had to resort to the bonus system to make up that."

THE HON. DR. T. S. S. RAJAN:—"I do not think that is the cause of the failure of procurement last year."

SRI N. VENKATA SUBBAYYA:—"Is it not a fact, Sir, that at a conference of ryots at Kurnool the Hon. Food Minister promised a bonus to the millet producers with retrospective effect but subsequently it was not given effect to?"

THE HON. DR. T. S. S. RAJAN:—"I remember having made that statement. But when I returned to Madras, on consulting the files in the office I saw I was under the impression that it was given in the previous year, and when I found it was not given in the previous year, I have fixed a date after which it was given effect to."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I ask the Government to inquire and find out whether cartage is paid by the producer or the consumer?"

THE HON. DR. T. S. S. RAJAN:—"The cartage is paid by the millers and charged to the Government. It is inclusive in the price charged on the consumer by the Government."

SRI G. VENKATA REDDI:—"The Hon. Minister said that bonus was not given to millets last year. May I correct him and point out that bonus was given to millets last year also?"

THE HON. DR. T. S. S. RAJAN:—"I was saying that only with regard to retrospective effect."

Reservoir across Thigaleru.

* 527 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received plans and estimates concerning the reservoir across Thigaleru near Eguvacherla-palli, Markapur taluk;

(b) whether the work has been finally sanctioned; and

(c) if so, when the Government propose to start the work?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No.

" (b) No.

" (c) Does not arise."

SRI N. VENKATA SUBBAYYA:—"May I know why sanction has been withheld, Sir."

THE HON. SRI M. BHAKTAVATSALAM:—"The sanction has not been withheld. We are expecting plans and estimates. The Chief Engineer told me that he is proposing to take this up as Part II Scheme in the ensuing budget."

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SRI N. VENKATA SUBBAYYA:—"Are not the Government anxious at all to speed up works in the famine areas like this?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are quite anxious about it, Sir."

The Aboriginal Tribes Welfare Enquiry Committee Report.

* 528 Q.—SRI T. VISWANATHAM (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Aboriginal Tribes Welfare Enquiry Committee Report has been presented to the Government;

(b) whether the Government will place the same on the table of the House; and

(c) what steps the Government propose to take to implement the recommendations?

THE HON. SRI B. GOPALA REDDI:—" (a) Yes, the Government have received a report from the Secretary of the Committee on the work done by it.

" (b) The report which is now being printed will be offered for sale to the public. The Government do not consider it necessary to place it on the table of the House.

" (c) The Government will in due course consider the recommendations contained in the report and take necessary action."

MR. SPEAKER:—"With reference to the answer of the Hon. Minister, I think the rules are that hon. Members should be supplied with such copies free."

THE HON. SRI B. GOPALA REDDI:—"This is a priced publication, Sir."

MR. SPEAKER:—"With regard to the supply of official papers; the rule is this:

'Members of the Legislative Assembly will be supplied by the Superintendent, Government Press, free of cost and without application being made, with copies of the following publications:—

(a) *proceedings of the Madras Legislative Assembly and the Legislative Council with indexes thereto,*

(b) *all published reports of the various branches of the administration of the Madras Presidency, including the Presidency Administration Report, etc.'*"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir, all the administration reports are supplied. This is not a report of a Committee constituted by a resolution of the House."

MR. SPEAKER:—"It is also stated that—

'Members will be supplied free of cost with any other official publications of the classes usually available to the public for which they may specially apply.'"

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THE HON. SRI B. GOPALA REDDI:—"Yes, Sir, if they specially apply, they will be supplied."

SRI K. T. KOSALRAM:—"May I know whether the Government asked the Committee to tour only the Andhra districts?"

THE HON. SRI B. GOPALA REDDI:—"The Committee toured not only the Telugu districts but other districts also."

SRI B. S. MURTHI:—"May I know why the Committee was abolished before the task for which it was appointed was over and why the Secretary was asked to send a report?"

THE HON. SRI B. GOPALA REDDI:—"Because the Members were quarrelling among themselves."

SRI B. S. MURTHI:—"May I know whether the President of the Committee addressed the Government asking for permission to tour other places also and since the Committee could not tour the other places, it was asked to be dissolved?"

THE HON. SRI B. GOPALA REDDI:—"He made a representation to the Government after the Committee was dissolved. So the question does not arise."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I make a special request to the Hon. the Finance Minister or to whomsoever it may concern for the supply of copies of the report of this Tribes Welfare Enquiry Committee to the Members of the House?"

THE HON. SRI B. GOPALA REDDI:—"Whoever is interested in the subject may specially apply for it."

(Several hon. Members: 'All, all.')

SRI K. T. KOSALRAM:—"Will the Government consider the advisability of constituting a separate committee to tour Tamil Nad and Kerala?"

THE HON. SRI B. GOPALA REDDI:—"The Committee toured the district of Malabar. But as regards Tamil districts, we do not consider there is any necessity to appoint another committee."

SRI K. BOKKAI GOWDER:—"Did the Committee tour the Nilgiris district to study the problem of the aboriginals in that district?"

THE HON. SRI B. GOPALA REDDI:—"I think the Nilgiris is included in the Tamil districts."

SRI A. VEDARATNAM PILLAI:—"Who are the Members of the Committee?"

THE HON. SRI B. GOPALA REDDI:—"I have no information ready."

SRI KAILLUR SUBBA RAO:—"Are there any special aboriginal areas in Tamil Nad anywhere?"

THE HON. SRI B. GOPALA REDDI:—"Not excluded or partially excluded areas as such, but there are areas inhabited by aboriginal tribes."

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SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer given by the Finance Minister may I ask what action the Government will take if there is delay on the part of the officials in the supply of copies applied for?"

(No answer.)

MAHBOOB ALI BAIG SAHIB BAHADUR:—"The Finance Minister said that the Committee was dissolved on account of quarrel amongst the members. What is the nature of the quarrel, Sir?" (Laughter.)

THE HON. SRI B. GOPALA REDDI:—"They met twice without transacting any business. I do not know the exact nature of the quarrel."

SRI B. S. MURTHI:—"Is it not a fact that twice they met and did not transact any business, because the Committee was not able to get a reply from the Premier to the letter addressed by the President of the Committee? Was not the Hon. Premier informed that thereafter no work would be transacted if no reply was received by the Committee?"

THE HON. SRI B. GOPALA REDDI:—"An interim report was called for from the Committee before they undertook a tour in the Tamil districts. But the President addressed the Government and expected a reply from the Premier."

SRI R. V. SWAMINATHAN:—"Who are the members who are actually responsible for the quarrel?"

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

SRI P. NATESAN:—"Which department of Government appointed this Committee?"

THE HON. SRI B. GOPALA REDDI:—"The previous Ministry appointed the committee. I think it was the Public (Political) Department. I am now in charge of the subject."

Manufacture and importation of ink.

* 529 Q.—SRI M. BAPINEEDU: Will the Hon. the Minister for Industries be pleased to state—

(a) the total quantity of ink manufactured in the Province per month;

(b) the quantity of ink imported into the Province per month;

(c) the number and name of ink manufacturing concerns in this Province;

(d) whether the Government have considered the question of stopping the import of foreign ink, and, if so, the steps taken towards the same;

(e) whether the Government have examined the quality of the ink sold, and, if so, whether they have got any proposals to improve the quality of inks so as to be useful for fountain pens; and

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(f) whether raw materials for the manufacture of ink are exported from our Province, and, if so, whether the Government have any proposals to stop the same?

THE HON. SRI H. SITARAMA REDDI:—“(a) No information is available.

“(b) Average monthly imports into the Province during the year 1946-47 were of the value of Rs. 7,400.

“(c) A list of ink manufacturing concerns in this Province is given below:—

- (1) Krishnaveni Inks, Madras.
- (2) Radio inks, Bunder street, Madras.
- (3) Bapu & Co., Madras.
- (4) Saraswathi Inks, Royapettah, Madras.
- (5) Andhra Kala Parishat, Tenali.
- (6) Messrs. K. B. Prabhu & Co., Calicut.
- (7) Vishakam Works, Adyar, Madras.

“(d) Government are not aware of any proposal to stop import of foreign ink.

“(e) Experiments were conducted by the Department of Industries and Commerce, regarding the manufacture of ink with a view to find out the suitability of various raw materials and to establish the correct process for manufacturing ink. The results of these experiments are embodied in the bulletin on ‘The Manufacture of Inks’ by S. Venkataraman, B.A., Superintendent, Government Industrial Institute, Madras. (Bulletin No. 25.) The information contained in the bulletin should prove of value to indigenous manufacturers of ink. The bulletin is out of print now, but a copy of it is available for perusal at the library attached to the office of the Director of Industries and Commerce, at Chempauk, Madras.

“(f) Myrobalans, which is one of the several raw materials used for ink manufacture, is exported from this Province to a considerable extent. This is not an indispensable raw material and there are several other substitutes more suited to manufacture high class ink which are available. No complaint has been received that the export of myrobalans is affecting the indigenous ink industry adversely. There is no proposal for the stoppage of the export of raw materials.”

SRI M. BAPINEEDU:—“Are the Government supplying only swadeshi inks to Government offices?”

THE HON. SRI H. SITARAMA REDDI:—“I understand that there was Government Order passed some time ago. I should like to have notice, Sir.”

SRI B. S. MURTHI:—“Will the Hon. Minister consider the advisability of reprinting the bulletin and distributing it to those firms which are producing ink?”

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THE HON. SRI H. SITARAMA REDDI:—“If any of these people interested in the bulletin ask for copies of it, they will be supplied.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Are the Government aware, Sir, that myrobalans are exported from this Province not merely for the manufacture of inks in foreign countries but also for many other purposes?”

THE HON. SRI H. SITARAMA REDDI:—“Yes, Sir.”

SRI B. S. MURTHI:—“Is it necessary that the Government should wait for those manufacturers to take an interest in the industry?”

THE HON. SRI H. SITARAMA REDDI:—“The Government have already published a booklet and it is available for anybody who is interested in it in the office of the Director of Industries and he can refer to it.”

SRI V. M. RAMASWAMI MUDALIAR:—“Will the Government be pleased to pass a general order that supplies of stationery and other Government requirements must be made only from Indian sources?”

THE HON. SRI H. SITARAMA REDDI:—“I have already said that I understand that there is a Government Order passed some time ago and that I should like to have notice if further information is wanted.”

MR. SPEAKER:—“Question No. 530. Mr. Raghavayya. (After a pause.) No member putting the question on behalf of Mr. Raghavayya?”

SRI T. VISWANATHAM:—“I put the question, Sir.”

SRI KALLUR SUBBA RAO:—“Has the hon. Member got written authority for it, Sir?”

MR. SPEAKER:—“Mr. Raghavayya himself told me that he had authorized Mr. Viswanatham to put the question. I was wondering why he did not stand up.”

SRI T. VISWANATHAM:—“I am sorry, Sir.”

Formation of a municipality for Chirala and Perala.

* 530 Q.—SRI T. VISWANATHAM (on behalf of Sri V. Raghavayya): Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether there was a proposal before the Government for forming a municipality for the Major Panchayat Board of Chirala and Perala;

(b) whether the proposal has been supported by popular representations;

(c) whether the Government propose to form a municipality for these two places; and

(d) if so, when?

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THE HON. SRI K. MADHAVA MENON (on behalf of Hon. Minister for Local Administration):—“(a) Yes.

“(b) Yes.

“(c) Yes.

“(d) Orders will be issued shortly.”

SRI GUNTUR NARASIMHA RAO:—“May I know what is the reason for this inordinate delay in constituting the municipality?”

THE HON. SRI K. MADHAVA MENON:—“It is being constituted by taking over these panchayat boards and certain other areas. Some time is necessary to demarcate the areas and make the necessary arrangements.”

SRI P. NATESAN:—“May I know why these proposals should not wait till the formation of the Andhra Province?”

THE HON. SRI K. MADHAVA MENON:—“Until the formation of an Andhra Province, the Government has to go on there also.”

SRI KALLUR SUBBA RAO:—“Is it not a fact that there was already a municipality for these two places and a non-co-operation movement was started there and the municipality was abolished?”

THE HON. SRI K. MADHAVA MENON:—“Yes, Sir, but now the local people want a municipality.”

Agricultural High School at Orathanad.

* 531 Q.—SRI A. VEDARATNAM PILLAI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government have received any application from the District Board, Tanjore, for establishing an agricultural high school at Orathanad; and

(b) if so, in what stage the matter is?

THE HON. SRI K. MADHAVA MENON:—“(a) The answer is in the affirmative.

“(b) The scheme for opening the school is under consideration and orders will issue shortly.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to state the policy of the Government in opening agricultural high schools and, if they want to open such schools, whether it is not desirable to open a school in Tanjore district with the assistance of the District Board funds?”

THE HON. SRI K. MADHAVA MENON:—“The District Board passed a resolution suggesting the opening of an agricultural high school at Orathanad. The Government thought it necessary to accede to the wish of the District Board, as they are going to pay for the school.”

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SRI S. NAGARAJA MANIGAR:—“Do the Government intend to open a high school at Orathanad only or in all places?”

THE HON. SRI K. MADHAVA MENON:—“This is not a high school but an agricultural high school. The Tanjore District Board has offered to meet the cost of the school and that is why the opening of the school is being considered.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know how many agricultural high schools are there in the Province?”

THE HON. SRI K. MADHAVA MENON:—“There are no agricultural high schools in the Province?”

Eligibility for loans to ryots in temple inam areas.

* 532 Q.—SRI M. KANNIAPPAN: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether it is a fact that ryots in temple inam areas are not eligible for any loans under the Agriculturists' Loans Act; and

(b) if so, whether there is any proposal to introduce necessary legislation to make them also eligible for the loan?

THE HON. SRI KALA VENKATA RAO:—“(a) If the temple inam lands are enfranchised inam lands, loans will be granted under the Land Improvement and Agriculturists' Loans Acts on the security of those inam lands which are on the same footing as ryotwari lands. If the temple inam lands are unenfranchised inam lands, they are not accepted as security as the inamdars are not competent to alienate them. In such cases the inamdars are required to furnish collateral security under the Land Improvement Loans Act or other security under the Agriculturists' Loans Act to cover the full amount of the loan. But if the temple inam lands are lands in an estate as defined in the Madras Estates Land Act, 1908, the occupancy right therein will be accepted as security and loans granted.

“(b) No.”

SRI A. KALESWARA RAO:—“May I know what the difference is in granting loans between temple whole inam villages and zamindari areas?”

THE HON. SRI KALA VENKATA RAO:—“The whole inam villages stand on a different footing. My answer says that if the temple inam lands are enfranchised, loans will be granted, but if they are unenfranchised, loans will not be granted.”

SRI K. VARADACHARI:—“May I know under what conditions temple inam lands are enfranchised?”

THE HON. SRI KALA VENKATA RAO:—“My Hon. Friend may put a separate question.”

SRI K. BRAHMANANDAM REDDI:—“May I know whether the holders of service inam lands are eligible for loans under the Agriculturists' Loans Act?”

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THE HON. SRI KALA VENKATA RAO:—"I have already stated that it depends upon whether the lands are enfranchised or not."

SRI KALLUR SUBBA RAO:—"If the loan granted by the Government is not required, may I know who will repay it—the God or the Archakas?"

THE HON. SRI KALA VENKATA RAO:—"The owner of the lands."

SRI R. V. SWAMINATHAN:—"Is it a fact that the inamdars are not keeping proper records regarding kudivaram rights of the ryots and that the ryots are not able to get loans on that account?"

THE HON. SRI KALA VENKATA RAO:—"This complaint is general."

I.M.D. Diploma holders.

* 533 Q.—DR. S. SUBRAHMANYA AYYAR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that I.M.D. diploma holders of Madras are treated on a par with M.B.B.S. degree holders in the Provincial Medical Service;

(b) whether it is a fact that the above diploma holders were granted D.M. & S. diploma prior to their recruitment in I.M.S. and I.A.M.C.;

(c) whether it has been brought to the notice of the Government by the D.M. & S. Association through the Surgeon-General with the Government of Madras that there is a proposal in the Bhore Committee's Report (page 469, Chapter 25, Volume II) for "their appropriate civil employment" in the avenues mentioned for graduates without any distinction other than that dictated by individual ability and merit; and

(d) if the answers to the above are in the affirmative, whether the Government propose to treat all the D.M. & S. diploma-holders on a par with M.B.B.S. degree-holders, and, if not, why not?

THE HON. SRI A. B. SHETTY:—" (a) I.M.D. is not a diploma. The letters stand for Indian Military Department. A certain number of posts in the cadres of Civil Surgeons and Civil Assistant Surgeons is reserved for I.M.D. officers—to that extent, they are treated on a par with M.B.B.S. degree holders.

" (b) Only military medical pupils who had undergone a course of studies for five years for the L.M.P. in the Medical College, Madras, were granted 'D.M.S.' prior to their recruitment to I.M.S. or I.A.M.C.

" (c) Yes.

" (d) The matter is under consideration."

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DR. S. SUBRAHMANYA AYYAR:—"With reference to the answer to clause (d), may I know how long the Government will take to reach a decision, because it is a vital matter?"

THE HON. SRI A. B. SHETTY:—"As early as possible."

MR. H. O. FOWLER:—"Do the Government agree that most of these I.M.D. doctors, while serving in military hospitals during the last war under difficult and trying conditions, proved that they possess undoubted medical skill and administrative ability and, if so, will the Government consider their case sympathetically?"

THE HON. SRI A. B. SHETTY:—"I have already stated that the matter is under consideration."

Manufacture of basic drugs.

* 534 Q.—SRI PILLALAMARRI VENKATESWARLU (on behalf of Sri K. Anandan Nambiyar): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government propose to undertake to manufacture basic drugs; and

(b) whether the Government contemplate the nationalization of the existing drug industry?

THE HON. SRI A. B. SHETTY:—" (a) The matter is under consideration."

" (b) No."

Water-supply and drainage for Nandyal Municipality.

* 535 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether a scheme for protected water-supply and drainage for Nandyal Municipality has been prepared and sanctioned by the Government;

(b) if so, what are the details of the scheme;

(c) what place has it been assigned in the post-war water-supply programme; and

(d) why the Government is delaying in taking up its execution?

THE HON. SRI A. B. SHETTY:—" (a) The Chief Engineer submitted approximate estimates for a scheme of water-supply to the Nandyal Municipality, estimated to cost Rs. 23.63 lakhs to install and Rs. 28,500 per annum to maintain. The Commissioner and Special Officer, Nandyal Municipality, who was consulted, has stated that this scheme is too big for the municipality and has suggested that a cheaper scheme estimated to cost Rs. 9.09 lakhs to install might be taken up. The question is under examination in consultation with the Chief Engineer.

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"As regards drainage, Nandyal is assigned the fifty-second place in the compendium of provincial requirements of drainage, where the places have been arranged in an order of priority from the public health point of view of the Province taken as a whole. The investigation and the preparation of plans and estimates for the scheme will be taken up in its turn in the compendium.

"(b) In view of the answer to clause (a) the question does not arise.

"(c) Nandyal water-supply scheme occupies the forty-eighth place in the five-year plan and is programmed to be taken up for execution in the second year post-war (1948-49) and is expected to be completed by 1951.

"(d) Water-supply and drainage schemes are taken up in the order assigned to them in the priority list or compendium as the case may be, and Nandyal will be taken up according to its turn. So far as its water-supply is concerned, Government have even approved the proposal of the Chief Engineer that proceedings for the acquisition of the land required for construction of summer storage tanks might be taken up now, in advance of the scheme."

SRI N. VENKATA SUBBAYYA:—"May I know on what basis the municipalities are assigned places in the compendium and why Nandyal has been relegated to the forty-eighth and fifty-second place when its needs are most urgent?"

THE HON. SRI A. B. SHETTY:—"I have already stated that the order of priority is fixed from the public health point of view in relation to each place in the list."

SRI N. VENKATA SUBBAYYA:—"Is it not a fact that this matter has been agitating the public mind and representations have been made to the Government for the past twenty-five years and, while other municipalities have had their works executed, why this has been delayed unnecessarily?"

THE HON. SRI A. B. SHETTY:—"A revised water-supply scheme was first designed by the Chief Engineer for an ultimate population of 48,000 to be obtained in 1981 and for providing water at the rate of 259 gallons per head. It was estimated to cost Rs. 23.63 lakhs. The municipality said that they could not afford to have such a costly scheme and that the cost should be reduced. A cheaper scheme is therefore under consideration at present."

SRI N. VENKATA SUBBAYYA:—"My question has not been answered. My question was, while other municipalities were allowed to execute their water-supply works, why this municipality had not been allowed to execute the works, even though the matter has been agitating the public for the last twenty-five years?"

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THE HON. SRI A. B. SHETTY:—"There has been a demand for the execution of water-supply and drainage schemes from ever so many places for the past several years."

Shortage of water-supply in Kurnool town.

* 536 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware of the acute shortage of water-supply from the municipal water works in Kurnool town usually felt in summer;

(b) whether the municipality has submitted any proposals to the Government to augment the existing supply by constructing additional reservoirs, etc.;

(c) if so, what action the Government have taken thereon; and

(d) when the people could expect to be rid of water scarcity?

THE HON. SRI A. B. SHETTY:—" (a) Yes.

"(b) The Municipal Council, Kurnool, submitted proposals for the construction of two additional filter beds in the municipal water works.

"(c) The proposal was sanctioned.

"(d) The work of construction of the two additional filter beds is expected to be commenced and completed in 1948-49. On completion of this work, the water-supply in the municipality will improve."

SRI N. VENKATA SUBBAYYA:—"Is there a more comprehensive scheme for pumping water from the adjoining Tungabhadra river?"

THE HON. SRI A. B. SHETTY:—"There is a comprehensive scheme but the municipality said that there was immediate urgency for improving the water-supply. Therefore two additional filter beds are proposed to be constructed immediately."

SRI U. PADMANABHA MALLAYYA:—"May I know whether the committee appointed to consider the water-supply and drainage schemes has completed its work?"

THE HON. SRI A. B. SHETTY:—"I have already said that the committee has submitted its report and that it is in the Press."

SRI GUNTUR NARASIMHA RAO:—"May I know how it is that works in several municipalities like the Guntur Municipality, which were sanctioned during the Advisers regime, have not yet been taken up so far?"

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THE HON. SRI A. B. SHETTY:—"A separate question may be put down."

SRI A. KALESWARA RAO:—"In view of the fact that the Government have received the unanimous report of the committee signed by all the heads of departments concerned, will the Government give immediate effect to its recommendations without allowing the schemes to drag on in the old way?"

THE HON. SRI A. B. SHETTY:—"In the light of the recommendations made by the committee, the Government will decide the future policy and programme."

SRI N. VENKATA SUBBAYYA:—"Is it a fact that an invidious distinction is being made in supplying water to the several portions of the same town—for one portion supply throughout the 24 hours, for a second portion only for a few hours and for a third portion not at all, and, if so, will the Government take steps to remove this distinction?"

THE HON. SRI A. B. SHETTY:—"I have no information; I shall make enquiries."

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

II.—ADJOURNMENT MOTION *RE* DIRECT ACTION BY NON-GAZETTED OFFICERS.

MR. SPEAKER:—"The hon. Sri P. Venkateswarlu has given notice of a motion for the adjournment of the House under rule 36. The motion reads as follows:—

'After repeated appeals and waiting for pretty long time, the non-gezzetted officers of this Province were forced to resort to direct action and on 5th of this month, they are going to strike for one hour throughout the Province. Thus a serious situation has arisen out of their decision which was the resultant of the adamant attitude of the Madras Government in refusing to meet their demands even half way. To discuss the situation thus created, I hereby give notice to adjourn the House.'

I wish to inform the House that under rule 56 of the Madras Legislative Assembly Rules—

'A motion must not raise a question substantially identical with one on which the Assembly has given a decision in the same session.'

This motion is substantially identical with a motion brought by the Hon. Leader of the Opposition before this House in the same session. So, I rule the motion out of order."

III.—ANNOUNCEMENT *RE* CHANGE OF PORTFOLIO.

THE HON. DR. P. SUBBARAYAN:—"I want to mention for the information of the hon. Members of this House that the portfolio of police has been retransferred from the Hon. Premier to the Hon. Home Minister."

[2nd December 1947]

IV.—ADJOURNMENT MOTION *RE* CRITICAL FOOD SITUATION IN TINNEVELLY DISTRICT.

MR. SPEAKER:—"Mr. Durairaja Pandian has given notice of another adjournment motion—

'This House do stand adjourned to discuss a matter of urgent public importance, viz., the critical food position in Tirunelveli district in general and Tenkasi taluk in particular.'

Mr. Kosalram has also given notice of a similar adjournment motion. I have consulted the Government and they wish to make a statement on the subject. In view of that, I hope that both the hon. Members will withdraw their motions."

THE HON. DR. T. S. S. RAJAN:—"Mr. Speaker, Sir, the statement that I wish to make is this—

"The stock position in Tinnevelly district as it stood on 20th November 1947 is as follows:—

				TONS.
Rice	..	..	..	5,270
Millets	..	..	..	402
Wheat	—	..	..	78
Maize	..	..	..	2

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noon.

"Issues during the week amounted to 1,271 tons of rice, 88 tons of millets and 6 tons of other commodities. With reference to issues for that week, the district had a month's stock of rice and millets. Existing stocks would therefore last till about the 20th of December. On receipt of intimation about the adjournment motion to be moved by certain Members of the Assembly, the Government contacted the Collector of Tinnevelly, over the trunk phone and ascertained the real position. We are informed that the existing stocks would keep the Collector going till about the 18th December and that he was expecting reinforcement of rice and millets from Tanjore, Madras and Salem. Tinnevelly district has been allotted a quota of 1,500 tons of rice for the month of December against 1,400 tons asked for by the Collector. Again the Collector wanted 550 tons of millets which the Board has arranged to send from Madras and Salem. Two hundred and eighty tons of milo allotted from Madras has already been moved. The Collector's report shows that the Tinnevelly District Co-operative Stores has been asked to move the millet quota from Salem and that the stock is moving. Arrangements have also been made to move the allotment of 1,500 tons of rice from Tanjore. The Collector's report further shows that there has been no starvation anywhere in the district. The Collector also told us over the phone that the allegation that rationing had broken down in several parts of the district was not quite correct, though it was possible that in some villages here and there, the distribution might not have been quite regular.

[Dr. T. S. S. Rajan] [2nd December 1947]

"In continuation, the Collector states that the stocks of food-grains in the several taluks as on 27th November and subsequently are as follows:—

As on 27th November 1947.

	Rice.	After movements— rice.	Milletts.
Ambasamudram ..	1,447	700	2
Nanguneri ..	430	540	6
Tinnevelly—Rural ..	445	228	32
Statutory ..	630	630	30
Tenkasi ..	250	240	46
Srivaikuntam ..	86	179	51
Sankarankoil ..	86	165	20
Tiruchendur ..	7	245	49
Koilpatti ..	72	332	25
Anjengo ..	34	74	2
Tuticorin—Statutory ..	341	495	33
Total ..	3,828	3,828	296

"The above statement shows that the present stock position in all the taluks is fairly satisfactory; but the stock position in some of the taluks on 27th November was not so. There was a certain amount of accumulation of stocks in Ambasamudram which could have been moved to some of the taluks like Tiruchendur, Koilpatti, Srivaikuntam and Sankarankoil in time and the present complaints could have been avoided. The present stock position however seems to be fairly satisfactory in all the taluk centres. The Government have taken note of the position and shall see that such small shortages will not occur in the future."

(Sri K. T. Kosalram rose.)

MR. SPEAKER:—"I cannot allow a debate on this matter. The Hon. Minister has made a statement and if there is any point which is not clear, the hon. Member may ask the Hon. Minister to clarify the point. Anyhow, there should not be a debate on this matter."

SRI K. T. KOSALRAM:—"Mr. Speaker, Sir, எனது adjournment motion-ல் குறிப்பிட்ட சில விஷயங்களுக்கு கனம் மந்திரி அவர்கள் பதில் சொல்லியபோதிலும் இன்னும் சில விஷயங்களை அவருடைய கவனத்திற்குக் கொண்டு வந்து அவைகளையும் அவர்கள் நிவர்த்தி செய்வார்கள் என்று நினைக்கிறேன்."

MR. SPEAKER:—"நீங்கள் இப்பொழுது Debate செய்கிறீர்கள்."

SRI K. T. KOSALRAM:—"திருச்செந்தூர், ஸ்ரீவைகுண்டம், கோயில் பட்டி, தென்காசி முதலிய ஊர்களில் இப்பொழுது 4 அவுன்ஸ் ரேஷன் கூட கிடைக்காமலிருக்கிறது. அங்கே 500 கார்குகள் இருந்தால் 4 அவுன்ஸ் வீதம் கொடுத்தும் கூட 200, 300 கார்குகளுக்கு ரேஷன் இல்லாமல் போய்

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விடுகிறது. ஆகையால் ஜனங்கள் பட்டினிகிடந்து வேறு நகரங்களுக்குப் போகும் நிலைமையில் இருக்கின்றார்கள். சரியான (stock) அந்த கிராமங்களுக்கு உடனே அனுப்ப முடியுமா என்பதை கனம் மந்திரி அவர்கள் சொல்லவில்லை. உணவு விஷயமாக அதிகாரிகள் அசிரத்தையாக இருந்ததினால் மக்கள் கஷ்டமடைய நேர்ந்தது என்பதை உணர்வேண்டும். அப்பப்பொழுதாவது அதிகாரிகள் உடனடியாக தகுந்த நடவடிக்கைகள் எடுத்து சரியான முறையில் மக்களை பாதுகாக்கவேண்டியதற்கு அரசாங்கத்தார் அதிகாரிகளுக்கு உத்தரவு அனுப்பவேண்டியது. இவைகளை கனம் மந்திரி அவர்கள் உடனே நிவர்த்தி செய்வார்களென்று நினைத்து நான் இந்த adjournment motion-ஐ press பண்ணவில்லை."

MR. SPEAKER:—"தமிழிலேயே பதில் சொல்லவேண்டும்."

THE HON. DR. T. S. S. RAJAN:—"கனம் K. T. கோசல்ராம் சொன்ன படி ஒன்றும் சரியில்லை. அப்பப்பொழுது கலெக்டர் அவர்களுக்கு என்னிடத்திலுள்ள குறிப்பு பிரகாரம் எல்லா தாலுகாவுக்கும் அப்பப்பொழுது தேவையான உணவுபொருளை அனுப்பப்பட்டுவருகிறது. சிலசமயங்கள் தட்டு ஏற்பட்டால் குறைக்க அவசியம் ஏற்படும். குறைவு ஏற்படாமல் இருக்க கவர்ன்மெண்டார் அவர்களுக்கு உத்தரவிட்டிருக்கிறார்கள். இனிமேல் அப்படி இருக்காது என்று நான் நினைக்கிறேன்."

SRI D. DURAIRAJA PANDIAN:—"தற்சமயம் ஒவ்வொரு ஜில்லா விலும் மொத்தம் எவ்வளவு கார்குகள் உள்ளதோ அவ்வளவு தான்யம் கொடுத்து அனுப்பப்பட்டிருக்கிறதா என்பதை தெரிய விரும்புகிறேன்."

THE HON. DR. T. S. S. RAJAN:—"That is a point for notice, Sir."

MR. SPEAKER:—"So both the hon. Members are not pressing their motion."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, from the statement made by the Hon. Minister, it transpires that there is sufficient stock in the district up to the end of this month. May I know, Sir, in this connexion when the produce of the next harvest will become available in that district?"

THE HON. DR. T. S. S. RAJAN:—"Sir, I can only give, not a correct answer, but an approximately correct answer. It will take nearly up to February for the produce of the new harvest to become available, Sir."

* SRI V. M. RAMASWAMI MUDALIYAR:—"Sir, with regard to the statement made by the Hon. Minister on the food situation in the Tinnevelly district, may I bring to his notice that similar conditions are prevailing in several other districts? A memorial has been sent to me by people from the Erode taluk stating that in many places in that taluk, card holders were not supplied with millets for the last ten days and more with the result that they have to take 3 or 4 ounces of rice instead of the sanctioned quota of 8 or 10 ounces. The Collector of the Coimbatore district has been approached by them and it seems that he has confessed his helplessness in the matter, saying that his stocks would not allow him to supply anything more. Therefore it is very necessary that similar instructions as those given to the Collector of Tinnevelly should also be given to all other Collectors of the districts in the Province."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, arising out of the answer of the Hon. Minister and in view of the fact that there is going to be a gap of two months between the end of this month until which the present stocks might be sufficient and February when the produce from the new harvest will be coming in, may I know whether the Government are prepared now to meet this gap by making adequate supplies available to the district for these two months?"

THE HON. DR. T. S. S. RAJAN:—"Sir, the making of provision for the coming months is a matter that concerns the Government and the Government are already making such arrangements as is consistent with the stock at their disposal to move foodstuffs to such areas as are in need of them. But one thing I should like to inform the House and that is that the Government cannot manufacture food. We can only procure the foodstuffs and move them to areas where they are wanted and the Government are doing it as best as they can, Sir. (Interruption.) I may further inform the House that wherever there is a deficit, if it is brought to the notice of the Government, we will take immediate action to see that supplies are rushed to it. As a general rule, we have already issued a circular to all Collectors to see that such deficit is brought to the notice of the Government as early as possible and with the stocks available, we will make a fair distribution."

A number of hon. Members rose to speak.

MR. SPEAKER:—"Order, order, two hon. Members cannot stand at the same time. The hon. Mr. B. S. Murthi will please speak."

SRI B. S. MURTHI:—"Sir, the hon. Member Sri Bapineedu yesterday asked a short notice question regarding the shooting in Kovvur taluk. To-day in the papers we see that some more people have succumbed as a result of the shooting. May we know whether the Hon. Home Minister will take the House into confidence and give the information?"

MR. SPEAKER:—"In this matter, the hon. Member should put it in writing and give the same to the Hon. Minister. This is not the way to raise a matter in the open House and ask questions on the floor, to which the Hon. Minister could be expected to reply offhand. The hon. Member who has seen it in the morning's paper could have put that in writing and given it to me, and I would have passed that on to the Hon. Minister."

SRI B. S. MURTHI:—"Sir, yesterday, the Hon. Minister said that information was not available, because the question was handed over to him only two hours earlier. Now it is 24 hours since the question was first raised, and because it is a serious matter, we want to know whether any information is available with the Hon. Minister and whether he can pass it on to the House."

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THE HON. DR. P. SUBBARAYAN:—"Sir, I said yesterday 12-15 p.m. itself that the question was handed to me as I came into this House, not an hour or two before, as the hon. Gentleman presumes. I at once got into communication with the Collector and asked him to collect the information. As yet, I have not been able to obtain further information, and as I told the hon. Member, as soon as the information is available, I will give it to the House."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"I remember, Sir, about six days ago I gave notice of a short notice question regarding house searches in the course of which an M.L.C., Janab Abdul Habib Sahib, died. Also several members are detained and are detenues in the Vellore jail. This is a very important question; it has been disturbing the Muslim population and causing unrest and panic is prevailing there. Six days ago I asked the question and an adjournment motion was also moved in this House, but the Government opposed it. I hope, Sir, you will kindly ask the Government to be fair in answering this question, which is very important and which is creating panic and disquieting circumstances in three districts, viz., Kistna, Guntur and Nellore."

MR. SPEAKER:—"As soon as the information is received, the answer will be made."

THE HON. DR. P. SUBBARAYAN:—"I want to submit, Sir, for your consideration, how the hon. Member can ask such a question now, because although he has put a short notice question, as no particular information was available to the Government, they have taken time to answer it. I do not see under what rules of procedure—I am submitting for your consideration, because the ruling is yours—this kind of information questions can be put on the floor of the House. As far as my knowledge of parliamentary procedure goes, this is never done in the House of Commons."

MR. SPEAKER:—"He has handed the question; he just wants to know when the answer will be ready; he is not asking the question now."

THE HON. DR. P. SUBBARAYAN:—"I am certainly in your hands and that of the House. I want our people to be brought up in proper parliamentary traditions. That is all I am concerned with; at the same time, I may say that as soon as I get the information, I shall give it to the hon. Member."

MR. SPEAKER:—"That is all what he wants."

SRI P. KANDASWAMI PILLAI:—"On a point of information, Sir; I want to ask for information from the Hon. Food Minister regarding the food question in the Salem district."

MR. SPEAKER:—"The hon. Member may put that in writing and give it to me; I shall pass it on to the Minister."

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SRI P. KANDASWAMI PILLAI:—"Several days ago I did bring it to the notice of the Minister, Sir, but nothing has happened; my constituency compels me to raise the question here."

V.—POINT OF ORDER *RE* CHANGE OF ITEMS IN THE AGENDA.

SRI T. S. PATTABHIRAMAN:—"Mr. Speaker, Sir, on a point of order. Everyday we see that a change is being made in the agenda; it is a pity that although the Hon. Revenue Minister has already practically moved the motion introducing the Bill, we find on the agenda to-day that the Zamindari Abolition Bill has gone completely to the last item for the day. There is a genuine apprehension on the part of the people that a move is afoot on the part of the vested interests to delay the Bill and as such I am voicing the apprehensions of the people. I should like to have a categorical assurance from the Hon. Leader of the House that relegating it to the last item does not indicate any change in the intention of the Government, that they would not kill the Bill but that only as a matter of administrative convenience, it has been put down as the last item for the day."

MR. SPEAKER:—"Regarding this change, I may say for the information of the House that the Hon. Leader of the House has already explained this matter, but I shall again allow him to explain the matter once again."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On the same subject, I want to put a question, Sir. It is reported that the Central Government have asked the Provincial Government not to proceed with the Zamindari Abolition Bill, if it is so, may I know whether our Provincial Government have received any instructions or request from the Government of India not to proceed with the Bill any further?"

THE HON. DR. P. SUBBARAYAN:—"I wish to refer the hon. Member to Rule 19 which says:—

'The arrangement of Government business shall be in the order determined by the Leader of the House.'

Therefore, Sir, hon. Members, I am sure, realize that it is entirely within my discretion, in consultation with my colleagues on the Government, to arrange the order of business. Under that rule, this has been done. There is also no question of anybody running away from any measure or vested interests having their share in the introduction of any measure. I can assure hon. Members that this House is going to sit till the Hon. Gentleman the Revenue Minister has finished his work and has got the permission of this House to appoint a Joint Select Committee on this measure."

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THE HON. SRI KALA VENKATA RAO:—"On the matter raised by the hon. the Leader of the Opposition, I wish to state that the Government of India never issued instructions with regard to the zamindari legislation and the Government of India also cannot, I think, issue any instructions to the Provincial Government in this matter. None-the-less, I may state straightway that no such instructions have been received, nor is this Government prepared to stop this legislation at this stage."

VI.—GOVERNMENT BILLS.

(1) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1947.

THE HON. SRI K. MADHAVA MENON:—"Sir, I do not propose to move my motion with regard to the Madras Agriculturists' Relief (Amendment) Bill, to-day."

(2) THE POLICE (MADRAS AMENDMENT) BILL, 1947.

THE HON. DR. P. SUBBARAYAN:—"Sir, I introduce the Police (Madras Amendment) Bill, 1947, and move that the Bill be referred to a Select Committee, the names of Members of which I will give later.

"Sir, though it is a short measure, I do want a Select Committee on this Bill because there are some points which might be considered by a Select Committee. At present, Sir, as the law stands, there is no legal liability on the part of the Government to pay any compensation for losses sustained as a result of civil commotion. Any such payment, if made, can only be on an ex-gratia basis and under very special and exceptional circumstances. As far as can be gathered, there had been only two occasions in the past, as far as our Province is concerned, viz., the Moplah Rebellion of 1921 and the Civil Disobedience Movement of 1942, when compensation was paid under such circumstances. Even in these cases, the grants were made from fines, etc., collected and were not a charge on the tax-payers' money. In a very large number of cases, the Government have definitely taken the line that they would not pay any compensation. It is now proposed to consider in this measure whether in the event of communal riots, members of the aggressor community should be made liable to pay compensation to sufferers belonging to the aggrieved community. That, in short, is the object of this measure. The method adopted during the 1942 movement really amounted to making the aggressors pay those who were aggrieved, since the compensation to the aggrieved, although paid by the Government, came out of the collective fines levied on the aggressors. The principle is therefore not new to hon. Members of this House. The Madras Maintenance of Public Order Act, 1947, provides for the imposition and collection of collective fines when the Provincial Government are satisfied that the inhabitants of any area are concerned in or abetting the commission of offences prejudicially affecting the public safety or the maintenance of public order.

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"As regards the principle on which compensation will be distributed among the sufferers, attention may be invited to the Bengal Government scheme for the payment of rehabilitation grants to the victims of the riots of August 1946. Payment of grants was made subject to the following conditions, viz.—

(1) Each applicant must be of small means,
 (2) no grant in excess of Rs. 1,000 will be made to any one person or family unit,

(3) Each applicant must, as a result of the loss of means of livelihood, stand in genuine need of a grant for the purpose of earning a living again,

(4) Each applicant, if in independent business, should have lost his means of livelihood and had his earning capacity impaired as a result of the commotion.

"In the recent Vaniyambadi riots, the question of granting compensation from Government funds was considered, but was finally dropped. In that connexion, there was a proposal to distribute relief through a Revenue Divisional Officer. But I will take that matter no further, as the Government dropped that matter. No maximum limit to the grant to a person or family unit was proposed at that time.

"The primary and most difficult question is to define and determine the expression 'aggressor community.' During communal disturbances, although one community may be the aggressor to start with, it is not long before the other community retaliates which is fairly human. In the end, it usually happens that there are sufferers on both sides and the majority of them may very likely be innocent people who have taken no part in the rioting. It may even be that the original aggressor community suffers more damage than the other community. In the circumstances, therefore, hon. Members will understand that the question of the definition of 'aggressor community' is a matter likely to be beset with considerable practical difficulty; and that is why even though the measure is a short one, I propose that it ought to go before a Select Committee, so that this definition may be thrashed out in all its particulars. Though I do feel that the term 'aggressor community' may be defined with some reasonable assurance that it will be relatively easy in a particular case to find the aggressor, still, as I have said, it will be necessary to designate the authority competent to determine and decide who is the 'aggressor community' in each particular case. A decision naturally will have to be based on an enquiry. The simplest course would be to make the District Magistrate the authority, but if he belongs to one or other of the communities, it is tolerably certain human nature being what it is, that his decision will be questioned. A non-official enquiry is not likely to be very helpful and its impartiality might also be impugned. The safest course must be, in the opinion of the Government, to have some kind of commission with perhaps a District Judge, other than the Judge of the district concerned, as Chairman, the District Magistrate of the district and a disinterested advocate from another district.

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"That is what is proposed to be done under the measure, but as I said, I shall be in the hands of the Select Committee to find out what is proper to be done under the circumstances, though I do feel that such legislation is necessary following what has been done in Bombay also, that some method should be found for compensating those who have been aggrieved by such communal or other disturbances. This measure is comprehensive enough to give the Government power to get the necessary amount for satisfying the communities that may be affected by such civil commotion. So, I move, Sir, that the Bill be referred to a Select Committee."

MR. SPEAKER:—"Motion moved, that the Police (Madras Amendment) Bill, 1947, be referred to a Select Committee. The motion is before the House."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I quite appreciate the anxiety of the Government that the victims of aggression on account of civil commotion should be compensated under certain circumstances. I also appreciate the anxiety of the Government that the measure must be shaped in the proper way, so that there will be no administrative difficulties or there may be no question of partiality or impartiality being raised in the future. Therefore, Sir, it is well that the Hon. Leader of the House has proposed that this measure, small though it is, should go before a Select Committee.

"Sir, in the course of his speech, he mentioned the case regarding Vaniyambadi. In the case of Vaniyambadi, he said the Government considered the question and dropped it; but the fact is that the Government considered it, came to a decision that the victims of the civil commotion were entitled to compensation; and as a matter of fact, compensation was awarded and the parties also were communicated with by the Government to the effect that compensation to the extent of Rs. 2 lakhs was granted. This was a fact, a *fait accompli*. Then, all of a sudden, for reasons known to the Government, the Government perhaps reconsidered the question, they cancelled the compensation which was given by the Government.

"It was not a question of Government dropping the matter. 12-30 p.m.
 We do not know why the Government thought it fit to reopen the question which they already decided and the decision on which has been communicated to the parties concerned. I hope, Sir, that this measure, as it finally emerges from the Select Committee, will be such as would take such cases as that of Vaniyambadi into cognizance and that people who have really suffered on account of civil commotions will be compensated. With these words, I support the motion of the Hon. the Leader of the House."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I believe that taking things as they are and the conditions that obtain in the country, a measure like this has been considered to be necessary. But, Sir, I would like to take a different view of the subject-matter of this Bill. It is probable

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that whenever there is a civil commotion, there is likely to be what is called the aggressor and the aggressor who is found to be guilty of aggression, should be punished in some way or other. The motive behind this Bill seems to be quite wholesome and the intentions of the Hon. the Leader of the House, I take it, are very wholesome but at the same time, I would like to make this appeal. Is it not advisable now not to think in terms of one community being an aggressor community against another community and the possibility of a civil commotion taking place in this Province? The Hon. the Minister himself, in his preliminary remarks, referred to the numerous difficulties that might arise even with regard to the definition of what is called the aggressor community and difficulties with regard to arriving at a decision as to who started the aggression or the civil commotion. It seems to be a very very difficult question and the Hon. the Minister through this Bill seeks to come to some conclusion by which he hopes to find it possible to define the word 'aggressor' satisfactorily. I do not know whether he will succeed—I hope he will succeed—but the question bristles with many difficulties and those difficulties are insurmountable, because it may be found in the end that the really so-called aggressor community was not really the community which started the civil commotion. That also has been envisaged by the Hon. the Minister, but with all these difficulties, he thought it fit to come forward with a measure of this kind. On the other hand, I believe, instead of a measure like this which perhaps to a certain extent is a reminder to the people of this Province that there is trouble and that there is likely to be trouble or a civil commotion or a communal disturbance, it is better he had not come forward with this measure at all, because a measure like this has a psychological effect on the minds of the people. Whether it will be a wholesome psychological effect or a disastrous psychological effect, I want the Hon. the Minister to consider for a moment. In these panicky days and in these critical times, it is very necessary that we should not think in terms of civil commotion but in terms of constructive appeals which will give confidence to all the communities of the Province. The Government should deal out justice irrespective of the community to which members belong or do not belong. In a secular state, all the communities should be looked upon as one community and Government should deal out justice to all of them. I say this because, there are difficulties which are insurmountable. As the Hon. the Minister himself has said in the course of his speech, it is difficult to find out who really started aggression and who was the sufferer. In these circumstances, the appointment of a District Judge of a neighbouring district or an advocate or a Collector of a neighbouring district to the one where the trouble has taken place will certainly not be a tribunal which can be expected to deal with the question satisfactorily. So, I say that Government must have the confidence in themselves and should deal out justice in hard cases. They should also create confidence in the minds of the people. If a judge from the neighbouring district is appointed, people will doubt him. There should be no

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question of anybody doubting the bona fide of the judges appointed by the Government to determine who was the aggressor or who was the aggrieved. So, Sir, I believe it is better we do not take up this question at a time like this and we ought to leave it to the Government to take power upon themselves to give relief to the sufferers and to punish the aggressors. The Government must take power in its own hands instead of leaving it to individual officers or committees to decide.

"Sir, in a secular State, the Government must not have any prejudice against any particular community. The Government should create confidence in the minds of the various communities in order to preserve law and order in the country. They should not be really advised by any outside bodies. The Hon. the Minister himself has said that if the District Judge belongs to one community is appointed as a tribunal, the other community is not prepared to accept his decision."

THE HON. DR. P. SUBBARAYAN:—"I really did not want to interrupt the debate. It has never been my habit but I should correct the hon. Member. It is the hon. Member's community who are guilty of this whenever Hindu officers are concerned."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I shall be the last person to suspect Hindu officers. I would expect my Hindu friends not to suspect Muslim officers. That should be the spirit. If that spirit prevails, I am sure we will go a long way towards maintenance of law and order and maintenance of peace and ruining the prospects of civil commotions or civil disturbances. Let us not for a moment think of any possibility of a civil commotion. If the Government is strong, fair and just, no community will fight against another community."

"Sir, the case of Vaniyambadi was mentioned and the Government have come to a decision to give some relief to those who have suffered there. If the Government feels that it has no power, I think Government can take power and give relief to bona fide sufferers who have suffered a heavy loss. They have taken power to levy and collect collective fines and in the same manner, they can also exercise that power to deal effectively, and justly and deal out justice to those sufferers and to punish the aggressors who have been the cause for all the damage, so that the relief that is given may be real, effective and adequate. Sir, I do not know why a legislation which will involve a good deal of feeling and mischief, a feeling of fear and doubt to the people of this Province should be brought forward. The Hon. the Minister perhaps is anxious to see that the Bill is referred to a Select Committee. Let it be referred to a Select Committee. I hope that in the Select Committee the Bill will be given such a shape as to take away these aspects of the Bill. I feel that instead of creating harmony in the Province, the Bill will be a reminder to all the communities that they are likely to fight and that there will be danger of a civil commotion. That danger is there and I am sure that danger will be removed in the Select Committee."

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SRI P. NATESAN:—"Sir, in supporting the mover of this Bill, I should like to say only one word and that is with reference to the speech of my hon. Friend, Mr. Abdul Hameed Khan. Evidently, he seems to have in the background of his mind differences between the Hindu and the Muslim communities. Unfortunately, the Hon. the Leader of the House when speaking on this, referred to aggressor community. I would say, aggressor section of the people, ecabuse in the Statement of Objects and Reasons, it is stated that section 15-A of the Police Act, 1861, provides for the payment of compensation to persons who have suffered injury from riots or unlawful assemblies, so that there is no need for any suspicion in the minds of any hon. Members of this House that it might refer to the Hindu community or the Muslim community. We know there are several sub-communities, the Vanniakula Kshatriya, the Adi-Dravida and so on and other sub-communities and they may be responsible for a sort of a strife or civil commotion in this Province. It is only for this purpose of preventing such strife the Government would like to take powers in the interests of the general public. Sir, I welcome this measure and I am very glad that the Hon. the Leader of the House has seen to it that it goes before a Select Committee where the members will have an opportunity of discussing it. I would only ask the members of the Select Committee to remove the suspicion lurking in the minds of some of the hon. Members. With these words, I support the motion."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, I rise to welcome this measure and I am very happy that the Hon. the Leader of the House has felt convinced that this measure, however simple it may be on the surface, yet needs reference to a Select Committee and I am sure, as the hon. Mr. Hameed Khan has very rightly said, the Select Committee will go into the question and into the very many implications of this measure to see that law and order are maintained and peace is preserved in this Province. They should make the provisions of this Bill such as would secure the confidence, particularly of the minority communities."

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p.m.

"Mr. Speaker, this is a very timely measure, particularly when the confidence of the minorities is very much shaken and the expression that has been used in this context of 'aggressor community' is a thing which must come in for very considerable definition. I am glad that the Hon. the Leader of the House has himself seen that this is a matter which may come in for much interpretation and he has cited the example of Vaniyambadi riots. As you know, Mr. Speaker, representing as I do that constituency on the Floor of this House, I only feel how when, one Government after laborious investigation and even after the visit of the Hon. Premier felt convinced and ultimately decided on compensation, although the amount of compensation was niggardly compared with the damage that has been caused to property, yet immediately on the wake of that announcement another Government came into office and for reasons best known to themselves they have ultimately cancelled that order without giving us any reasons on the Floor of

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this House. Sir, this cancellation of the order has caused so much misinterpretation, misgivings and misunderstandings that it is but good that the Hon. the Leader of the House should have come forward with this measure at this psychological moment and I do hope that when the Bill emerges from the Select Committee it will give so much confidence and that whoever is the aggressor community or the aggrieved community it shall always be the duty of the State particularly in the ultimate interests of the secular state of our Union, to see that both the aggressors and the aggrieved have got reasons to feel that the victims of every aggression will come in for considerable compensation at the hands of this popular Government. In that sense I welcome this measure and I am in entire agreement with the hon. the Leader of the Opposition and Mr. Abdul Hameed Khan when they said that this Bill should receive, the most careful consideration at the hands of the Select Committee.

"I once again support this measure and feel assured that the Select Committee would give their best and serious mind with regard to the provisions of this Bill."

"Sir, time and again the Hon. Leader of the House has been assuring us that this is a secular state, but the proof of the pudding is in the eating of it, and the minorities must feel the security of their person and property in a secular state such as ours is. In that sense this provision has come a bit late while the Hon. the Premier of our Union, the Hon. Pandit Jawaharlal Nehru, has every time gone to the rescue of the minorities and given proof that in matters of aggression the victims of aggression, to whatever community they may belong, must come in for considerable compensation at the hands of the powers that be."

SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, in rising to support the motion to refer this Bill to the Select Committee I would also agree with my hon. Friend, Mr. Hameed Khan that nothing should be done to create suspicions in the minds of the people that the communal peace or harmony in this province is at stake or likely to be jeopardised. Thank God and thanks to the leaders of both the parties, that communal peace has been stable in this province (Hear, hear) and we in Madras have set a glorious example to the rest of India in this most important matter which is the foundation of the secular existence and continuance of a secular State. It is, that Government will be considered civilised which not only protects the minorities but also creates confidence in the minorities, that they are safe in the State and also that the State belongs to them. Of course, certain incidents that are going on in our neighbourhood may create certain feelings in the minds of Hindus and Muslims, but I appeal to both the Hindus and Muslims not to be disturbed by anything that is going on in the neighbourhood because that is a fight between themselves and therefore, so long as we are peaceful and so long as we do not want to pursue our objects in a spirit of violence and in methods of violence, I should think that every one of us, Hindus, Muslims and Christians should feel that we are safe and nothing will endanger our happiness or our progress in a State like this. I am

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also certain that our Hon. Home Minister is a most generous man and a person who really has very friendly feelings to the minorities and who has been trained in the spirit of communal harmony and I am only paying a tribute which is due to him. After all this Bill is not merely intended to deal with Hindu-Muslim troubles because sometimes agrarian troubles come in, there may also be food riots and so many misguided people may do so many things and so it is not against any particular community alone. I would rather differ from my hon. Friend, Mr. Hameed Khan in respect of what he said about officers. These officers, whatever may be their motives, when they do anything, they do it according to the directions or instructions of the Government and Government should rather keep an open mind in all these matters. Judicial enquiry will be very good because they will take evidence as to the actual things that have taken place, how a particular thing has started and how it ended and so on.

“One thing I must say at this juncture and that is there should be no question of retaliation. If one community or a section of a community does something wrong, the other sections of the community should not start the principle of retaliation and then try to do mischief against the other community. If that is followed there will be no end to it. Therefore, I say, the principle of retaliation should be suppressed by all means. Otherwise, it will lead to worse things, there will be retaliation, greater retaliation, just as it is going on in Northern India. Let us not imitate what is happening there. With these few words I support the motion to refer the Bill to a Select Committee.”

THE HON. DR. P. SUBBARAYAN:—“Sir, I am really grateful to the hon. Members of this House for having welcomed this measure, including my hon. Friend, the Leader of the Opposition. There is no question of getting communal feelings up, as my hon. Friend from Kurnool mentioned. He is a solitary exception and I am glad to find, compared to my hon. Friend sitting on the opposite side, both Mr. Anwar and the Hon. Leader of the Opposition who spoke, have welcomed this measure which at least shows. (Abdul Hameed Khan Sahib Bahadur: ‘What about Mr. Kaleswara Rao?’) Mr. Kaleswara Rao happens to be on my side, but I was only referring to my hon. Friend in order to point out how differently the other two gentlemen think about it. There is only one point which was raised by both the Hon. Leader of the Opposition and the hon. Member for Kurnool and that is the question of Vaniyambadi. The Government when they took office felt that it was unreasonable that the tax-payer should be mulcted with damages for a particularly local offence which came because of feelings having been shown in a particular locality and it is a well-understood principle of law that the tax-payer should not be paid for local disturbances from the general purse and that was the only reason why Government thought fit to cancel that order. The Government was certainly sympathetic to what has happened in this respect and this measure is being brought so that some method could be found for compensating those people who have really

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suffered. That is the object of this Bill and I am glad it has been welcomed. I move, Sir, that the Bill be referred to a Select Committee consisting of the following members:—

- (1) Sri P. Natesan.
- (2) N. Muhammad Anwar Sahib Bahadur.
- (3) Mohamed Abdul Salam Sahib Bahadur.
- (4) Sri S. Chidambara Ayyar.
- (5) Dr. P. G. Nair.
- (6) Sri K. Brahmanandam Reddi.
- (7) Sri B. Parameswaran.
- (8) Sri T. Viswanatham.
- (9) Sri P. Venkateswarlu.
- (10) Dr. S. Subramanya Ayyar.
- (11) The Hon. Dr. P. Subbarayan (*Mover*).

“I hope the hon. Member representing the Communist party will at least now be satisfied that he is some times thought of.”

The motion was put and carried.

MR. SPEAKER:—“Under rule 78 I appoint the Hon. Dr. P. Subbarayan to be the Chairman of the Committee.”

(3) THE MADRAS MARUMAKKATTAYAM (AMENDMENT) BILL, 1947.

* THE HON. SRI K. MADHAVA MENON:—“Sir, I beg to introduce the Madras Marumakkattayam (Amendment) Bill, 1947 and move—

‘that the Bill be taken into consideration at once.’

“Sir, the Madras Marumakkattayam Act was passed in 1933 by the then Legislature and unfortunately the interpretation of one sentence in a section has led to very serious difficulties in every way. In section 4 of the Marumakkattayam Act, it is stated:

‘the conjugal union of a marumakkattayi female with—

- (i) a male belonging to the same community as such female, or
- (ii) a male, not belonging to such community and whether a marumakkattayi or not,

shall be deemed for all purposes to be a legal marriage if—

(a) the parties to the union are not related to each other in such degree of consanguinity or affinity that conjugal union between them is prohibited by any custom or usage of the community to which they belong or either of them belongs; and

(b) the union—

(i) was openly solemnized in accordance with the customary ceremonies, if any, prevailing in the community to which the parties belong or either of them belongs, before the date on which this Act comes into force and is subsisting on such date; or

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Sir, it so happened that the Madras High Court decided that the words 'subsisting on such date' meant that if either party, whether wife or husband, was not living on that date, that marriage was not a legal marriage. That decision was reported in the A.I.R., 1946 (532) and the children of such a marriage were illegitimate and they were not entitled to the rights conferred by the Act. It was the late Sir M. Krishnan Nair who was responsible for that Act, but though at that time his wife was not living, it could never have been his intention. There has been a widespread feeling in the whole of Malabar against this decision of the High Court. The Collectors of Malabar and South Kanara who were consulted in the matter reported that there was a considerable feeling against the decision of the High Court and that the matter has to be set right. The Collector of Malabar has reported that it is a fact that the High Court's decision runs counter to the opinion and sentiments of the people of Malabar. The Collector of South Kanara has reported that the decision has caused a stir among the followers of Marumakkattayam law and that there is a widespread feeling that the Act should be amended suitably. Both of them recommended the amendment of the Act on the lines suggested. The Board of Revenue agreed with the Collectors and the High Court also agreed to the principles underlying the proposal to amend the Madras Marumakkattayam Act and they see no objection to the draft amendments proposed. Since there is a feeling in Malabar that some have been bastardized on account of the interpretation of the Act, this Bill has been brought forward. In regard to the question of inheritance, I have taken care to see that this does not affect any question of property which has become concluded either by partition or decree of court and that there is not much unnecessary dislocation of devolution of property. For this, we have particularly added the following words to the section in the Act:

'Nothing contained in this Act shall affect—

(a) any decree or order of a competent court which became final before the commencement of this Act, or

(b) any sale which was held in execution of a decree or an order of a competent court and which became final before the commencement of this Act, or

(c) any transfer or partition of property effected before the commencement of this Act.'

In other cases the Act will apply and marriages, though the parties may not be living, will be valid marriages and the children of such marriages will be legitimate. That is the only object of this amending Bill.'

"Sir, I have also ascertained the opinion of all the Bar Associations in Malabar and they have unanimously supported the Bill. In respect of full retrospective effect, I think many partitions would have taken place and many decrees of courts would have been obtained. This Bill is simply meant to correct an

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interpretation of the High Court and they themselves suggested that this amendment is necessary. I therefore move that the Bill be taken into consideration."

MR. SPEAKER:—"The motion is that the Madras Marumakkattayam (Amendment) Bill, 1947, be taken into consideration."

The motion was put and carried.

Clauses 2 to 6 were put one by one and carried.

Clause 1 and the preamble were put and carried.

THE HON. SRI K. MADHAVA MENON:—"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 CITY POLICE (AMENDMENT) BILL, 1947.

THE HON. DR. P. SUBBARAYAN:—"Sir, I move—

'that the Bill further to amend the Madras City Police Act be taken into consideration at once.'

"This is a very simple measure and the Statement of Objects and Reasons states the reasons for bringing in the measure. The Corporation of Madras brought to our notice that there are overloads in carts and we are limiting the load under the provisions of this Bill. It is not possible to relieve these poor people from drawing of carts altogether due to economic causes and therefore we are trying at least to discourage their dragging heavy loads."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, from what the Leader of the House says this measure looks like a welcome measure from the point of view of the public safety on the roads and also from the point of view of the hardship of the people who are put to the necessity of dragging these handcarts it is necessary that some restrictions must be placed, but, Sir, it is the people who drag these cart loads that are concerned most here. They drag these loads for the sake of wages. The quantity of load which a particular set of people are allowed to drag affects the income of the people. It is for the income that people are put to the necessity of overloading their carts. Therefore, in this connexion, I do not know whether the Government had received any representation from the labourers or any Labour Union asking them to place any such restrictions upon the quantity or the amount of load that a particular number of people should be allowed to take.

"Then, secondly, Sir, with regard to punishment, it is said 'Any person who so drags or pushes it, and also any person employing him or in any way responsible for or abetting such contravention or employment, shall be punishable' and so on. Here the word 'Any person employing him' is not made clear. What do they mean by 'employing a person'? Is it for that particular piece of work or employing a person as a monthly paid servant?"

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THE HON. DR. P. SUBBARAYAN:—"For wages only."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"There is no question of employing men for a particular piece of work. It is the men who employ themselves in such work and the option is left to them to take the load or not. This must be made clear. Many innocent persons may be dragged into the clutches of this law. This is one of the Bills that is being taken today at a very short notice. On the very face of it these are the observations I think that are called for on this measure. The first thing is that you must see whether this restriction places any hardship upon the men themselves who drag the load and then whether it places any hardship upon other people who may be brought into the ambit of this measure by saying that they employ them. There may be certain people who may have something to be carted from one place to the other. They instruct that so many have to be employed and so many bags should be put in a cart. But it is not at all in the possibility of things that this man who employed these particular set of men should go all the way from the place to another place to see that the rules are not contravened. Therefore it is that I referred to this. I think the Hon. the Leader of the House will explain this position and see that innocent people are not victims as a result of this measure."

* ABDUL MAJID SAHIB BAHADUR:—"Sir, I have great pleasure in supporting the Bill that is before the House. While doing so, I would like to bring certain matters for the consideration of the Minister in charge of the Bill. The first effect of the Bill is increase in the transporting charges in the City. You are aware that in recent times the transporting charges have increased to a very great extent and as such traders are finding it difficult to transport goods from place to place. Again, Sir, with regard to the question of men who employ them there is a slight confusion because there are what are called transporting agents. These transporting agents are not actually the owners of these goods. There are exporters who simply employ transporting agents and those agents in turn employ these coolies. Therefore, Sir, when the question of deciding the employer comes the confusion arises. Therefore I wish the Hon. Minister gives a certain clarification on this question as to the real employer of these coolies. With these few remarks I support the Bill."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, let me congratulate the Hon. Minister for Home for bringing this amendment to the City Police Act which had been passed in 1888. perhaps when most of us were not born."

THE HON. DR. P. SUBBARAYAN:—"Before I was born."

SRI PILLALAMARRI VENKATESWARLU:—"All the same, I am glad at least the Government thought it necessary to amend that Act. My reaction is that all these Acts must be rewritten and for that purpose even a Committee be appointed to go into all the details but any way I do not know what view the

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Hon. Minister for Home is going to take regarding my suggestion to amend all these Acts and regulations which had been framed long before many of us were born.

"Sir, coming to the Bill I will like to make a suggestion. This Bill is applicable to the City of Madras. I wish it is made applicable even to the mufassal also. Sir, the same difficulty is there too. Young boys are made to drag loads which they cannot do. It is only due to poverty that they are dragging. At the same time it is the duty of the Government to prevent such cases. I request the Hon. the Home Minister to amend this Bill or bring in another piece of legislation to regulate the traffic in the mufassal also.

"Another point I want to refer to is that the power is left in the hands of Police Commissioner. Already there are enough powers in their hands. For the simple offence of stopping a cart in a particular place these poor people are being dragged by the Police. My suggestion is that it is better to leave this power in the hands of the Corporation officials who themselves can administer in a better way. With these words I support the Bill, Sir."

* SRI P. KAKKAN:—"கனம் சபாநாயகர் அவர்களே, இந்த பில்லை நான் மனப்பூர்வமாக ஆதரிக்கிறேன். ஆனால் கனம் மந்திரி அவர்கள் இந்த பில்லை நிறைவேற்றும் காலத்தில் சில விஷயங்களை அவருக்கு ஞாபகப்படுத்த விரும்புகிறேன். இப்பொழுது டவுனில் கட்டை வண்டிகளை ஹரிஜனங்கள் தான் இழுத்துச் செல்லுகிறார்கள் என்பது உங்களுக்குத் தெரியும், அப்படி அவர்கள் வண்டி இழுத்து ஒரு ரூபாய், முக்கால் ரூபாய் கூலி வாங்கிக்கொள்ளுகிறார்கள். அப்படி இழுக்குகிறவர்களுக்கு அபராதம் போட்டால் அவர்களுக்கு கூலியாக கிடைப்பதற்கு மேல்தான் fine கொடுக்க வேண்டியதாக இருக்கிறது. அதை அவர்களால் கொடுக்க முடியாமலிருக்கிறது. ஆகையால் அவர்களை charge பண்ணும் காலத்தில் வண்டி யாருடையதோ அவருக்கும் அந்த தண்டனை விதிக்கப்படவேண்டும். வண்டி இழுக்கிறவன் ஐயா சொல்படியானே கேட்பான். வண்டியில் அதிக பாரம் போட்டு லாபம் அடைவதற்குத்தான் வண்டியின் சொந்தக்காரன் நினைப்பான். வண்டியுடையவர்கள் அதனால் குறைந்த கூலி கொடுத்து வருகிறார்கள். ஆகையால் வேலை செய்கிறவர்களை charge பண்ணும் காலத்தில் இழுப்பவனுக்கு அபராதம் போடாமல் வண்டி யாருடையதோ அவர்களுக்கும் தண்டனை விதிக்கவேண்டுமென்று கேட்டுக்கொண்டு இந்த தீர்மானத்தை நான் மனப்பூர்வமாக ஆதரிக்கிறேன்."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, I am glad that this Bill has had such approval from the House. The hon. the Leader of the Opposition raised certain doubts; naturally the person who employs the cart and the people who drag it are liable to be punished if the provisions of the law are contravened, as those who drag it themselves. If punishment is to be deterrent, both parties have got to be dealt with and there is no danger of any untoward things happening and people who are not liable being punished, as far as I have read the various sections of the Bill. My hon. Friend the Communist Member is always suspicious of the Police. It is a wrong angle from which he always looks at things. The Police, he must not forget, is the handmaiden of Government and the public and I am sure the Police realize that now and they will act as the protectors of the public interest and not in the way that the hon. Member thinks. I think

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he had better change his outlook and the angle of vision with which he looked at things all these years. (Muhammad Anwar Sahib Bahadur: 'Incorrigible'.) My hon. Friend says: 'incorrigible' but I do not agree; I have known it for the last six months and I must say they are adapting themselves to the public weal. (Muhammad Anwar Sahib Bahadur: 'I meant the Communist Member'.) If he meant the Communist Member, it is a matter between him and the Communist Member and I do not propose to deal with it. (Laughter.) I do not think any harm is going to happen and the reason for it I had already given. The hon. Member for Guntur, I think, raised the question of dealing with this sort of vehicular traffic in the mufassal. If there are reasons for that to be applied, it will have to be done by means of a separate measure but not under this measure as it refers to the City Police Act. This is largely prevalent in the City because of the lot of things that come through the harbour and that is the main reason for the amendment to the City Police Act. If such things do occur in the mufassal, the Government will take that into consideration for taking suitable action."

The motion was put and carried.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, I now move—

'that the Madras City Police (Amendment) Bill, 1947, be passed into law.'"

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

(5) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947.

MR. SPEAKER:—"The motion before the House is—

'That the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, be introduced and be referred to a Joint Select Committee of both Houses consisting of 20 members of the Assembly and 10 members of the Council.'"

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, I beg to raise a point of order with regard to the bringing forward of this Bill.

"My first point is that it is against section 299 of the Government of India Act. You will find that on the face of it, the Bill is intended for the acquisition of the interests of the zamindars, inamdars and under-tenure holders in permanently settled and certain other estates and all expressions in the Estates Land Act shall have the same meaning as that in that Act. So obviously and clearly, it appears only to apply for the acquisition of the lands or such interest as the zamindar has in the lands. Under

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section 3 (b) and (c) there is provision for the acquisition of certain rights in lands and certain kind of lands and compensation is directed to be fixed under section 6 of the Act. Clause 6 says: 'Compensation shall be determined for all rights in an estate which stand transferred to the Crown in pursuance of section 3, clauses (b) and (c) . . . ' so that the provision for compensation that you find in section 6 is only with regard to interests in the land and I do not think that the Hon. the Minister for Revenue who introduced the Bill ever has an idea of occupying or acquiring all buildings wherever they may be in any estate or all factories or such like things that may stand in the lands. That being the case and the compensation under section 6 being with reference to lands, let me revert for a while to section 19 which deals with buildings. Section 19, sub-section (1) reads as under:—

'All buildings which on the notified date belong to the proprietor or other landholder of an estate and are exclusively used by him as offices in connection with the administration of the estate, shall vest in the Crown, free of all encumbrance, with effect on and from the notified date.'

There is no compensation provided for it except under one contingency. There is no compensation provided so long as the zamindar or inamdars continues to own that building but in the possible case of the landholder parting with it on the 1st July 1947 to another person, that will be taken and payment will be made to the third man to whom it has been sold. In effect, what we find from section 19 is that no compensation is to be given for buildings which belong to the landholder and that is a kind of legislation which is against section 299 of the Government of India Act because you must make provision for the amount of compensation as well as for the manner in which it is to be done. That is my first objection.

"My second objection is with reference to sub-clause (2) of clause 21, where arrears of rent are supposed to be extinguished so far as the zamindar is concerned after the notified date as the proprietor or landholder shall not be entitled to collect any rent which accrued to him before the notified date and all proceedings taken by him and pending on that date for the recovery of such arrears shall be deemed to have been discharged. From the definition under section 299 of the Government of India Act, land includes all interest in the land and the rent that accrued till that notified date is interest in the land. Apparently seeing this difficulty, the Hon. the Minister for Revenue said that he was prepared to pay one year's rent. Out of arrears due to him for five years or four years, to pay him a year's rent would be a forfeiture in reality of the remaining arrears of rent. Apparently, the Minister for Revenue is having in his mind the analogous provision of the Agriculturists' Debt Relief Act, which was passed to relieve the indebtedness of agriculturists. That is not what this Act is doing. This Act purports to be only for the acquisition of the interests of the zamindars and the introduction of

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ryotwari settlement. This is not a Agriculturists' Debt Relief Act and so there is this question of forfeiture of rents, which is not in order with reference to section 299 of the Government of India Act. This is my second objection.

"Under the Permanent Settlement, no rent is payable in respect of private lands. While taking away the interests of the zamindars this Bill proposes under section 17, sub-section (3) to make such lands liable to land revenue and this is what the section says:

'In respect of private lands and lands brought under cultivation after the notified date, such land revenue shall be collected at the same rates as those payable for similar lands with similar advantages in the neighbourhood.'

I do not know whether, when you have even acquired the rights of the zamindar, you can, when he is not liable otherwise to pay rent in respect of his private lands, impose it on his private lands, when especially after the Permanent Settlement which prevented Government from recovering any particular assessment. It is one thing to say that you will acquire the lands and quite another to say that the private lands will be subject to assessment. This is my third objection. If you compel him to pay land revenue after your acquisition, that is a thing which makes an encroachment on his rights in the land.

"My fourth objection is something more fundamental than all the previous ones. It will be found that under the Government of India Act which is even now in operation, sections 60 and 61 apply to the Provincial Legislature. Section 60 says that there shall be two chambers for the Province of Madras and section 61 (1) deals with the composition of the Legislature and the Legislature of the Province shall be such as is specified in relation to each Province as in the Schedule V and Rule 3 of that Schedule says that the allocation of seats in the Provincial Legislative Assemblies shall be as shown in the relevant table of seats appended to the Schedule. If you turn to the Schedule, you will find that Madras has got a total strength of 215, out of which in column 12 you will see six seats are provided for landholders, and the landholder is also defined."

MR. SPEAKER:—"Might I know if the hon. Member would be able to finish in a minute or two; otherwise, he can proceed after lunch."

SRI A. VAIDYANATHA AYYAR:—"I shall continue after lunch."

The House rose for lunch.

(After lunch—2-30 p.m.)

MR. SPEAKER:—"Mr. A. Vaidyanatha Ayyar will continue his speech."

SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, Sir, I was referring to the Fifth Schedule and the rules in respect of

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Legislative Assemblies. It says 'The allocation of seats in Provincial Legislative Assemblies shall be as shown in the relevant Table of Seats appended to this schedule.' Rule 4 says:

'In the Legislative Assembly of each Province specified in the first column of the Table of Seats there shall be the number of seats specified in the second column opposite to that Province, and of those seats—

(i) * * *

(ii) *the numbers specified in the next ten columns shall be the numbers of seats to be filled by persons chosen to represent respectively—(h) landholders.'*

Therefore there shall be a particular number of seats in respect of landholders. And in the table of seats appended, what was originally twelfth column for landholders seats, has now, due to the elimination of European seats, become the eleventh column, and seats are provided therefor.

"Now with regard to the Government of India Provincial Legislative Assembly Order of 1936, you will find there a provision with regard to several Legislative Assemblies, and there, in regard to Madras you will find rules 17 and 19. They refer to landholders seats. Rule 17 says: 'seats to be filled by representatives of landholders shall be filled by election in the constituency as per table of Second Schedule.' Rule 19 says: 'that subject to the provisions of this order a person shall be qualified to be included in the electoral roll if he is a zamindar, jenmi, malikhana holder, etc., or if he has an annual income of not less than Rs. 3,000.' Sub-rule (2) of rule 19 deals with inamdars, etc. In the table you will find under category IX the landholders constituency is divided into six constituencies specifying the particular territorial jurisdiction. Therefore under the Government of India Act there is a constituency comprising of landholders of zamindars, inamdars, etc., and also of those landholders whose income is not less than Rs. 3,000 annually. Now with all these representatives alone can the strength of 215 members be reached. Now the present Bill provides for the elimination of the six territorial constituencies of landholders. That constituency is abolished so to say and the representatives all will go away. Now this is practically trying to make an encroachment into the 215 seats provided for in the Government of India Act. I ask, can a Provincial Legislature pass an Act which will interfere with the Government of India Act list. You will find even under the present existing law as modified by the Indian Provincial Standing Order of 1947 all those things which are not modified by the Indian Independence Act shall continue to be in force."

MR. SPEAKER:—"Does the hon. Member mean to say that the landholders will vacate their seats if this Bill is passed."

SRI A. VAIDYANATHA AYYAR:—"Not merely that; this Bill, if passed, will abolish their constituency altogether,

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a constituency which has been created by the Government of India and by the Parliament. The question is whether this legislature is competent in certain cases to pass Acts conflicting with the Government of India Act. Section 99 which deals with this subject says: 'Subject to the provisions of this Act, the Federal Legislature may make laws for the whole or any part of British India or for any Federated State, and a Provincial Legislature may make laws for the Province or for any part thereof.' Therefore it is subject to the Government of India Act, that the Provincial Legislature can pass any law. Now when you remove the constituency of landholders their representatives cannot sit or vote here. And this is provided for in section 70 of the Government of India Act. That section runs thus: 'If a person sits or votes as a member of a Provincial Legislative Assembly or Legislative Council when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of sub-section (3) of the last preceding section, he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Province.' So if the Bill is passed, thereafter all the six members representing landholders would be committing an offence and thereby to be liable to a penalty of five hundred rupees each!"

MR. SPEAKER:—"The Act says that if on the day of election they do not possess the qualification or if they are disqualified to stand for election they will be liable to the penalty."

SRI A. VAIDYANATHA AYYAR:—"No, Sir, the language used is 'sits or votes' and not 'when he was not qualified' or 'when he was disqualified for membership.' Thus what this Bill will be doing is the abolition of the landholders constituency."

"Now, Sir, my fifth and last point is that under section 19 of the Bill buildings are sought to be legislated upon. Now in the Provincial Legislative List there is only one section dealing with buildings. That is article 8, which runs thus: '8. Works, lands and buildings vested in or in the possession of His Majesty for the purposes of the Province.' This section deals only with buildings vested in His Majesty for the purposes of the Province. It does not deal with legislation to be brought with regard to other buildings. The only other section where buildings are referred to is article 42 of List II. It says: 'Taxes on lands and buildings, etc.' There is no mention about building generally anywhere else. Now article 21 runs thus: '21. Land that is to say, rights in or over land, land tenures, including the relation of landlord and tenant, and the collection of rents; transfer, alienation and devolution of agricultural land; land improvement and agricultural loans; colonization; Courts of Wards; encumbered and attached estates; treasure trove.' Now these things are not vested in or in the possession of His Majesty for the purpose of the Province. And section 100 says: 'The Provincial Legislature has power to make laws for a Province or any part thereof

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with respect to any of the matters enumerated in List II in the said Schedule (hereinafter called the "Provincial Legislative List"). So this Legislature has no power to deal with them. These are the points I request the Speaker to consider."

MR. SPEAKER:—"I wish to hear what the Hon. Minister has to say." 2-45 p.m.

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, when we legislate we must take the Bill as a whole and not a particular item that forms part of it and read it with reference to the question of *ultra vires* which the hon. Member has raised. We should consider whether the Bill is *ultra vires* of section 299 of the Government of India Act, and determine whether it goes against it. Section 299 only wants us to make provision for the payment of compensation and to specify the amount of compensation or the principles and manner in which it should be determined. If we satisfy these two conditions under section 299 we will be within our rights in introducing the legislation under the Government of India Act."

"Secondly, Mr. Vaidyanatha Ayyar has argued so much about the buildings. Here I would like to say one thing. When you go to a market and purchase a cow you do not pay a separate price for the calf. The price you pay for the cow includes the price of the calf also, because nobody has ever demanded in the world a separate price for the calf. (An hon. Member: 'It depends on the understanding.') As a matter of fact, Sir, I have gone to many shandies and I have only seen that in buying cows I have never paid a separate price for the calf as such. (Interruption.) Of course the calf also has a potential value, because it may become a bull and it may then bring Rs. 200. On the day the cow is purchased, we do not say Rs. 200 for the cow, Rs. 2 for the calf and one rupee for the string binding the cow. All these things go together. There is a proverb in Telugu which says: 'పెండ్లి పాత్ర' (Dhuda also goes along with the cow). If you have an estate it does not stand on air. It is on land. It has got to be administered and the estate given to the zamindar was not only for his enjoyment as he liked but it must be administered in a particular manner. He cannot only impose rents, but must construct irrigation works and do so many other things. To do all these things where will he sit? We are not taking away all the buildings of the zamindar, not all his havelies, not all the other properties which he has got either within the estate, or in Madras or in Ootacamund or in other places. What we seek to take away along with the estate is that particular portion of the building or buildings where the estate offices are situated and where the records are kept so that we may continue to work. Therefore, I plead, Sir, that this is too small an argument. When we are purchasing the estate the building where the office is working should also come along with it. I have noted this point down for the Select Committee. If any building is occupied by the gentleman and a portion of it is used as an office we want to leave that building."

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We won't have the office in the same building where the gentleman has to live. After all many zamindari families observe purdah. We do not want to go and intrude upon and take over the building. As regards compensation for the building no provision is made in the Bill but the hon. Member can suggest it at the stage of the Select Committee or when the Bill comes up for discussion here. Therefore, I say that the Bill read as a whole does not impinge on section 299.

"As regards clause 19, it is a material point and not a point to decide whether it is *ultra vires* or not. It is only for the purpose of considering these points that we are constituting a Select Committee and we are having discussion clause by clause so that these matters can be rectified. Further if we had added buildings also in clause 3 what would have happened. Clause 3 defines an 'estate' as including all communal lands, porambokes, waste lands, forests . . . irrigation works, etc., If we have added the word 'building' that would have been complete. There, Sir . . ."

MR. SPEAKER:—"I do not follow the Hon. Minister."

* THE HON. SRI KALA VENKATA RAO:—"We have mentioned so many things, Sir, as forming part of the estate. Instead of bringing a separate clause for these buildings, if we had included 'office building' the whole thing would have been done. The real thing that happened is this. After the Bill was drafted there were certain consultations and considerations and as you know, Sir, those considerations won't end. It was pointed out that there would be need for an office when we take over an estate. So we thought we would make a provision and we added it here. I would point out to you, Sir, that it is possible to add it as a definition included in clause 3 (b) we will go straightway and add it. If it is found to be an office building and it does not form part of the estate I will undertake in the Select Committee to see that the quantum of compensation also includes something for this. So, Sir, there is no difficulty about it. Of course it is a material point. But it is not a question about the validity of the Bill as such.

"The hon. Member raised another point with reference to arrears. Here also the point is the same. Originally the draft Bill contemplated a formula, which I explained the other day. As a matter of compromise after discussion we fixed 13-1/3 per cent including all the things mentioned. We could simply have put in for administration 8 per cent and 5-1/3 per cent for the rest. We are entitled to do that. I am legally advised that we have every right to wipe away all the arrears. But the only point is whether we can wipe off a part of the arrears and keep the other part. In Behar it has been put as 50 per cent and 50 per cent . . . We are going to alter the clause suitably because the idea in our minds is to reduce the arrears to the ryotwari level.

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to meet the collection charges and pay away the balance to the zamindars. That is also a material fact which could be discussed in the Select Committee.

"The third point to which the hon. Member made reference was about the private rights. I must tell him that what is called peshkash is a consolidated tax which the zamindar pays for all his rights in the estate including his private land. He does not collect any tax . . ."

MR. SPEAKER:—"I do not follow the Hon. Minister."

* THE HON. SRI KALA VENKATA RAO:—"Peshkash is paid to the Government, Sir. (Interruption.) Please excuse me if my pronunciation is not correct. Peshkash is a consolidated tax which the zamindar pays for all his rights in the estate. The estate includes, as is defined, not only ryoti land, that is land on which he collects rent, but also mines, minerals, forests and private land. It also includes what may be private land but which once he wants to give away as ryoti land will become ryoti land, by receiving nazarana or some such thing. Sir, I ask, who is to prevent the Government from giving occupancy rights in such private lands. If not by this piece of legislation, we will bring in another Bill and we may give occupancy rights in certain cases from 1802, in certain other cases from 1865 and in certain others from 1908. We are also saying, Sir, that every land in the estate should be deemed to be only ryoti land. Are the Government's hands tied in bringing in such a legislation. The definition of private land is only an artificial definition which has come into existence. What are we doing with the private land. We are not taking it away. We want to bring it under the Act itself and give a ryotwari patta to that gentleman . . ."

MR. SPEAKER:—"And he will be compensated for that."

* THE HON. SRI KALA VENKATA RAO:—"I will tell you, Sir. What is there to prevent the Government from imposing a tax on land. The private land is there without being subject to any tax. Whether we would put a tax on it or what should be the definite period, all these could be done under the rules. When we exceed our powers as against the legal rights and impose a tax upon it without having the right to do so we would be liable to be questioned. And there are the courts to interpret it and force us not to collect any tax if we are not entitled to it.

"I would also like to refer to another thing. In the preamble to the Permanent Settlement Regulations which I read the other day it is stated that the zamindar has thus a permanent property in their lands in all time to come and to fix for ever a moderate assessment of public revenue on such lands . . . Therefore whatever may be private land and whatever is ryoti land, whatever may be the new assessment and whatever may be old assessment, all these definitions may change in time. It is possible to form an estate by giving a Sanad-e-Istimrar to them and giving the right

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to fix a moderate assessment of public revenue on such lands. Therefore when we have the right to fix moderate assessment we have also the right to change it from time to time. I have read out an extract the other day from the Joint Parliamentary Committee proceedings. Even then it was contemplated that a sovereign Indian Legislature would get the right to alter the land law itself; especially the permanent settlement law.

"Then there is the fourth point with reference to the representation of those gentlemen in the Legislature. This, Sir, as you have rightly hinted at a particular stage is like this. The rules only say that if I want to stand for election to a seat on the day of the nomination I should be a voter. I was a voter and I was nominated and I was elected to this House. Then, if for some reason or other I sell away my property and meanwhile I lose my qualification, I do not cease to be a member of this House. Next time the qualification may change. We cannot guarantee for all time to come. Therefore to say that by the abolition of the zamindars all the seats will be lost and the Government of India Act will go and the Act will . . . (A voice: be ruined!) Sir, I do not go to that extent. We wanted to continue and work under the Act. Therefore to say that anything will go and anything would be repugnant to the Act is not stating the correct position. After all the regulation only says . . . (M. Muhammad Ismail Sahib Bahadur: 'There is no qualification at all.') No, no, on the date of nomination he is qualified. The regulation simply says that a person shall be qualified to be included in the electoral roll of the landholders' constituency if he is a zamindar, a jenmi or malikanadar, etc. If the zamindar cease to exist there are the jenmis and the malikanadar to elect. But, Sir, such a thing will never happen.

"Further I would like to say this. Andamans, Sir, is a part of India. Suppose the Japanese came and occupied it suddenly or some earthquake obliterated the Andamans (A voice: God forbid) (of course God forbid, Sir), and there was two seats for the Andamans, will it prevent the whole of the other legislators from legislating or doing anything? It will never be. Like that, Sir, from any point of view, I feel that they won't cease to be members. Therefore I think that point is not correct. At any rate it is not a material point that ought to go against the introduction of the legislation or to make this legislation *ultra vires* of this Legislature. They would not go and would continue to be members as long as this House is not dissolved. Suppose in one of the constituencies the number of voters is 9 or 16 and all of them happen to be minors under court of wards, then nobody can be elected till they become majors. (An hon. Member: 'If they are all mad.') I do not want anyone to become mad. I want the minors to grow up and serve the country. So, Sir, that point of order does not stand.

"The fifth point is about the Provincial Legislative List VIII. This is also part of the point No. 1. Sir, if the calf goes with

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the cow, the building also goes with the land. So anything 'over' the land can be legislated for by this Government. This is not against laws.

"Sir, as you are aware, I am a layman and to the best of my ability I have answered the points raised by Mr. Vaidyanatha Ayyar. I hope I have met them. I request you, Mr. Speaker to rule them out."

MR. SPEAKER:—"Does the Hon. the Leader of the House want to say anything?"

THE HON. DR. P. SUBBARAYAN:—"Yes, Sir. I want to refer to sections 60 and 61 relating to the composition of this House. The qualifications for members have been filed by Orders in Council. Orders-in-Council can be made. As it stands to-day, these members, even though the zamindaris are abolished will continue to be members of this House. Having been once elected, they do not lose their seats merely because the zamindaris which they held have gone out of existence. There may be another objection. Some of them might die, which is quite possible, all of us being human, which I hope, will not happen. But if that does happen, there are two alternatives open. You can always hold an election on the present electoral rolls. Even though the zamindaris are abolished, the electoral rolls remain and on that basis elections may be held for casual vacancies. Besides the qualifications put down by the rules framed by the Order-in-Council talk not merely of permanently settled estates but also of malikhana holders who do not hold permanently settled estates. If Government so choose to have an Order-in-Council issued by the Governor-General, they can get orders issued to the effect that these seats could be filled by an election by voters who are landholders paying a land revenue of such and such amount and so on. (Interruption.) There is no need for interruption even from my Hon. Colleague. Therefore, Sir, the fact that there are these landholders' seats need not prevent any legislation being introduced which is thought necessary by the Government for the reasons of social justice which my Hon. Colleague mentioned when he introduced the Bill. Therefore I think this point of order really has no validity."

* THE HON. SRI K. MADHAVA MENON:—"Sir, the contention of my hon. Friend Mr. Vaidyanatha Ayyar is that compensation for buildings is not mentioned here. Sir, section 290 does not mention anything about compensation for buildings at all. Sub-section (2) says:

"(2) Neither the Federal nor a Provincial Legislature shall have power to make any law authorizing the compulsory acquisition for public purposes of any land, or any commercial or industrial undertaking or any interest in, or in any company owning, any commercial or industrial undertaking unless the law provides for the payment of compensation for the property acquired and either fixes the amount of compensation or specifies the principles on which and the manner in which it is to be determined."

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What is required is that provision should be made for payment of compensation and the amount of compensation or the principles on which it is to be determined should be specified. Here the principles have been specified.

"Sub-section (5) says:

'(5) In this section "land" includes immovable property of every kind and any rights in or over such property, and "undertaking" includes part of an undertaking.'

Therefore, Sir, the provisions of section 299 are satisfied by the Bill."

SRI A. VAIDYANATHA AYYAR:—"Sir, I was surprised to hear from the Hon. the Revenue Minister that 'land' includes buildings also. The Estates Land Act deals only with land and rent for land and the relationship between landlord and tenant with regard to land and not with regard to buildings over land. The only section in the Estates Land Act which deals with buildings is the section which prevents building on a ryoti land. My hon. Friend referred to 3 (b) and said that you can also include buildings. (b) and (c) only refer to all properties which were with the zamindar at any time and which are intended to be acquired. This construction will involve not merely zamindar's buildings that have been part of the zamindari but all buildings."

MR. SPEAKER:—"I think it refers only to offices and not private buildings."

SRI A. VAIDYANATHA AYYAR:—"My hon. Friend thought that he could bring in 3 (d) and (c) where acquisition of land is mentioned 'and buildings' also. Then he will have to acquire all the buildings in every zamindari village which at any time had been erected on land belonging to zamindars (3) (c) says:

'All rights which may have accrued in the estate before the notified date to the proprietor or any other landholder of the estate or to any person not being a ryot or a person holding under a ryot, shall stand transferred to . . .'

Ever since the beginning of creation so many buildings have been erected. If buildings are included, the Government will have to acquire all the buildings built since 1802. It is not practical politics. If my hon. Friend meant only offices, it is provided for in clause 19.

"Then Sir, my hon. Friend said that land includes also buildings and immovable property. Reading section 299 of the Government of India Act, sub-section (5) says that 'land' means 'immovable property', of every kind. In the case of buildings you must provide for compensation. There is no use of applying the section in this case.

"With regard to arrears of rent, of course the Hon. the Revenue Minister said that he would fix some method of collecting the arrears. Of course my hon. Friend would do so many things, but the Bill is as a matter of fact expropriatory.

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"The third point is with regard to private lands. My hon. Friend himself and the hon. Member Sri Prakasam have had considerable experience of this matter. The permanent settlement was only with regard to the actual amount of rent paid by the tenants. There was no calculation about the cost of buildings, etc. The settlement was made only with regard to land which can be put in possession of the ryots. So, the point that private land also was included in the assessment of the permanent settlement requires reconsideration.

"The Hon. the Revenue Minister then said: 'Supposing there was an earthquake or something destroying some of the constituencies particularly the landholders' constituencies.' If nature swallows up something, we cannot do anything. We are not asking for any mandate against nature. We do not ask for a law abolishing natural things. But we are asking for a law abolishing constituencies. The definition does not talk of zamindars alone but talks of all landholders. It includes the inamdars also. Numerous persons who are technically called zamindars—their estates also are sought to be acquired.

"Then, Sir, reference was made to the Order-in-Council of 1936. My hon. Friend referred to malikana-holders and janmis. I do not know whether janmis exist anywhere except in Malabar. There are five other constituencies except Malabar. With regard to malikana-holders, can you by legislation abolish the most material part of the constituencies, the most substantial part of the constituencies and say that the legislature will continue?

"With regard to the qualifications under section 70, I am afraid it does not refer to initial qualifications alone. Section 70 says:

'If a person sits or votes as a Member of a Provincial Legislative Assembly or Legislative Council when he is not qualified or is disqualified for membership thereof, or when he is prohibited from so doing by the provisions of sub-section (3) of the last preceding section he shall be liable in respect of each day on which he so sits or votes to a penalty of five hundred rupees to be recovered as a debt due to the Province.'

"Section 69 (3) says:

'Where a person who, by virtue of a conviction or a conviction and a sentence, becomes disqualified by virtue of paragraph (d) or paragraph (e) of sub-section (1) of this section, is at the date of the disqualification a member of a Chamber, his seat shall notwithstanding anything in this or the last preceding section not become vacant by reason of the disqualification until three months have elapsed from the date thereof, or, if within those three months an appeal or petition for revision is brought in respect of the conviction or the sentence, until that appeal or petition is disposed of.'

So what is sought to be mentioned is not merely the original qualification but also the subsequent disqualification which

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supervenes. Under section 69 a person shall be disqualified under certain circumstances from not merely being chosen as a Member of the Assembly but also from being a Member of the Assembly. Therefore, if a person in this case ceases to be landholder it is not possible to accept the contention that he could continue to be a Member of the Assembly.

"With regard to buildings, I simply admire the non-chalance of the Hon. Revenue Minister when he told the grandmother's story of the calf going with the cow. I may remind him of the story of the Barber of Baghdad who is said to have sold not merely the fuel but also the carrier of the fuel. Such an argument may be appealing elsewhere, but in dealing with the question whether buildings are included or not, such arguments are out of place. So, no answer at all has been given for the question of buildings."

3-15
p.m.

MR. SPEAKER:—"The hon. Mr. Vaidyanatha Ayyar has raised five points. They simply amount to this: that, in his opinion, the Bill is *ultra vires* of this legislature. The point arises whether such a question can be raised in the legislature. Under rule 65 of the Madras Legislative Assembly Rules, it is open to him to raise a point of order like this and the Speaker's decision on it shall be final. But Sir Abdur Rahim holds a different view. As you all know, Sir Abdur Rahim had been a High Court Judge in Madras, and President of the Central Legislative Assembly for some time. His view in the matter is worth reading, and I shall read it. This is what he said in the Central Legislative Assembly on 17th February 1942:—

"This question, whether the Chair will take cognizance of a question like this (whether a Bill is *ultra vires* or *intra vires*) as a point of order, has been raised before. Although I have not yet given any considered ruling on the point, I have come to the conclusion after very careful consideration of the subject, that this really is not a matter which can be or should be dealt with by the Chair on a point of order. A point of order, generally speaking, relates to matters which concern the proper conduct of the proceedings of the House. The question whether the Assembly is competent to entertain a certain proposal for legislation is one of great importance, and, in my opinion, it is for the House to come to a conclusion on that point, as well as other points submitted to the House on the question whether the Bill should be passed or not. I think hon. Members will fully realize that a question relating to the legislative competence of the Assembly, which may often involve much difficulty and complexity, should not be summarily settled by the Chair on a point of order. In fact, the Federal Court has been established for the very purpose of dealing with these questions and the Chair has really not the facilities or the time and the material on which to come to a satisfactory conclusion on a question of this character so as to be able to decide finally whether the Assembly should or should not consider the particular legislative proposal. I, therefore, hold

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that this is not a question which should be settled by a ruling of the Chair on a point of order, but I shall consider whether I ought not to give more detailed reasons for the conclusion I have arrived at."

In this connexion I wish to inform the House that the question whether a Bill is *ultra vires* or *intra vires* of the legislature seems to arise only in countries with a federal form of government. For instance, in England we do not find any such question arising. As you all know, the House of Commons is a supreme body and nobody can question what it does. Australia and Canada have a federal form of government. They have got central and provincial legislatures, the federal legislative list and the provincial legislative list analogous to what we have in this country. The House should note that even in Canada and Australia, the ultimate authority is not the Chair but the House itself. Those countries do not have a rule similar to rule 65 (1) of the Madras Legislative Assembly Rules that—

"The Speaker shall decide all points of order which may arise, and his decision shall be final."

In this connexion I wish to read the following from a statement laid on the Table of the House in the Central Assembly on 25th February 1938:—

"The result appears to be that practice and procedure in Canada and Australia—the two Dominions whose constitution in this respect is most closely analogous to that of India—would appear to afford no warrant for any attempt to establish, by Standing Orders or otherwise a position in India which would enable the Presiding Officer of a Chamber of the Indian Legislature himself to rule out of order any Bill on grounds of its being *ultra vires*, but that there is ample precedent in both Dominions for raising such a question either as a point of order or as a ground of objection to Bill and when such a question is raised, the decision upon it is in the last resort that of the Chamber itself."

No doubt the Government of India Act, 1935, gives the Federal Legislative List, the Provincial Legislative List and the Concurrent Legislative List. But still, properly speaking, a question of this kind should be raised either in the High Court or the Federal Court. The learned Judge has got the facility to hear both sides, the learned vakils, who are paid sumptuously, on the one side, and the Advocate-General on behalf of the Government on the other. He hears both sides and after considerable thought gives his opinion. However, as there is a rule that the Speaker shall decide all points of order which may arise, I must give my opinion. All the five points raised by Mr. Vaidyanatha Ayyar are material points, and I shall proceed to deal with them one by one.

"His first point is that compensation is going to be given only for the land and not for the buildings. But the concerned provision can be changed in the Select Committee. In my opinion,

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in calculating the compensation the Government will take into consideration not only the land but also buildings, but only such buildings as are exclusively used by the landholder as offices in connexion with the administration of the estate.

"The second point relates to arrears of rent. If my hon. Friend Mr. Vaidyanatha Ayyar wants, he can move the matter in the Select Committee. Even after the Bill is passed, he can take the matter to the court and get a judgment.

"As regards the third point, this Assembly has got power to pass a law to acquire not only the zamindari land but also private land.

"The fourth point is about the membership of the Assembly. According to the Government of India Act, 1935, no member can be a member of both the Provincial and the Central Legislature. The Indian Independence Act has changed the position. The Government have the power, to send a wire to the Constituent Assembly asking that the provision may be deleted. (Abdul Hameed Khan Sahib Bahadur: 'Should we not take things as they are now?') So far as the Government are concerned, this arises only when the Bill is passed. I want the hon. Mr. Hameed Khan to understand my point. I wish to make it perfectly clear. Let us suppose that I have entered the Legislative Assembly not on the literacy franchise but under property qualification. Suppose I sell my property, do I vacate the seat? I don't. I will vacate only when I become—God forbid—an insolvent or go mad. Similarly the hon. Members representing the landholders constituencies do not vacate their seats."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"The question that the constituencies themselves will cease to exist has not been answered."

MR. SPEAKER:—"The constituencies will exist till the next election takes place. By that time so many things may take place and we cannot anticipate all of them now.

"Regarding buildings, do the hon. Members think that the Joint Select Committee would not have considered the question? This is what they say in their report:—

'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 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

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embodying the Permanent Settlement which enactments, despite the promise of permanence which they contain, are legally subject (like any other Indian enactment) to repeal or alteration.'

I hope I have made the position clear. (Hon. Members: 'Very clear.')

"For the above reasons, the Bill is *intra vires* of the Legislature, and I rule out of order the point of order raised by the hon. Member."

SRI PILLALAMARRI VENKATESWARLU:—"I want to present some petitions to you, Mr. Speaker."

MR. SPEAKER:—"I will read the rule regarding the presentation of petitions to the Assembly:—

'138. *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 must not*

(e) *propose expenditure of public moneys or the imposition of any charge on public revenues.*

139. *No petition addressed to the Assembly shall be presented except by a member of the Assembly.*

140. *Every member offering to present a petition to the Assembly shall confine himself to a statement of the parties from whom it comes, of the number of signatures attached to it and of the material allegations contained in it and to the reading of the prayer of the petition.*

141. *If a petition is in conformity with rule 138, the Secretary shall, if so required by the Speaker, read it to the Assembly or shall make an abstract of it and read the abstract to the Assembly. The Speaker shall not allow any debate or any member to speak upon or in relation to such petitions.'*

"I have gone through May's Parliamentary Practice also. In the House of Commons also, presentation of petitions is allowed, but no debate is allowed on such petitions except those affecting the privileges of Members. In the Commons, there is a Petition Committee. But in our country, generally petitions are not presented to the Chair in the Assembly. During the Montague-Chelmsford Reform days, i.e., from 1920 to 1935, sixteen petitions were presented to the Assembly. During the time of my predecessor Mr. Bulusu Sambamurti only one petition was presented.

"I have read the rules. Let Mr. Venkateswarlu give the petitions to the Secretary, who will scrutinize whether they

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conform to the rules. We have about five more days of sitting and if the petitions conform to the rules, further action can be taken.

3-30 p.m. "Now, I should like to know from the Hon. Leader of the House and from the other hon. Members of the House how many days should be allotted for the debate of this Bill and whether any time-limit should be fixed for each member. One thing I should like to make clear in this connexion. I do not propose to allow much time at the report stage, when the Bill comes out from the Select Committee. So whatever hon. Members may want to say on this Bill, let them do so now. Let them not repeat the same points at the report stage."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Let us not prejudge the thing, Sir."

MR. SPEAKER:—"My point is that hon. Members who want to speak now should not repeat the same point again when the Bill comes out of the Select Committee. Otherwise much of the time of the House will be wasted. I want to give as much time as possible now when the principles of the Bill can be discussed at length and to shorten the proceedings at the succeeding stages. I want to know from the hon. Mr. Prakasam how much time he would like to have for his speech. I remember that he wanted two days."

SRI T. PRAKASAM:—"Sir, I cannot say exactly whether I would take two days. It might take at least one day. Possibly it may exceed a day by an hour. But I shall try to be as quick as I can, Sir."

THE HON. DR. P. SUBBARAYAN:—"Sir, hon. Members know as well as I do, that a great deal of legislative programme is pending before us and we have tried as far as it is possible to get through most of the work. My hon. Colleague, the Finance Minister, who is now sitting on the opposite side and smiling as usual, has had the opportunity of getting two measures through, which are very important from the Government point of view, because the Government need revenue to meet the extra expenditure for the various schemes that they have got to undertake and I am particularly glad that he has been able to get through these two important pieces of legislation with so much grace and with so much satisfaction to the Members of this House for which I also offer my share of congratulations to him along with other Members. But if justice is to be done to this measure, I quite understand that a number of days may be required and I am prepared to accommodate the Government as much as possible towards this end. But at the same time, I should like to point out that hon. Members who may speak on this Bill must be many and they must confine themselves to the object of the measure and to what is being accomplished by the Government as a matter of policy or social justice which they have undertaken. I hope

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hon. Members will forgive me if I say that we are rather liable to wander about and so take more time than is necessary when we speak on measures of this nature. My hon. Friend Mr. Prakasam perhaps stands on an entirely different footing because he has had considerable experience of the Zamindari legislation because he himself was the Chairman of a Committee and went through the whole gamut of the proposals that he put forward at that time, and what is more, he has had a long and leading practice in Estate Land Act cases, especially from the Andhra part of the Province—not that he had not any cases from the South, because I know he had appeared for cases which came from the zamindars of the South as well—and he is much more acquainted with the problem of the landholders and ryots in the Andhra than in the South, and I know he has appeared for both sides as well, as lawyers usually do. Thus with the knowledge and experience that he has on this subject, he has a special preference to speak on this measure, and I am sure the House would like to listen to what he has got to say on this Bill and I am glad to find that he has himself offered to finish his speech within a day, if possible, or within an hour more. I hope very much that he will finish it within a day."

SRI T. PRAKASAM:—"An hour more, Sir."

THE HON. DR. P. SUBBARAYAN:—"He says, 'an hour more', Sir. I am rather disappointed, but in spite of this request, Sir, if he wants more than a day, I hope he might be able to compress his speech as much as possible so as to finish it within the time allotted to him, because if more than a day is allotted to Mr. Prakasam, there are other hon. Members who want to speak on the Bill and perhaps they might with equal justice demand their share of the time to be allotted . . ."

MR. SPEAKER:—"I think that the Communist members, both of them put together, want one full day to be allotted for them."

THE HON. DR. P. SUBBARAYAN:—"Sir, I am well-accustomed to the utterances of these two hon. Gentlemen. They are both members of the same party and if each of them wants to speak on the Bill, then I would very much deprecate such an idea. I think what they have got to say can be said within an hour by either of them. My Friend Mr. P. Venkateswarlu does not stand in the position of Mr. Prakasam, because he is neither a lawyer nor acquainted with land revenue legislation nor with the land tenures of this Province. With all due acknowledgments to his accomplishments, I think he can only talk on the doctrinaire theories and things of that sort, which he has been saying all time, once he had been quacked up."

(Sri Pillalamarri Venkateswarlu rose to speak.)

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, he is with have his say when I finish. I think, Sir, on the whole zamindars

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be able to finish the deliberations of this House on the first reading of this Bill within four days, at the most. I wanted that we should finish within three days, but in view of the desire of the House, I am prepared to make it four days. The Hon. Speaker himself wants five days, but I would very much deprecate five days being devoted on the first reading of this Bill, because we have so much legislation pending on hand. As far as the Government is concerned, I think we should stick to four days, Sir."

MR. SPEAKER:—"As already mentioned, let us have five days now and on the report stage, we can cut short the discussion and finish it as quickly as possible."

THE HON. DR. P. SUBBARAYAN:—"On the undertaking that you are going to cut short the proceedings at the report stage, Sir, I am prepared to accept as a compromise your suggestion of five days."

MR. SPEAKER:—"As far as the fixing of the time-limit is concerned, I think, we can see to it as the debate progresses. In this connexion I should like to make one suggestion for the convenience of members to facilitate discussions. The Chief Whips of both the sides,—the Government and the Opposition—should help me with a list of the names of members who want to speak on this Bill. Then it would be easy for me to call on the members to speak. In this respect, let us not quote the procedure of the Mother of Parliaments that every Member has a right to speak as he likes. I hope the lists will be handed over to me before to-morrow. Now I want to know who is going to kick the ball. (After a pause.) May I know who is going to initiate the debate?"

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, may I also move the amendment standing in my name, Sir?"

THE HON. DR. P. SUBBARAYAN:—"Before the hon. Member begins his speech, might I point out for your consideration, Sir, that the hon. Member who moves his amendment might also speak on the Bill, so that he does not make two speeches on the Bill."

MR. SPEAKER:—"What I propose to do is this. I am going to ask the hon. Mr. Hameed Khan to formally move his amendment and I will then ask some other Member to second it. Then both the motion as well as the amendment will be before the House for discussion."

SRI K. VARADACHARI:—"On a point of information, Sir. Is it four or five days that has been allotted for the initial debate? Then again, Sir, day after to-morrow we are going to have only half-a-day's sitting. How are these days to be counted, of full day or half a day?"

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MR. SPEAKER:—"Half-a-day's sitting will be counted as half-a-day."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Do I understand you, Sir, that since you want me to move my amendment formally, I reserve my right to speak afterwards?"

MR. SPEAKER:—"Yes."

SRI V. RAGHAVAYYA:—"Are we going to have sittings continuously, Sir?"

MR. SPEAKER:—"I made an announcement to the House yesterday about this, and if the hon. Member was not present, I cannot help it. Yesterday I told the House that we were going to sit to-day, to-morrow and day after to-morrow, that is Thursday on the forenoon only. In the afternoon of that day, we will not have any session. We will again meet on the next Tuesday."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I formally move the amendment standing in my name, namely:—

'That the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, be circulated for the purpose of eliciting opinion thereon.'"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I second it, Sir."

MR. SPEAKER:—"The amendment is now moved. The amendment before the House is: 'That the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, be circulated for the purpose of eliciting opinion thereon.' Now both the motion and the amendment are before the House for discussion." (No hon. Member stood up to speak.)

MR. SPEAKER:—"If no hon. Member wants to speak, I will have to put the amendment to the vote of the House. I want to know who is going to initiate the debate."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Hon. Members have not yet made up their minds, Sir."

THE HON. DR. P. SUBBARAYAN:—"I think it is a reflection to the Chair, because of the points of order raised and the confusion created, Sir."

H. S. HUSSAIN SAHIB BAHADUR:—"I shall initiate the debate, Sir, and I shall speak for the amendment."

THE HON. DR. P. SUBBARAYAN:—"Might I point out for your consideration, Sir, that this is an amendment that the Bill be circulated for public opinion. If that is disposed of favourably to the hon. Member—which I doubt very much whether he will succeed—then there will be nothing to do on this Bill until the public opinion is elicited. After that, the inamdars submit that we can dispose of the amendment."

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MR. SPEAKER:—"As far as the Chair is concerned, it is following a definite procedure in these matters and the Hon. Leader of the House knows it. Now both the motion and the amendment are before the House. Let hon. Members who want to speak on either may speak and then we shall put both the amendment and the motion to the vote of the House. That is the practice that is usually followed not only here, but also in Parliament."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Am I to take it, Sir, that my amendment, which you have asked me to move formally is to be treated like this? Is that the value that is attached to my amendment by the Hon. Leader of the House?"

(Both H. S. Hussain Sahib Bahadur and Sri A. Vaidyanatha Ayyar stood in their places to speak.)

MR. SPEAKER:—"Two hon. Members are standing to speak. Let Mr. H. S. Hussain speak first."

H. S. HUSSAIN SAHIB BAHADUR:—"I have no objection if Mr. Vaidyanatha Ayyar wants to speak first, Sir."

* SRI A. VAIDYANATHA AYYAR:—"Mr. Speaker, Sir, it is unfortunate that this legislation of such magnitude should be pushed through, not merely with regard to the zamindaris about which even the zamindars themselves seemed to have made up their minds, but also with regard to the inams. It is well-known that with regard to zamindaris, there was an elaborate investigation during the last Congress Ministry when the hon. Mr. Prakasam, who was then the Revenue Minister, took considerable pains in the matter and appointed a committee to tour round the Presidency and collected necessary materials to find out whether these zamindaris should be abolished or not. At the same time, Sir, the question had been raised whether, inams should be included in this legislation or not. Inams, where both warams had been granted to the inamdars had not been regarded as estates. Only those to whom the land revenue had been granted free had been regarded as estates prior to the year 1936. In fact, an attempt to include both waram inams had been strenuously made in 1904 to 1908; but the House refused and ultimately it was decided that inams in regard to both warams should not be brought in as estates under the Estates Land Act. The matter was very important because the question of possession or admission to possession of any cultivable land within the estate led to the conferment of occupancy rights. So, the matter continued till the year 1933 when another Bill was sought to be brought forward so as to comprise both waram inams also under the head of estates. Till then, the position had been quite the same with regard to these both waram inams. The legislation was such that if any inamdar had acquired the kudiwaram in and only in an inam, the result would be that the whole of the land would be part of that estate itself. In the case of

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both waram inams, they were held to be not estates at all. In the face of this, in 1933 it was sought to include both. The result was that while many inamdars had been holding the entire property in the particular estate as being their own property, both kudivaram and melvaram, the new Bill brought about this anomaly that any person who was in possession of any particular land acquired the kudivaram right. This was considered expropriatory of the rights of property. In fact, the result of that was that half the value of each land was cut down, so far as the inamdar was concerned. For a moment, if you go back to the history of the inams, it is not as if they merely were grants of land revenue alone; and it is an unfortunate thing that on account of the name 'inam' still persisting, on account of the origin of these inams, they are still sought to be abolished as if they were now a category by themselves. It will be seen that the inams were of several categories, some had been granted for the purpose of services in the past, military services and other kinds of services, religious and charitable; and some grants had been given to such institutions. In regard to those that had been given for past services, there was no question at all of expecting anything from the inamdars. There were certain others which were given partly for services and in respect of which a jodi or poruppu was as a matter of fact levied. In respect of those inams, and even in respect of them, it was found that subject to the payment of jodi or poruppu there were services to be rendered. Then, there were other grants which were entirely for services to be rendered in the future. While things were going on in this particular way, about 1802, there arose a kind of investigation with regard to the question whether some of them were inams really at all, or whether they merely were pseudo inams. Investigations were started by Special Revenue Officers and ultimately about the year 1865 under the Inams Settlement, there was an attempt to confirm such of the inams as were granted for public services, i.e., inams for public services or to public, religious or charitable institutions; but with regard to other categories of inams where services were not necessary to be rendered, enfranchisement was made of those inams. The result of the enfranchisement meant only this: that the Government sought, instead of demanding the entire kist that would be payable if all those lands were ryotwari, to take a very small amount of that, generally one-eighth of that which would ordinarily be payable and fixed it as quit rent. A perusal of the several inam title deeds that had been granted would show that the Government specially recognized that because they had been enfranchised and quit rent had been fixed, the proprietor shall have a freehold in the estate, i.e., he shall have a right to alienate those properties to whomsoever he pleased. So far as the Government was concerned, it was not entitled to claim anything more than the quit rent fixed for the property. In fact, in some of the cases, the Government said: 'If you pay twenty times the quit rent, you need not pay anything whatsoever hereafter with regard to these inams'. By that enfranchisement, the inamdars

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had acquired the right to alienate the inams themselves. I may also mention one more fact, that though the inams had been originally granted for services rendered in the past, still even from the earliest times—save in regard to inams granted for religious or charitable services or to institutions which could not naturally be alienated—wherever possible, the original inamdars' family had divided them. Later on, many of them had as a matter of fact alienated his or her particular share also. By the year 1865 it so happened that the inams were not held by a single person as in the case of the zamindaris, but they came to be held by numerous sharers. A perusal of some of the documents which I had referred to when I was dealing with the Rent Reduction Bill, from the Pattukottai taluk of the Tanjore district and also in the Vizagapatam district and several other districts also, would show that even in respect of an inam village which had only 300 acres, there were 150 sharers in respect of the lands and the inamdars who had divided the properties were holding sometimes two acres, three acres and five acres. Whereas in the case of ryotwari tracts, any person could purchase a single acre of wet land or dry land, in the case of these inam villages, any gentleman who was either residing there or who liked to purchase property there, was not purchasing exactly one or two acres, but was purchasing what is called a certain number of shares in that village. Out of a total extent of about 50 shares, a man purchased half of one share out of the 50 shares in the village. Like that, there were numerous persons who had become purchasers of the several shares, with the result that original inamdars remained there holding lands only in a very few cases, and a greater portion of the property had passed into the hands of the purchasers for valuable consideration. I should say they were quite *bona fide* because these alienations had been going on from the very earliest times. Even in 1865, you will find in regard to some of the villages, the inam register and inam statements show hundreds of persons holding shares in the village. Many of them also actually divided the property by metes and bounds, with this result: that by the time you reach 1933 when the other Bill started with a view to include both varam inams as being estates under the Estates Land Act, numerous persons had invested their money in property already. Taking the Ramnad district alone, I can assure you that most of the inams had passed away from the hands of the original grantees. They are now mostly in the hands either of Muslim gentlemen who had earned their wealth in other places abroad by trading and have now purchased these lands and have not had a conferment of the inam villages, or of merchants and other professional men who have gone in for these lands. Apart from this, the havoc that would be caused by ignoring the rights of these persons or by trying to introduce a fictitious compensation, what may be called 'contemptuous compensation', regardless of the amount of money invested by these people, you can easily imagine. You must have

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regard for this fact that lawyers, doctors and professional men and other petty merchants also and also other ryots in the village itself who wanted to get at the melvaram also, had gone in for the purchase and invested considerable amounts of their money. Two or three acres could be bought only for about two or three thousand rupees and people had invested thousands of rupees on these shares at the actual market rates then existing. Sometimes the purchase money represented all their savings. I know a professor who had spent nearly 35 years in his profession who had invested his all, about Rs. 35,000 in the purchase of shares in these inam villages. In these circumstances, the introduction of legislation in 1933 saying that they owned only the melvaram and not the kudi-varam was practically expropriating half of their interest in those properties. There was a hue and cry against this kind of partially expropriatory legislation. The result was that with regard to these persons, the Government then in power offered at least some kind of an undertaking and brought forward a statutory legislation. The question would have arisen: supposing you created occupancy rights in these both varam inams, then if you are to cut down the rent to what would be the rent in other classes of estates, what would be the position? That question was considered and the Government realizing that they had expropriated part of the interest of the inamdar, at least conceded this, that the rent prevailing on 1st November 1933, which was being paid on that date, should be held to be equitable and proper rent and should be continued. That was the legislation which the then Government brought forward as a kind of compensation for the expropriation. I hold that was a solemn undertaking given by the then Government through this Legislature. Therefore, the inamdars without much further ado, at any rate, were content with it as at least the rent was secure irrespective of the fact that they had lost half their proprietary interest. There was another class of inams which should be remembered, which formed the centre of our culture, which formed the centre of our life in South India particularly. Those are inams granted for religious and charitable purposes and services. In the South Indian temples, you will find some properties are granted as whole inam villages and some are granted for the upkeep of the temples. Some of them are villages where varam is being paid as share in the produce, and they represent a considerable income in respect of which any purchaser was naturally paying at the market value. Upon that, the temple's economic condition and its services had been determined. The number of services to be performed, the number of servants to be engaged—all that had been settled only on the income accruing to these institutions from the inam villages themselves. Apart from this, you will find that direct grants to institutions were only a small number compared to those granted for the performance of services in the villages. The ancients were very wise and they thought that as time went on, the difficulty would be much greater, that the wages for enabling those persons to serve would continue

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to increase by leaps and bounds. Therefore, they were content to make them full-time servants by giving them some inam villages. So far as those are concerned, they were as necessary and important for the temple as direct grants for the temple. If you now take away these endowments from these religious services, the services would naturally get depreciated. Under these circumstances, it was very important to keep them as endowments. Foreseeing all these difficulties, the hon. Mr. Prakasam and the other Members of the Prakasam Committee put forward a strong plea saying that they were not bringing the inams under the scope of their legislation and also went on to add that so far as inams were concerned, they really would not form part of the estates and warned also that in respect of any future legislation that was likely to be brought forward in regard to the acquisition of the inams, it was essential that these should be excluded at the time you were considering the acquisition of the zamindari estates by legislation.

4 p.m. "As a matter of fact, Sir, you are proposing not only to acquire the interests of the zamindars but also of the inamdars. If the inams also should be proceeded with, an ordinary man would expect that it would be done according to a fair method. I hope this point will be considered by the Select Committee. Sir, there has been an attempt to lower the rates of rent and to bring them on a par with the ryotwari rates. If you are really going to make an acquisition of these lands, it must be according to the original rates and not according to the rates after the rents are reduced. Hon. Members will realize that the rate is much higher and the market value is much higher and if acquisition is to be proceeded with, it ought to be done in a fair way. But, Sir, Government have brought separate legislations and they have tried to reduce the rents. The reduction of rents with regard to these inams are such that in some cases they are reduced from Rs. 50 or Rs. 60 to about Rs. 5 or Rs. 10. Actually, therefore, the income of the property itself is deliberately reduced to one-fourth or one-eighth or even one-tenth in some cases. So Sir, I want the acquisition of the property to be made really on the actual value of the property and not on the basis of the lowered value. As a matter of fact, it is not as if that it was not within the conscience of this Government. On several occasions when the previous legislations were brought before this House for reducing the rents, I have pressed upon the Government that they should be fair in acquiring the property, and that acquisition should be really on the market value. If compensation were to be paid according to this calculation, it may go as far as ninety crores of rupees or even one hundred crores with regard to the inams alone. Therefore, they have come to the logical inference that because they have to pay such a large amount as compensation to these inams, they proposed to reduce the rents first and then, of course, if acquisition is made it would be on the reduced rental basis. Ordinary people would not think that Government have not dealt with them fairly. But, it cannot be regarded as fair on the part of this mighty Government against whom no people has any power to resist and a Government whose

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voice is ultimately final. Therefore, I would urge on the Government to provide during the Select Committee stage that at least so far as the acquisition process of these religious inams is concerned, the value should be taken on the value of the property as estimated on the basis of the rent prevailing before it was sought to be reduced by the other Bill, the Rent Reduction Bill. Government should be fair to persons whose properties are being acquired.

"Sir, it must be within the knowledge of the Land Revenue Minister that this question of postponing the inclusion of the inams also under the zamindari legislation has been pressed for by several hon. Members of this House by means of questions in this House and we were of the opinion that these properties would be acquired in dribblets. But, ultimately, Government laid its hands on these inams also. There are about thirty-five lakhs of acres of land under these inams out of which about eight lakhs of acres go under religious and charitable inams. The Hon. the Land Revenue Minister himself has accepted that there are about 75 kinds of inams. As a matter of fact, many more kinds remain to be investigated. Under those circumstances, I beg of this Government not to proceed with a legislation with regard to these inams but to ignore them for the present, and to keep them for a separate legislation after duly investigating the nature and the character of the several inams so that in the course of the process of acquisition, the Government may really help some poor people and will not impoverish them altogether.

"Sir, we have been able to arrive at some conclusion about the number of persons who are likely to be affected by the inclusion of these inams in this legislation. I venture to say that there are about five lakhs of families that will be affected. The Hon. the Land Revenue Minister himself has been gracious enough to concede that about one lakh of families will be affected by the inclusion of inams in this legislation. But if you are going to include them and acquire them, you must do it in such a manner that no harm is caused to the large number of persons who depend on these inams. You cannot weigh this question in a golden scale and say that the number of persons whom you are going to help is exactly double the number of persons whom this legislation will affect adversely, but the real question is whether such a large number should be affected. I would, therefore, respectfully request of the Government to exclude these inams from this Bill at the Select Committee.

"Sir, my next line of request and entreaty would be to save the Gods, if the men cannot be saved. In these days, I found elsewhere stated glibly, do stones eat; do idols eat; and things like that. Such persons cannot deal with this matter in a whole-hearted manner. But, Sir, on another occasion when I spoke about the execution of these inams, I found that the Hon. the Land Revenue Minister, who is a very respectful Hindu and who is a Brahman, said, it is a fact that the trustees eat up the property;

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why not some more persons eat the property? I am surprised to learn that in this Congress Government, in this popular Government, we speak of a particular class of trustees who eat up the property of the religious institutions and to expand that argument, we can allow some more people to eat it. I hope, the Hon. the Minister will not make such observations with regard to these religious and charitable institutions.

"Sir, my objection to their inclusion is this. It is not you and I that gave them these inams. They were given to them hundreds and thousands of years ago. The other day with regard to one inam, a Muslim endowment, it was reported by Mr. A. A. Nayar, that Rani Meenakshi gave an endowment in the shape of land. Why do they give it in land? As I have already mentioned once before, in this country, these inams were given in land, because a movable property would not stand the test of dynasties or the changes in administration. Even houses and dwelling places go but land remains. Therefore, if you are going to acquire the land belonging to the temples under the Land Acquisition Act, they should be given a reasonable compensation. The British administration provided that so far as the inams relating to religious institutions are concerned, if they are acquired they should be re-invested in other lands. The British administration whom we asked to quit thought fit to introduce by means of legislation the scheme of investing these moneys in land. I hope with the quitting of the British, all these safeguards provided for the religious properties will not vanish and that they will not be given a kick. Sir, after a few months, I mean after the 15th of August, these temples passed into the hands of the popular administration, and there are efforts to throw to the winds these safeguards. Are we to leave it to posterity to say that these charitable and religious endowments which had been kept inviolate in the past, had been undone by the popular administration! I can understand all other things but I cannot understand why this property belonging to the religious which had been respected even by the Moghuls and by Tipu's administration should pass into the hands of Government and that Government should lay its hands on these temples. As a matter of fact, the Nawab of Arcot, the Vijayanagaram Kings, the Cholas and the Pandivas have respected these inams. Not even the British tried to lay their hands on these inams in the past. Are we to leave it to posterity to say that the first act that this popular administration, under the regime of my hon. Friend, Mr. Kala Venkata Rao, did, was to take over these religious inams! Let it not be left to posterity to say this. I would again ask—let it be that I get a number of disciplinary actions be it from the Government of Madras or even from higher places, still I cannot close my mouth, when such an act is committed, which, if done in other days and by other persons would have been characterized as an act of 'vandalism.'

"Sir, I submit that in the profound enthusiasm for bringing in new conditions, we should not launch upon schemes which posterity may decry. Sir, there is a proposal with respect to the

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payment of this compensation which the Government gave and said that that could be substituted and implemented. It is all right on paper but when you come to the actual payment, we know what happens. One would have thought that the actual compensation would be assessed on the value of the income that the temple or the charitable institution gets. Suppose the compensation has to be fixed for a particular temple. For the purpose of calculation, the Government may say, let us take the average of ten years income and then calculate how much money Government will have to give as compensation. I say that is not fair to the temple and to the servants of the temple. I would therefore request the Hon. the Minister to exclude these inams. If the Government are not prepared to listen to my entreaties and are simply carried away by enthusiasm, I say, let them at least do this. Let the temples and charitable institutions be fairly compensated and when good times come, when prices come down of which I do not see any sign nor do I see any sign of this House passing any legislation which would have the effect of bringing down the prices—if prices come down, then you may reduce the money, due as compensation to a temple or a charitable institution. Sir, there are also many schools and educational institutions which are subsidized by these inams. There are schools which are provided with inam villages. If you reduce the rates by 20 per cent, it may be that they may lose about Rs. 20,000 in their income and that is a great deficit for them. Their expenses will be the same under the present conditions, with the result that there will be depreciation and ultimately the institution might go. I would therefore urge upon the Hon. the Revenue Minister not to convert such inam lands into money, because we know how the money disappears in a few years. One and a half years back, we had a revenue reserve of forty-six crores of rupees, but I do not know how much remains now. If it is an ordered Government, it should not convert these inam lands into money because we know how funded money disappears and my suggestion is that instead of capitalizing, you can give every year to the institution the deficit amount that is incurred by them.

"Sir, I say it is a very dangerous policy to include these inams. We are not permanent here. My hon. Friend, Mr. Kala Venkata Rao, may not be likely to be the Land Revenue Minister for ever and ever. There may come my hon. Friend, Mr. Venkateswarlu, who may say that these charitable and religious institutions are not required. So, Sir, my only appeal is that these religious and charitable institutions should not be treated so lightly. Under these circumstances, the compensation which you are proposing is not fair to the institutions and to those people who depend on those institutions. Even if a promise is given by this Government, they may not be acted upon by subsequent Governments. Till now, Sir, the temple properties and religious institutions have been saved, but now the Government have began to lay their hands on them also. But, now you want to convert it into money and here we are setting up a precedent

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because we are trying to reduce 50 per cent of the produce to one-tenth. Subsequent Governments which may come in the future may not care to put it at that unless it happens to be only for surrender purposes. Therefore, I would like the Hon. the Land Revenue Minister to leave these inams as they are.

"Then, you find that the annual grants made from time to time are not permanent. That is why whenever any kind of service, charitable or religious, was set up, our ancients were not putting it month by month, that is only in instalments, but were having a capital in the shape of property the income from which would go to the charities concerned. So, is it right now to say, I am giving you income from year to year? In such a case I am afraid the whole capital would practically disappear. And, is the Government again going to create a charge upon its revenues in respect of the income that you are going to give to these institutions? When you are going to create a charge, what you should do is to set up a capital which would give you only income. No annuity is permanently possible unless you capitalize the sum that will give the income. Therefore, let us abandon this thing and say those religious and charitable institutions may remain.

"The question of uniformity of tenure hardly appeals to me. The argument for the acquisition of land is all lands should be ryotwari, but how are you going to work it out on a uniform basis? We know that in the Rent Reduction Bill, it is not going to be on a uniform basis and in the case of this Bill we are not bringing all the ryotwari lands into a proper level. How can you say that it is going to be uniform, when in regard to the rent reduction we had at least three different changes of rent in the course of six mortal years. What is going to happen hereafter we do not know. So, why merely for the purpose of uniformity you want to do this in the case of temple and charitable inams. Let us not do it.

"With regard to the principle of the Bill, I give the Government, my Government, our Government, all credit for the best of intentions with which they have brought forward this Bill, but I am afraid that in the method they are adopting they may completely overturn the milk-pot thereby and nobody may get the benefit. I wish only to draw the attention of the Government to the main section which vests property in the Crown and the way in which they are arranging as to how it should be done. In section 3 (b), it is said that the estate (including all communal lands or porambokes, waste lands and other non-ryoti lands; mines and minerals, irrigation works and fisheries) shall stand transferred to the Crown and vest in it, free of all encumbrances in the same manner as lands in ryotwari areas. For instance, there may be mill-owners and other industrialists who might have purchased sites for building factories and others might have purchased sites for colleges, hospitals and a number of other institutions and I know in most of the villages in the zamindaris after 1802, large properties have been purchased and new villages have grown

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thereon. Sir, when I raised my point of order, I was shocked to hear from the Hon. the Revenue Minister saying, I would bring the word 'building' also if you please under section 3 (b) and (c). I am afraid the result would be disastrous if he does so, because in Chettinad zamindaris, ordinary poor ryots have purchased lands and built houses and I am afraid they will go the way of the cow and the calf and those buildings to a very large extent would go into Government's pockets. Is that a thing which one can contemplate with equanimity, or are you going to cut down all buildings on such sites which have passed away. I know that when I suggested retrospective effect I was threatened with action against me, though retrospective effect was accepted by the Government themselves the other day. Are you going to say that such of the buildings that have passed might go and the others might remain? Is the Hon. Revenue Minister going to give consideration to the rights of people who have purchased lands and erected buildings on them? That is why I say the result of this legislation will be disastrous to such people.

"There is another thing I wish to point out, Sir. You are introducing a lot of litigation which is likely to take away property. Is this practicable? I am not against the abolition of zamindaris, but if you come to the question of acquisition of lands in zamindari areas, let us see whether it is workable. What you should do is this. You should take the whole zamindari as one unit, acquire it and pay compensation. Now, if you take the Sivaganga Estate, it has an area of 1,000 odd square miles and Ramnad several times more. About 2,160 villages constitute the Ramnad zamindari and according to the scheme of the Act, a particular compensation may be fixed. It may of course look well and large on paper. The whole zamindari will be acquired and the amount of compensation fixed will be flung into the district court and the Government's responsibility ceases when once the deposit of compensation is paid into the court. That is what the Bill says. I have to know of any case where we take some other man's property and put it in somewhere and say, you may make your claim, but my part of the business is over. Of course, it will also ease Government's troubles but it will mean the commencement of the trouble for the man who actually possessed rights in such lands. But, who is the gentleman that will apportion the amount of compensation to be paid? Now, all the persons in the 2,000 odd villages who have acquired lands and become owners of any part or categories of these lands would have to prefer their claims and the men who have purchased sites for factories or for mills, I mean millions of people in all the villages in the entire Ramnad district would have to come in with some claim of compensation or other, the only solitary exception being the ryot or the man who cultivates that land. So, this Bill expects a large number of persons running to several lakhs, to put in their applications for compensation for, say, one cent or two cents which they had purchased for putting up buildings. Now, gentlemen, I do not know whether you have to call Chitragupta from

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the bounds of the Heaven to make these calculations. How are you going to award compensation to the Zamindar of Chettinad, the Al. Ar. family, who own property as big as a district as well as among small poor purchasers for small pieces of land, who is going to apportion compensation? Of course Government is in a happy position of merely depositing the amount of compensation with the district court. I can understand if the amount is capitalized, but who cares for the interests of the poor man, though the Government is the protector of all. When you are forcibly taking away property of a person and acquiring his lands, why should you not allow the person concerned to have his say in fixing the compensation? I say that the scheme of compensation should be quite different. Particular portions of each zamindari should be taken to arrive at a workable compensation.

"Sir, the cry in this House and outside has all along been, let us not go to courts and there was an exception to this with regard to the Hon. the Finance Minister who has been gracious enough to allow resorts to courts in one of the measures he has brought forward recently. If there are going to be no courts, let us, see how this compensation is going to be worked out? Even for an expert mathematician, it is difficult to apportion this compensation. How is it going to be done? Of course, Government is made the sole authority to work out compensation under this Act. With regard to the fixing of compensation, though Government is responsible, they can empower other persons for determining the total compensation. But the person who has to pay the compensation is made the final arbiter in the matter. Supposing there are mistakes, is it right that you should leave the determination of something like 10 to 12 crores of rupees in the hands of executive officers, though we know they are subject to Government. Is it fair when such a huge amount as 10 or 12 crores of rupees is involved that Government, which is ultimately responsible for the payment of compensation, to leave it to the subordinate officials to fix the amount which you will have to pay? If the Government were to purchase some property from another person, would you allow that purchaser to fix the amount of compensation and at the same time be the ultimate arbiter? I say that is not good. In all the legislation that you are passing, affecting a large mass of people, the more you find that properties are taken away the more it will lead to shaking the confidence of the people in the Government. That has to be avoided at all costs in the interests of the administration of the country.

"In regard to the adjudication in regard to private lands, no doubt they are going to set up tribunals for deciding the matter, but I find one thing has been lost sight of in this connection and I hope the Hon. Revenue Minister will try at least at the Select Committee stage to bring it into some kind of order. You know the words used are 'private land' in an estate and in such lands you are proposing to give ryotwari patta, but at the same time with regard to inam villages which have been brought in and with regard

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also to other inam villages, which originally came in under the 1908 Act, in respect of all these classes of villages, if a man has purchased the kudivaram right it ceased to be part of the estate, but where both varam inams have been brought in under the 1933 Act, are concerned, if you are going to apply the rule of private land not merely as defined in the Estates Land Act, but also as defined by the learned Chief Justice in the Full Bench of the High Court that there should be 12 years own cultivation before the date 1908, it will mean complete ruin of all inamdars. Because till 1933 they never had any idea of private land at all, because wherever they had or acquired kudivaram interest they thought that the ownership was with them and it was not separately kept in. At the time the law was framed they were not part of the estates at all. Even with regard to melvaram where the inamdar acquired kudivaram interest on a particular portion of the land it ceased to be part of the estate. That was the law even with regard to melvaram inam estates which were governed by the Estates Land Act.

"With regard to both varam inam estates, the people were treating the whole as private lands themselves. With regard to these inamdars, nobody can acquire kudivaram interest and you would have to say that both in the case of inams of any varam or estates which are inam villages, the ryots do not acquire occupancy rights and you should have to treat them as lands belonging to the inamdar then give them the ryotwari patta. 4-30 p.m.

"I have to say a few words more with regard to the adjudication of these private lands. As the Hon. Minister is aware there are estates where private lands run to thousands of acres and claims are likely to be made with regard to private lands. He knows that adjudication even by the highest of courts, namely, the High Court and the Privy Council, have been conflicting and in such cases, are we to trust to the adjudication of cases by a Deputy Collector? I am glad that the Hon. the Revenue Minister has unbounded faith in the capacity and the legal knowledge of the Deputy Collectors to decide upon private lands, nay even beyond the Privy Council or the High Court. Recently he must have known that the Hon. the Speaker of the House was so deferential with regard to the question of adjudication on points of order and said that it must be stabilized not by Deputy Collectors but by the High Court or the Federal Court. The Speaker of the all-powerful law-making body as the Legislature approaches the question with so much of deference and I hope that following his example the Hon. the Land Revenue Minister would also think the High Court or the District Court with an appeal to the High Court may be a better method to adjudicate cases wherein men stand to lose all their property in the matter of adjudication. A man would be ruined for ever by a wrong judgment. It may fall not merely on the landholder but may accidentally fall on the ryot also; you would accidentally ruin him if there was not a good adjudicator. Regarding the apportionment of compensation, there is to be a special tribunal, whose Chairman shall be a Subordinate Judge, another an advocate of the

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High Court and the third member is to be a Deputy Collector and an appeal is to lie to the District Judge who will hear the appeal as a *persona designata*. I do not know whether making a *persona designata* would make him more intelligent or impartial and it must not be lost sight of that he is to be the final authority. Therefore, all care must be taken to see that justice is done to people especially as thousands of acres of private land will be involved and the man's fortune will be made or ruined according as the judgment is given. Another thing is why should you place temptation in the way of these people. Is it just that you place ill-paid people to adjudicate on private lands or apportionment? I beg you not to place temptation in their way. At one stroke you are expecting them to adjudicate upon things of great magnitude. Let me hope that the Hon. Land Revenue Minister now that the legislation is coming on the anvil, will take more courage and trust the higher officers of the Judicial department. I have been finding that there are special officers for the division of the executive and judicial functions but time and again I find that judicial functions are taken and put upon the heads of Executive officers and Deputy Collectors are entrusted with duties of a judicial nature. That must be changed.

"The principle of adopting 50 per cent of the net income of the inamdar as the basis of compensation is a mistake and the net income of the property should be taken to be the income minus the quit-rent, collection expenses and charges of irrigation.

"In the case of zamindaris, most of them happen to be impartible estates and, therefore, it did not pass through many hands and there are only a limited number of owners. But when you come to the inamdars, the property had changed to many hands and that very poor hands. Having been dealt with all these 150 years as marketable property, is it fair on the basis of the previous legislation not to give them anything less than the market value and to say that you can only afford to pay ten crores and so, it can be paid only on a certain lower basis, irrespective of the claims of the other people. It would hardly be a matter of satisfaction to the person whose property you are taking away. I hope the Land Revenue Minister will see that these poor inamdars are not ruined. I am afraid you are creating a class of people who will swell the party of my hon. Friend Mr. Venkateswarlu. You remember Shylock in the Merchant of Venice. If you take away the livelihood of a man, if you take away the thing on which he subsists and all the balance of the surplus of all the previous years' toil on which he expected to get his daughters married or the boys of his family educated or himself to lead a contented old age, can it be said that they would not get desperate; I need hardly conjure up any such picture before the eyes of the Hon. Minister. I hope that the natural sweetness and reasonableness of the Hon. Revenue Minister would make him a little more just to these people. With regard to such persons, I would plead with the Hon. Minister to place himself in the arm-chair of those whose property is to be taken away and you must apply the arm-chair theory which is

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applied in the case of wills and ask whether the acquisition proposed is satisfactory. I would request the Hon. Minister to keep it also before him.

"With regard to the question of arrears of rent, the Hon. Minister has already stated that we shall have to give some arrears. I hope he will remember that this is not a case where we are dealing with the relief of indebtedness of agriculturists. We are dealing with the question of acquisition where we are not expected to take away arrears that had already accrued and which represents also interest in land. I hope sufficient provision will be made with regard to that also.

"There are other provisions with regard to taking away of rights and I shall not repeat them here. But with regard to the taking over of the office buildings, I wish to say that the Hon. Minister will admit that they are things built by the landholder and they do not go along with the land itself. If that kind of principle is applied, I think most of the hon. Members who represent landholders in this House must bundle up their property and get out of their palaces and everything will have to get out of their hands, schools, factories and everything maintained by them."

THE HON. SRI KALA VENKATA RAO:—"Already, they are selling away their office buildings in some estates."

* SRI A. VAIDYANATHA AYYAR:—"What can we do? The Hon. the Revenue Minister brings forward the theory of the cow and the calf and I am only glad that he has not extended that principle to the members of the household of the zamindar and said that they form part of the movable and immovable property of the zamindar and they have to be thankful for it. It is a matter which has to be looked into as, as it is, it is not a proper thing to do.

"Lastly, there have been various rumours in the air. It is said that Gods above are some times kinder than the pujaris or the archakas. People above seem to be kinder. Why not the archaka here? I ask what objection is there for giving full effect to the directions that have been given by the Gods above? Why not try to meet all difficulties that are pointed out to you? Without that, you will find that you will be causing untold unhappiness in many homes. (Sri V. M. Ramaswami Mudaliyar: 'Who are the Gods?') Gods are those who give directions to lower mortals and whose words, if we defy, will bring about a thunderbolt in the shape of disciplinary action.

"I may be wrong in pointing out some of the defects of the Bill brought by Government. I am proud of the fact that I have the honour to belong to the Congress Party and I value that privilege but nothing can turn me from telling where it ought to be proper and where it ought to be more correct and not cause hardship to people. I can never barter away even as it were the kingship of Heaven for that right and I hope the Hon. the Revenue Minister will look into the matter in the same light and say: 'Let

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us be kind and see that justice is done.' (Interruption.) I am sorry. I cannot reply to persons who call Gods mere stones; such persons are not the ones I would dignify by answering their posers. I would earnestly entreat and request him to see that those inams are excluded or at least the religious and charitable inams are excluded or at least proper compensation is paid regarding the former. A workable scheme must be brought forward. The arms of the Hon. Revenue Minister are all embracing. I have heard of the Sahasrabahu in the Geeta and it seems to exist even to-day and it covers mines, factories and irrigation works. Hundreds of thousands of rupees have been invested on mines and are you going merely to provide for compensation on the basis of the Bill; it is to be based upon the peskash? Considering the large amounts that have been invested, would it not be fair to see they are acquired on the basis of their worth? We are merely talking of reducing inams to the ryotwari level of incomes. Has he considered for a moment the fact that he might have had dry lands which he might have converted into wet lands at considerable cost and trouble? I have a concrete instance in Pattukottai taluk. Under the Defence of India Rules, orders were issued by the Collector to bring the lands under cultivation and people have had to spend thousands of rupees for bringing the lands under cultivation and what answer can you give to them? Are you going to say to them: 'I am not concerned either with how much money you spent or for how much you purchased it for or what pains you took for bringing the land under proper cultivation.' With regard to the wells costing thousands of rupees and there are many of them in the southern districts which have converted merely dry lands into beautiful garden lands. In their case, are you merely going to say, 'you will be paid only at so many times the ryotwari assessment. I do not know if you have heard of legislation which does not take note of all this.

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2.00. "There is another thing which makes me look aghast. The Government are aware that in the case of temples and religious endowments, they have been under the control of the Endowments Board. The Board President through his executive officers or the trustees has been asking them to be leased year after year. I know of cases where 500 to 1,000 acres of temple land have been given to a single leaseholder. These persons on their part had sub-leased them to small cultivators with the result that the land is not cultivated at all by the lessee. I have met the President, Hindu Religious Endowments Board, and I have been informed that both warams have been leased like that. What has the Revenue Minister done with regard to those lands? I do not see why patta should not be granted to the person who is in possession of the land and why it should be granted only to the non-cultivating lessee. This lessee who came this year having taken a lease of 1,000 acres would be the person into whose hands possession will be given. By giving pattas for 1,000 acres and 500 acres which means lands worth 25 lakhs, 20 lakhs or 10 lakhs are being gifted to the lessees. We

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are going to create a new set of intermediaries. I have heard the Revenue Minister say that a sub-tenant having two acres of land on lease is not within the scope of this Act. You are taking away the property of the God under this Act and you are going to hand over them to the speculators and prospectors. They will have thousands of acres. Is that right? Is it fair?

"Therefore I am requesting the Government to provide that notwithstanding any law to the contrary or even the Estates Land Act that there will be no occupancy right for the person who is a wholesale lessee of temples. To some extent I have been able to make the heart of the Revenue Minister melt in another place and I do not know whether it will not be at least with regard to this matter also the heart would melt a little in order to see that at least in cases where the lands are still in the hands of lessees they cannot be saved from intermediaries.

"One other thing with regard to these charitable institutions. I want that as a matter of fact with regard to charitable services also the same consideration should be shown. If you take our Madura temple you will find for every single service there is an inam provided in the shape of lands in inam villages. The man who has got the responsibility of keeping watch over the treasures of the temple in the day and night under the penalty that if anything happens to the properties he would be responsible, a village is granted to him, the Accountant is granted a village, the archakas, and so on. Many of these things are merely in the nature of services which go to make out the title 'service' in the temple. Therefore, I would request the Hon. the Revenue Minister to see that these services are not ruined and these people are not ruined by the giving of some compensation whether in a lump sum or annually. I would therefore request the Revenue Minister to see that he makes some provision even in regard to religious services, so that they may not be depreciated at all. That is one of the requests I would make with all earnestness. Therefore, I would humbly request the Government to take all these points into consideration and note them. There is no use of the Government saying that they are going to pour milk into the mouths of the distressed ryots. Please do not create another set of persons who will cry their hearts out and who every night will be shedding tears because their property has been confiscated. The total extent of these properties is 34 lakhs of acres. I am prepared to take up the challenge if I am questioned about my figures. You cannot deprive lakhs of persons of their properties. The ryots in many of these villages are much richer than these people and they own much lands. I am prepared to accept that there are ryotwari ryots who are very poor. The Zamindari ryots are in a greater position than even the inamdars themselves. If an investigation is made they would find even the very ryots themselves in some cases purchased shares and are likely to be seriously affected by this legislation. I would, therefore, request the Government to consider all these matters and bring it in a form that would

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be possible and would not harm a large number of interests. I am not opposing Zamindari legislation or Zamindari acquisition. I know that many hon. members who are Zamindars themselves and represent the Landholders' constituency have, as a matter of fact, taken the view that it is better that they get compensation and walk out. We want that there are no unemployed people in the future of our country. One of the classes which is very large and who are really to me sympathized are the classes of landless agricultural tillers of the soil. Unfortunately the heart of Mr. Swaminathan flows to those who in fact are really middlemen to whom we are going to grant the pattas but the men in the village who is doing the job every day is left out. I had been to settle half a dozen agrarian disputes and I found that most of the men who have really got pattas are not themselves actual tillers of the soil but they get the property and then allow the poor Harijans to cultivate the land and make them pay 50 per cent more and get the last pie out of them. They are the persons who have to be provided for. If you have any real concern with regard to the future happiness of the tillers of the soil the large class of Harijans should be provided with some land. I may point out to the Hon. the Revenue Minister that if in the future there should be happiness he should give lands to these people for cultivation. The reserve is in these Zamindari lands and ~~from~~ lands. It is not found in the ryotwari tracts. Where is the land for this purpose? Mr. B. S. Murti said that the promises of giving lands to the Harijans have not been fulfilled. Many of these Zamindari lands are left uncultivated. One of the objects of this social reform is that the Congress wants to help the landless people. If you cannot give such lands from these zamindari lands then how are you going to get them? By this way you can help the landless Harijans in this province. As it is only a few Harijans are owning very small fragments of land in the villages. In the whole of one firka I found only one Harijan having 7 acres of land. Instead of granting ryotwari pattas the Government should allot all these lands taken by them under the legislation to the poor Harijans in the villages and this will solve the problem. I will finish in a few minutes, Sir."

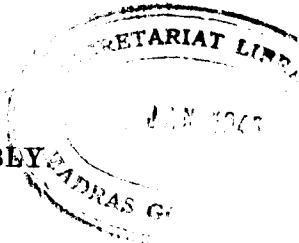
MR. SPEAKER:—"The hon. Member may take his own time."

SRI A. VAIDYANATHA AYYAR:—"In an agrarian dispute in a place 8 miles from Madura I found out the cause to be that 50,000 acres were leased to persons who happened to be only taking 50 acres or 60 acres and then distributing to the Harijans the balance for 50 per cent more of rent. When this matter was brought to my notice I insisted that the middlemen who get work from the poor Harijans should be eliminated and this was done. If the Government have really the interests of these poor people at heart they should draw up a plan and provide them with lands. The Government have been warped about this matter in the newspapers

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and through circulars. The very Congress socialistic programme is based on this. Let them as a matter of fact take note of this and have a full and clear picture of the agricultural situation and how it is to be improved. There was a suggestion that all the Provincial Governments should consider this question and arrive at common decisions after comparing notes. As a matter of fact the Provincial Revenue Ministers are meeting on the 14th and 15th instants. Is our province exempt from this policy? What is the hurry for their rushing with this legislation? Is it not our duty and my duty as part of the Government that we should, as a matter of fact, have a complete picture. There was no necessity for this hurry. They could have taken time and consulted all sides. My voice may not be heard to-day by the Government. But if this legislation is passed and as a result ryotwari pattas are given to these intermediaries and it is found later on that the influential persons and those who had already lands enough were able to hustle the Government to bring forward this legislation, there will be a great duty on you and the people will ask you 'What about us? We are hungry and thirsty.' Sir, I tell you, this problem will crop up again and again. Whatever laws you may pass, you will not be able to help the Harijans. You have passed the temple entry legislation; you have passed the Civil Disabilities removal legislation; in spite of them, it will be within the knowledge of this House, that Harijans 5 p.m. are not able to enter temples. Why? It is because they have no economic background. Whatever laws you may pass, at the time of cultivation season all these laws disappear. So please give the Harijans some land; please give them some food; they will not go temple even, but you must give them food. Unless you give them food, this problem would assume a dimension which would ultimately disrupt society. Therefore I request you to look forward and look around and provide Harijans some lands and thus food. Sir, I have finished my speech. Thank you."

MR. SPEAKER:—"I now adjourn the House till to-morrow 11 a.m."



THE MADRAS LEGISLATIVE ASSEMBLY

Wednesday, the 3rd December 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVA-SHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Prevalence of Typhoid in Cuddapah.

* 536-A Q.—ABDUL HAMEED KHAN SAHIB BAHADUR (on behalf of Shah Alam Khan Savoi Sahib Bahadur): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware of the fact that typhoid is prevalent in the town of Cuddapah in an epidemic form and that this disease has taken a heavy toll of lives; and

(b) if so, what steps the Government have taken or propose to take to deal with the situation?

THE HON. SRI A. B. SHETTY:—“(a) Typhoid is prevalent in the municipality. Seven deaths having occurred from the disease during the past two months. The disease cannot be said to be prevailing in an epidemic form.

“(b) Necessary preventive measures including inoculation on contacts against typhoid are being taken.”

Communal unrest in Wynaad.

* 536-B Q.—M. MUHAMMAD ISMAIL SAHIB BAHADUR (on behalf of A. K. Kaderkutti Sahib Bahadur): Will the Hon. the Minister for Home be pleased to state—

(a) whether the attention of the Government has been drawn to the article entitled “The Intrigues of Agent Provocateurs” (എറണാകുളം കമ്മ്യൂണിസറ്റുകൾ) appearing on page 2 in the *Deshabhimani*, dated 18th November 1947, regarding the serious communal unrest in Wynaad arising out of the course of events narrated in the said article;

(b) whether the Government have received representations from aggrieved Muslims regarding the outrages committed on them as alleged in the article; and

(c) what action has been taken by the Government to afford protection to Muslims and to preserve peace and harmony in the Wynaad taluk?

THE HON. DR. P. SUBBARAYAN:—“(a) Yes.

“(b) No representations have been received.

“(c) Does not arise.”

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P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"In view of the fact that this Government is a secular Government and that this Government is interested in keeping law and order, will the Government be pleased to call for a report from the District Magistrate of Malabar with regard to the condition of activities in that district?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid a general statement like that 'activities in the district' does not carry us very far. But if the hon. Gentleman means by that, activities of a nature which will lead to communal disharmony, I am prepared to call for such a report."

SRI PILLALAMARRI VENKATESWARLU:—"May I know whether the Government is aware of the fact that due to the activities of the Rashtriya Sevak Sangh throughout the Presidency a serious situation has arisen . . ."

MR. SPEAKER:—"We are not dealing with Rashtriya Sevak Sangh. It is altogether a different thing. (Several voices of 'Yes' and 'No'.) I am afraid this question deals with an article in a newspaper. I disallow the question of Mr. Venkateswarlu."

SRI A. KALESWARA RAO:—"May I know whether this newspaper *Deshabhimani* is a Communist paper?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member is very correct in his presumption." (Laughter.)

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I know all that is written in a Communist newspaper is false news or false information?"

THE HON. DR. P. SUBBARAYAN:—"I do not say that at all; because they are as responsible to the public, I believe, as any one else."

Prosecution of Mr. Abdul Khadir.

* 537 Q.—SRI PILLALAMARRI VENKATESWARLU (on behalf of Sri K. Anandan Nambiyar): Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that a certain Textile Officer, Mr. Abdul Khadir, was prosecuted for corruption in Trichinopoly during September 1947; and

(b) whether he has been tried by any Judicial Officer and with what result?

THE HON. DR. P. SUBBARAYAN:—" (a) Yes. Janab Sayyed Mohamed Abdul Khadir, ex-Textile Control Officer, was prosecuted for corruption during 1947.

" (b) He was tried before the Assistant Sessions Judge, Trichinopoly Division, and was acquitted."

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SRI PILLALAMARRI VENKATESWARLU:—"May I know what further steps have been taken in that matter?"

THE HON. DR. P. SUBBARAYAN:—"The gentleman has been acquitted and I do not see what further steps should be taken." (Laughter.)

DR. S. SUBRAHMANYA AYYAR:—"Will the Government publish the names of officers who have been punished for corruption prominently in newspapers so that it may act as a deterrent to other officers?"

THE HON. DR. P. SUBBARAYAN:—"In this particular case there is nothing to be published as the officer was acquitted and reverted to the department in which he was serving last."

SRI V. RAGHAVAYYA:—"In view of the fact that the Government were fairly convinced of his guilt before they launched prosecution against him, will the Government try to transfer him to some other department where he may be more innocuous?"

THE HON. DR. P. SUBBARAYAN:—"Prima facie there was a case against him. But as he was acquitted, he has been reverted from the Textile department to the department where he was serving before."

DR. S. SUBRAHMANYA AYYAR:—"My question has not been answered. My question was, whether the Government would care to publish the names of officers who have been punished for corruption prominently in newspapers so that it may act as a deterrent for other officers not to commit the offence?"

THE HON. DR. P. SUBBARAYAN:—"We are here concerned only with this particular officer. I shall take the representation of my hon. Friend to the notice of my Colleagues, because it may be a matter for the Government as a whole to deal with."

SRI PILLALAMARRI VENKATESWARLU:—"May I know when this particular officer was acquitted by the District Magistrate, why Government did not take the matter in appeal to the High Court?"

THE HON. DR. P. SUBBARAYAN:—"Sir, I have long been in practice to understand when appeals against acquittal should be put up. Under the law there is no question of appeal to a criminal case. The hon. Member should understand there is only revision for criminal cases, and that is allowed only when there is a point of law; there is no question of appeal on facts. The present case is a question entirely based on facts. Government are fully aware that there is no question of appeal against acquittal."

SRI N. VENKATA SUBBAYYA:—"When there is a *prima facie* case against this particular officer, may I know whether any charges were framed against him for departmental action?"

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THE HON. DR. P. SUBBARAYAN:—"The case was decided in his favour, and so there is no question of departmental action. As he was acquitted he was reverted to the department where he was previously working."

MR. MUHAMMAD RAZA KHAN:—"Inasmuch as this officer happens to be a Muslim, may I inquire whether all these questions are put and whether this is due to the two-nation theory?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member may draw his conclusions."

Nilgiris potatoes.

* 538 Q.—

MR. SPEAKER:—"Regarding this question there is a ruling in Parliament regarding the length of each question. As early as 25th January 1944, Mr. McKinlay asked in the House of Commons, 'May I have an answer on the point as to the length of a question which is accepted at the table, as compared with the length of the answer?' To this the Speaker of the House of Commons gave the following rule: 'The position is quite clear. There are no definite rules, but we always try to limit a question to ten lines of the Order Paper. In regard to the answer, while we do not interfere, it is desirable that it should not be too long, but that depends on the discretion of the Minister.' So what I say is, if it is a long question my advice to the Members is to give notice of it as an unstarred question, the answer to which will be printed and placed on the table of the House. Suppose the hon. Member wants to elicit further information, then he can give notice of a starred question with reference to that."

THE HON. DR. P. SUBBARAYAN:—"May I point out to you, Sir, for consideration that the usual practice in the House of Commons is that long questions are put as unstarred questions? If the Member wants any further information on the answer given to the unstarred question he can put another question and star it."

MR. SPEAKER:—"That is exactly what I said."

SRI R. V. SWAMINATHAN:—"But the Government take a long time, even a month to answer some questions. In such cases why not Government allow urgent short notice questions?"

MR. SPEAKER:—"Order, order, the hon. Member has completely misunderstood. The hon. Member is think of short notice question. We are now on question No. 538, given notice of by Mr. V. I. Muniswami Pillai."

* 538 Q.—SRI V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Food be pleased to state—

(a) whether it is a fact that the Government ordered, during the last week of September 1947, 3,000 tons of Nilgiris potatoes

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to be despatched immediately to provinces outside Madras and that permits are to be issued only to a limited number of persons known as 'A' class merchants;

(b) the special reasons that led the Government to take this course and to choose a few rich and influential merchants;

(c) whether the Government are aware that stocks are held also by 'B' and 'C' class merchants and by several potato growers and the Nilgiris Co-operative Marketing Society, Limited, Nilgiris;

(d) whether any reference, before the order, was made to the Collector of the Nilgiris and what was his report;

(e) if the answer to (d) be in the affirmative, whether the Government will be pleased to place on the table of the House copies of telegrams and communications which passed between the Collector of the Nilgiris, the Board of Revenue (Supplies Department) and the Government;

(f) whether the Government received any representations from the President and Secretary of the Nilgiris District and Taluk Congress Committees and Ootacamund Town Congress Committees and from other public bodies as to the great injustice to the ordinary merchants, growers and the Marketing Society if the Government insisted on their order;

(g) whether the Government have set up a "Nilgiris District Potato Advisory Committee";

(h) who the members are of this Committee; and whether the Committee was consulted in the matter of the export of the 3,000 tons;

(i) if the answer to (h) is in the affirmative, what their advice was in this connexion;

(j) if the answer to (h) be in the negative, why this body was not consulted; and

(k) whether the Government are aware that this action of the Government is greatly resented by the growers and ordinary merchants?

THE HON. DR. T. S. S. RAJAN:—" (a) Yes.

" (b) In the last week of September 1947 it was brought to the notice of the Government that 'A' class merchants in the Nilgiris were holding a large stock of about 4,300 tons of potatoes which was rotting on account of long storage in godowns and would soon perish and become unfit for human consumption if a market was not immediately provided. It was out of the question to release the stock for consumption in the domestic market which had been supplied already to the full limit of 3,500 tons. The Government therefore considered that, during a period of acute food shortage all over the country, these potatoes ought not to be allowed to be wasted, whoever the stockists might be. They accordingly decided that a special foreign quota of 3,000 tons should be

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sanctioned immediately and allotted to the 'A' class merchants so as to enable them to dispose of their deteriorating stocks in the regular consuming areas outside the Province.

"(c) No.

"(d) Yes. The Collector confirmed the representations of the 'A' class merchants that they were holding a large stock of potatoes.

"(e) The Government do not see any necessity for placing copies of the correspondence on the table of the House.

"(f) & (g) Yes.

"(h) The following gentlemen are the members of the Committee:—

Collector of the Nilgiris—*President*.

(1) Sri K. Bokkai Gowder, M.L.A.

(2) Sri V. I. Muniswami Pillai, M.L.A.

(3) One representative of the Nilgiris Co-operative Marketing Society.

(4) One representative of Devershola Fertilizers, Limited, Ootacamund.

(5) A. Mohammad Rowther, Mettupalaiyam.

(6) Sri K. B. Ajja Gowder, Kotagiri.

(7) One representative of Messrs. L. Kempey Gowder and Sons, Ootacamund.

(8) Sri P. Kuppuswami Pillai, President of the Merchants' Association, Mettupalaiyam.

(9) The Deputy Registrar of Co-operative Societies, Ootacamund.

(10) Sri Rao Bahadur H. B. Ari Gowder.

(11) Mr. N. M. Lingam, Nanjanad.

(12) The Deputy Director of Agriculture, Ootacamund.

(13) Sri M. K. Nanja Gowder, Achinikal, Ketti.

(14) Sri K. H. Ajja Gowder, Kundachappai, Ootacamund.

(15) Sri M. S. Ramaswami Ayyar, President, Potato Merchants' Association, Mettupalaiyam.

The Committee was not consulted in respect of the allotment of the special export quota of 3,000 tons.

"(i) Does not arise in view of the answer to clause (h).

"(j) The Government did not feel the necessity to consult the Advisory Committee in this matter where the issue and the solution were clear and specific.

"(k) The Government had already made it clear in their Press note, dated 14th October 1947, that they were prepared to

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allow further special export quotas in favour of the non-'A' class categories, viz., the Nilgiris Co-operative Marketing Society, growers and the 'B' and 'C' class merchants, provided they too were in possession of large stocks deteriorating on account of long storage. On further enquiry Government have since allowed 2,300 tons to be exported by the 'B' and 'C' class merchants, the Nilgiri Co-operative Marketing Society and the growers. The Government have also issued instructions that in respect of all future allotments for foreign exports, preference should be given to the non-'A' class categories in the proportion already fixed, so that the inequality, if any, on account of the special export quota of 3,000 tons allotted in favour of 'A' class merchants alone may be removed."

SRI V. I. MUNISWAMI PILLAI:—"In view of the answer to clause (k), is it not a fact that the B and C class merchants held a large stock at the time when special grants were granted to A class merchants?"

THE HON. DR. T. S. S. RAJAN:—"The Government were not aware that B and C class merchants held large stock of potatoes."

SRI V. I. MUNISWAMI PILLAI:—"Is it not the duty of the Collector who took into account the stock held by the other merchants to see whether these merchants also had large stocks?"

THE HON. DR. T. S. S. RAJAN:—"It is on the representations of the B and C class merchants that the Collector went into the question; and so that question does not arise."

SRI V. I. MUNISWAMI PILLAI:—"May I inquire with reference to the answer to (j), is it the policy of the Government not to take the opinion of the advisory committees set up for this purpose?"

THE HON. DR. T. S. S. RAJAN:—"The opinion of the advisory committees is advisory. That is all."

SRI V. M. RAMASWAMI MUDALIAR:—"May I ask whether the Government are aware that there has been an increase in the price of potatoes and was it by reason that its export to other provinces was permitted and may I also know whether Government consulted the advisory committee why there has been an increase in the price of potatoes?"

THE HON. DR. T. S. S. RAJAN:—"The Government are aware of the increase in the price of potatoes. It is just possible, Sir, that the decontrol is to a certain extent responsible for this slight rise. But the Government hope that in the course of a few days prices will adjust themselves and they may drop down to normal level."

SRI B. S. MURTHI:—"Does not the Collector check the information as to the stock available with different dealers, the A, B and C classes?"

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THE HON. DR. T. S. S. RAJAN:—“ It is open to these dealers who are affected by the condition of the potatoes to make a representation and draw the attention of the Collector, in which case I am sure the Collector would have paid some attention to them as he did in the case of the A class merchants.”

SRI S. NAGARAJA MANIGAR:—“ It might be, Sir, that the B and C class merchants would not have represented to the Government, but does it mean that the Government allowed the stocks that they had to go rotten? ”

THE HON. DR. T. S. S. RAJAN:—“ If the stockholder does not know that it is rotten how can the Government know that the stock is rotting? That is where the difficulty comes in.”

SRI V. RAGHAVAYYA:—“ Will the Government agree with us when we say that the fall in export of potatoes to foreign countries like Ceylon may have the effect of reducing the prices and relieve the development of an uncertain food situation in the country? ”

THE HON. DR. T. S. S. RAJAN:—“ I am not able to follow the question, Sir.”

SRI V. RAGHAVAYYA:—“ Will the Government put a ban on export of potatoes to foreign countries, particularly to Ceylon so that the prices may come down and help the people in their uncertain food situation? ”

THE HON. DR. T. S. S. RAJAN:—“ The Government have just now decontrolled potato, Sir, and we have no idea of reintroducing control.”

SRI B. S. MALLIKARJUNA RAO:—“ Did the Government ascertain what is the reason for the scarcity in the market when potatoes are actually rotting with merchants and when they are demanding permits for export? ”

THE HON. DR. T. S. S. RAJAN:—“ That is a matter left entirely to the dealers and the Government have nothing to do in the matter.”

SRI V. I. MUNISWAMI PILLAI:—“ Arising out of the answer given by the Hon. Minister, may I inform him that the B and C class merchants waited on the Collector several times in my presence and that he did not take their advice and he sent his own report of the stocks held in the Nilgiri district which is not correct? ”

THE HON. DR. T. S. S. RAJAN:—“ It is left to the Collector to make such report as he thinks necessary on the representation made to him by these merchants. If these merchants think that they were not treated properly it was open to them to represent to the Government just as the A class merchants have done.”

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SRI B. S. MALLIKARJUNA RAO:—“ May I ask, Sir, whether it is not the responsibility of the Government that when an application is made for a permit for export to ascertain why the merchants have not released the stocks to the local markets? ”

THE HON. DR. T. S. S. RAJAN:—“ The stocks were held by the merchants and they had to release the stocks only on a permit. That is why their stocks were held up and the Government had to interfere and release them after giving them necessary permits.”

Retention of harvest required for domestic consumption.

* 539 Q.—SRI PILLALAMARRI VENKATESWARLU (on behalf of Sri K. Anandan Nambiyar): Will the Hon. the Minister for Food be pleased to state—

(a) whether the Government allow farmers to keep out of the total produce harvested, the quantity required for the domestic consumption of the family;

(b) whether the Government have received mass representation from the peasants of Malabar on this matter;

(c) whether it is a fact that the Hon. the Minister for Agriculture who recently toured Malabar, expressed the view that if cultivators find their job uneconomic, they had better give up cultivating lands; if so, whether it is his own obiter dictum or an expression of the Cabinet's policy;

(d) whether it is a fact that the same Minister at public meetings did propaganda for delivery of paddy in kind by tenants to landlords by way of rent; if so, whether it reflects the Government's view or the Minister's personal advice; and

(e) whether it is a fact that the same Minister was escorted by Malabar Special Police platoons throughout his Malabar tour and was guarded by the same well-known force at public meetings where the all-important issue of food was to be discussed?

THE HON. DR. T. S. S. RAJAN:—“ (a) Farmers, i.e., tenants, are allowed to keep the quantity required for their family consumption only from out of their share of the produce and not from the total produce harvested on the lands cultivated by them. Under the ‘ Malabar Tenancy Act ’ as well as under the ‘ Malabar Procurement Regulations ’, the tenant is obliged to pay the rent in kind to the landlord in respect of paddy lands if there is a specific contract to that effect.

“ (b) Some representations have been received.

“ (c) No. He did not. Does not arise.

“ (d) No. It is not a fact. Does not arise.

“ (e) No.”

SRI PILLALAMARRI VENKATESWARLU:—“ May I know when the tenants pay the rent in kind these janmis there sell the paddy in the blackmarket and that is why the peasants are unable to get rations? ”

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THE HON. DR. T. S. S. RAJAN:—"It has nothing to do with the blackmarket. He pays his quota to the janmi according to the contract and if the janmi takes it to the blackmarket, that has nothing to do with the tenant at all."

B. POCKER SAHIB BAHADUR:—"May I know what the Hon. Minister meant by saying that the tenant is entitled to keep for domestic consumption from out of his share of the produce?"

THE HON. DR. T. S. S. RAJAN:—"I think it is explicit from the answer given, Sir. In a contract the tenant has got a right for his particular share of the produce from out of which he can keep for his own food, but he cannot retain the dues to the landlord which he is bound to pay to the landlord."

B. POCKER SAHIB BAHADUR:—"Is the Hon. Minister aware that in Malabar this system of waram is not prevalent?"

THE HON. DR. T. S. S. RAJAN:—"I am aware of it. This is exactly what I meant. The janmi enters into a contract for a certain quota to be paid to him which is paid to him according to the contract. If there is no contract the custom prevails."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know whether the Government are aware of the fact that the tenants are put to great inconvenience since the authorities are not allowing for dryage for the grains which they sell to the Government?"

THE HON. DR. T. S. S. RAJAN:—"It all depends upon whether the tenant has made representations to the Government with regard to the inconvenience caused to him. Under normal conditions the Government presume that he keeps it because he is entitled to keep it."

P. P. HASSAN KOYA SAHIB BAHADUR:—"Apart from the general question of amending the Malabar Tenancy Act, may I know whether the Government will take immediate steps to amend the Act so as to enable the tenant not to pay rent in kind but in cash?"

THE HON. DR. T. S. S. RAJAN:—"That is under the consideration of the Government. That is a bigger question and it does not concern procurement. We have to procure immediately. Any legislation that will affect the whole of the land tenure in Malabar cannot be linked with the procurement which is so immediately necessary."

M. V. HYDROSS SAHIB BAHADUR:—"Are the Government aware that in spite of the contract between the landlord and the tenant regarding payment of rent in kind, the tenants in Malabar were adjusting with the landlords to pay rent in cash?"

THE HON. DR. T. S. S. RAJAN:—"It is a matter of arrangement. Certainly he is entitled to pay in cash if the landlord agrees to take it."

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M. V. HYDROSS SAHIB BAHADUR:—"May I ask in such cases when the landlords and tenants agree, will the Government relax the rules relating to the payment of rent in kind?"

THE HON. DR. T. S. S. RAJAN:—"I have already stated that if there is a contract to that effect, the Government have no business to interfere with it."

P. P. HASSAN KOYA SAHIB BAHADUR:—"May I know, Sir, whether the Hon. Minister is aware that this particular provision is working great havoc on the poor cultivators in Malabar and that they are obliged . . ."

MR. SPEAKER:—"The hon. Member may put a separate question on the matter."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Is it not a fact that the President of the Tirur Village Congress Committee made a representation about this dryage question?"

THE HON. DR. T. S. S. RAJAN:—"At least I am not aware of it just now, Sir. If the hon. Gentleman wants information, I shall call for it."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, Sir, whether the Government are aware of the fact that the procurement in Malabar has failed because the rent is being paid to the janmis in kind and the janmis did not surrender the stocks to the procuring agents?"

THE HON. DR. T. S. S. RAJAN:—"I do not know wherefrom the hon. Gentleman got the information that procurement has failed in Malabar."

Breaches in the anicuts of certain river in the Tiruvallur taluk.

* 540 Q.—SRI N. GOVINDASWAMI: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government are aware of the fact that the supply of water to the City of Madras has been rendered unwholesome owing to the occurrence of breaches in the anicuts of Odappai and Tammaraipakkam rivers in the Tiruvallur taluk;

(b) how long the abovementioned anicuts have been in a state of disrepair; and

(c) why they have not been repaired till now; and when the Government are going to repair them?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) It is presumed that the hon. Member refers to the Odappai causeway and Tamarapak anicut across the Kortaliar river. The Odappai causeway over which the Tiruvallur-Satyavedu road passes was damaged in 1946, while in the region of the Tamarapak anicut where the Korattur-Tinnanur-Periyapalayam road crosses the river, the apron and track stones for the

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roadway also got disturbed. But there is not the slightest reason to imagine that these have rendered unwholesome the water supplied to the City of Madras.

“(b) Both the structures mentioned above have been in disrepair since the floods of December 1946.

“(c) Repairs to the Odappai causeway were taken up immediately under two estimates but could not be completed in all respects since further floods in the river necessitated revision of the original proposals for repairs and improvements. The causeway portion has just been rendered suitable for traffic and buses are now plying on it. Improvement works are still going on and further improvements which require the sanction of Government will be considered shortly. As regards repairs to the apron of the Tamarapak anicut, the preliminaries have been completed and the work is about to be commenced. It will be completed by January 1948.”

SRI N. GOVINDASWAMI :—“தயவு செய்து இப்பொழுது சொன்ன கேழ்வியின் பதிலை தமிழில் சொல்லும்படியாக கேட்டுக் கொள்ளுகிறேன்.”

MR. SPEAKER :—“If the Hon. Minister is willing to answer in Tamil, I have no objection.”

THE HON. SRI M. BHAKTAVATSALAM :—“(a) இப்பொழுது கேட்கப்பட்டிருப்பது கோர்தலையாற்றின் ஒதப்பை Causeway-யைப் பற்றியும், தாமரைப்பாக் அணைக்கட்டைப் பற்றியும் இருக்கிறதைத் தான் கூறுகிறார்கள் என்று நினைக்கிறேன். திருவள்ளூர்-சத்ய வாடு ரோடு ஒதப்பை Causeway-ன் மேல் போகிறது. அதில் 1946-ல் damage ஏற்பட்டது. தாமரைப்பாக் அணைக்கட்டு கொரட்டூர்-தின்னனூர்-பெரியபாளையம் ரோட்டை கடக்கிறது. அதிலும் சில கல்கள் உடைந்து damage ஏற்பட்டிருக்கிறது. ஆனால் அவைகளால் கொஞ்சம்கூட சென்னைக்கு சப்ளையாகும் தண்ணீர் கெட்டுப் போகவில்லை என்று நிச்சயமாக சொல்லலாம்.

“(b) மேலே சொன்ன ரிப்பேர்கள் 1946-ம் ஆண்டு டிசம்பரில் ஏற்பட்ட வெள்ளத்தால் உண்டாகி அப்படியே இருந்தது.

“(c) ஒதப்பை Causeway-ன் ரிப்பேரை முதலில் எடுத்துக்கொள்ளப்பட்டு அதற்கு இரண்டு எஸ்டிமேட்டுகள் தயாரிக்கப்பட்டன. ஆனால் எஸ்டிமேட்டுகள் தயார் செய்துகொண்டு அந்த எஸ்டிமேட்டுகளை பரிசீலனைசெய்யும் முன் வேறு புதிதாக வெள்ளம் எதிர்பார்த்ததால் புது ரிப்பேர்கள் செய்யவேண்டிய ஒரு அவசியம் ஏற்பட்டது. ஆனால் Causeway இப்பொழுது ரிப்பேர் செய்யப்பட்டு பஸ்கள் போகக் கூடிய நிலைமையில் இருக்கிறது. ஆனால் இன்னும் அபிவிருத்தி வேலைகள் நடந்துகொண்டிருக்கின்றன. மேற்கொண்டு வேலைகளை நடத்த சர்க்காருடைய sanction வேண்டும். அதன்மேல் மேற்கொண்டு வேலைகள் நடக்கும். ஆனால் தாமரைப்பாக்கம் அணைக் கட்டில் ஏற்பட்டிருக்கிற ரிப்பேர் விஷயமாக பூர்வாங்கமான வேலைகள் முடிந்துவிட்டன. மற்ற வேலைகள் வரும் ஜனவரிக்குள் முடிந்த் விரும் என்று தோன்றுகிறது.”

SRI N. GOVINDASWAMI :—“1948-ம் ஆண்டு ஜனவரி ஆரம்பத்திலேயே முடியுமா அல்லது கடைசியில் முடியுமா என்று கேட்கிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM :—“இதை அவ்வளவு சரியாக இப்பொழுது சொல்ல முடியாது என்று நினைக்கிறேன்.”

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SRI N. GOVINDASWAMI :—“தண்ணீர் ஆற்றில் போகும்போது கெடாது என்று சொன்னால் பஸ்கள் போகும்போதும் நடக்கும்போதும் அழுக்குப்படிந்து தண்ணீர் கெட்டுப்போகாதா என்று கேட்கிறேன்.”

THE HON. SRI M. BHAKTAVATSALAM :—“அதைப்பற்றி பரிசீலனை செய்யக்கூடியவர்கள் நிச்சயமாக தண்ணீர் கெட்டுப் போகவில்லை என்று சொல்லுகிறார்கள். அதைத்தான் சர்க்காரும் சொல்லுகிறார்கள்.”

N. MUHAMMAD ANWAR SAHIB BAHADUR :—“May I enquire from the Hon. Minister why it is that the water-supply inside the compound of the Fort St. George has got a peculiar odour of its own?” (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM :—“A separate question may be put, Sir.” (Laughter.)

Repair of irrigation channels in certain taluks of the Tinnevely district.

* 541 Q.—**SRIMATHI V. LAKSHMI AMMAL** : “Will the Hon. the Minister for Public Works be pleased to state—

(a) how many irrigation channels have been repaired by the Public Works Department since May 1946 in Ambasamudram taluk and Nanguneri taluk of the Tinnevely district;

(b) the amount spent by the Government on these repairs;

(c) the number of channels that need repairs but have not been repaired; and

(d) when the Government propose to take up these repairs?

THE HON. SRI M. BHAKTAVATSALAM :—“(a) Six irrigation channels in Ambasamudram taluk and three irrigation channels in Nanguneri taluk have been repaired by the Public Works Department since May 1946, while repair work is in progress in the case of eleven others, of which five lie in Ambasamudram taluk and six in Nanguneri taluk.

“(b) The works so far done have not been measured and paid for and so the actual expenditure incurred on repairs is not readily available. The approximate total amount to be spent is, however, calculated at Rs. 46,897.

“(c) Four channels in Ambasamudram taluk and three channels in Nanguneri taluk need repairs.

“(d) The repairs will be taken up in the closure period of 1948.”

SRIMATHI V. LAKSHMI AMMAL :—“Are the Government aware that there are many sluices which have no shutters at all?”

THE HON. SRI M. BHAKTAVATSALAM :—“I have no exact information about it. Perhaps it is so.”

SRIMATHI V. LAKSHMI AMMAL :—“Will the Government consider and see that screw shutters will be sanctioned for the sluices?”

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11-30
a.m.

THE HON. SRI M. BHAKTAVATSALAM:—"The Government will examine the question."

SRI B. S. MURHI:—"May I know whether there is any list of irrigation channels in the Province and whether there is any plan for their repairs?"

THE HON. SRI M. BHAKTAVATSALAM:—"We have a list of the channels and we do have a programme for their repairs."

Scale of pay of the Subordinate Civil Judicial Service.

* 542 Q.—M. S. ABDUL MAJID SAHIB BAHADUR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether in the revision of the salaries of the Gazetted Services in the Province effected recently by G.O. No. 78, Finance, dated 6th February 1947, to take effect from 1st January 1947, the scale of pay of the Subordinate Civil Judicial Service was revised;

(b) if not, whether the Government propose to revise the scales of pay of the Subordinate Civil Judicial Service and the other Judicial Officers;

(c) if the Government do not propose to revise their pay, the reason why, of all the services, the Judicial Service has been excluded from the benefit of the recent revision; and

(d) whether the Government propose to revise their scales of pay?

THE HON. SRI B. GOPALA REDDI:—" (a) to (c) The recent revision of scales of pay ordered in G.O. No. 78, Finance, dated 6th February 1947, was mainly confined to the subordinate services because it was considered they suffered more from the increase in cost of living. At the same time, the minima of the scales of pay applicable to certain Provincial Services were raised by one or two stages in the existing scales of pay to fit in with the new maxima of the revised scales of pay of the corresponding subordinate services, and also because it was represented that the existing minima would not secure suitable qualified personnel for the technical services. The existing scales of pay of the District Munsifs and Sub-Judges in the Subordinate Civil Judicial Service were not affected by the above principles and were therefore left as they are.

" (d) Yes. The general question of pay of Provincial Services including the Subordinate Civil Judicial Service is under the consideration of the Government."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it proper for the Government to continue these ill-paid officials to administer justice?"

THE HON. SRI B. GOPALA REDDI:—"I do not consider that the Munsifs are ill paid."

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M. S. ABDUL MAJID SAHIB BAHADUR:—"Is the Hon. Minister aware that the subordinates of the Judicial Service do not get other incomes like travelling allowance as other Gazetted Officers are getting?"

MR. SPEAKER:—"I do not get travelling allowance. (After a pause) No answer to the question."

M. V. HYDROSS SAHIB BAHADUR:—"Why are the clerks in the Judicial Subordinate Service not given increments at all till they pass all the tests while clerks in other departments are given increments though they do not pass tests?"

THE HON. SRI B. GOPALA REDDI:—"A separate question may be put."

B. POCKER SAHIB BAHADUR:—"Do the Government feel that there is no necessity for the revision of the pay of the members of the Subordinate Judicial Services?"

THE HON. SRI B. GOPALA REDDI:—"I have already stated that the matter is under the consideration of the Government."

B. POCKER SAHIB BAHADUR:—"Have the Government passed any orders with regard to the scales of pay of the staff of the High Court?"

THE HON. SRI B. GOPALA REDDI:—"Yes, Sir."

B. POCKER SAHIB BAHADUR:—"Have Government received any representation as to the inadequacy of their pay?"

THE HON. SRI B. GOPALA REDDI:—"I have not seen any representation."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"For every alternate question put in this House the Ministers have been in the habit of saying that the matter is under consideration. May I know how many matters are under consideration? Will they wait till a strike notice is given?"

THE HON. DR. P. SUBBARAYAN:—"I may point out to the hon. Gentleman that the Government is a very technical and delicate matter. The state of finances has to be considered in regard to the revision of salaries. There is no use of the hon. Member who has no experience at all asking how long it will take. It is not going to take the matter any further."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"When the Police people refused to take the salaries, the Government enhanced their salaries. Are the Government going to wait for these people also to give a strike notice before they can expect increments in pay?"

(No answer.)

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[* 543 Q. MR. SPEAKER:—"The hon. Member Mr. Shanmugam is not in his place. This answer will be printed in the proceedings."]

SRI PILLALAMARRI VENKATESWARLU:—"It is a very important question. Cannot somebody else put the question, Sir?"

MR. SPEAKER:—"No. The hon. Member should have authorized somebody else to do it."

Central Pay Commission.

* 543 Q.—SRI K. SHANMUGAM: Will the Hon. the Finance Minister be pleased to state—

(a) whether it is a fact that the Central Pay Commission conducted an enquiry into the service conditions of the Government employees on all-India basis; and

(b) whether the Government of Madras presented to the Commission any written memorandum or reply to their questionnaire?

THE HON. SRI B. GOPALA REDDI:—" (a) Yes, but the enquiry of the Central Pay Commission related to the All-India and Central Services.

" (b) Yes."

Gandiban Bus Service.

* 544 Q.—SRI N. GOVINDASWAMI: Will the Hon. the Minister for Prohibition be pleased to state—

(a) whether it is a fact that a memorandum was submitted to the Hon. the Premier on 10th September 1947 by the Sri Gandiban Bus Service, Chingleput district;

(b) if so, whether the Government will be pleased to place a copy of the memorandum on the table of the House; and

(c) whether the Government have taken or propose to take early steps in the matter?

THE HON. MR. DANIEL THOMAS:—" (a) The answer is in the affirmative.

" (b) & (c) The Government do not consider it desirable to place the memorandum on the table of the House as it is now under their consideration."

SRI N. GOVINDASWAMI:—"தயவுசெய்து இந்த பதிலையும் தமிழில் சொல்லும்படியாக கேட்டுக்கொள்ளுகிறேன்."

THE HON. MR. DANIEL THOMAS:—" (a) அப்படிப்பட்ட ஒரு மகஜர் வந்தது வாஸ்தவம்தான்.

" (b) & (c) அதை இப்பொழுது அசெம்பளி முன்னால் வைப்பதற்கு சமயம் இல்லை. அது கவர்ன்மெண்டுடைய பரிசீலனையில் இருக்கிறது."

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SRI N. GOVINDASWAMI:—"இப்பொழுது கவர்ன்மெண்டார் அதற்கு என்ன நடவடிக்கை எடுத்துக்கொண்டிருக்கிறார்கள் என்பதை தெரிய விரும்புகிறேன்."

THE HON. MR. DANIEL THOMAS:—"மனுவில் அநேகம் விஷயங்கள் சொல்லப்பட்டிருக்கிறது. அவைகளை பரிசீலனை செய்து ரிபோர்ட்டு செய்யும்படி C.R.T. போர்டுக்கு அனுப்பப்பட்டிருக்கிறது."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"May I know what is contained in the memorandum?"

THE HON. MR. DANIEL THOMAS:—"My hon. Friend cannot get behind me by asking what is contained in the memorandum when the Government are not prepared to place the memorandum on the table of the House."

SRI T. VISWANATHAM:—"May I know whether it is a confidential memorandum which cannot be placed on the table of the House?"

THE HON. MR. DANIEL THOMAS:—"I do not claim the memorandum to be confidential. The matter is now being examined by the Government. We have called for a report from the Central Road Traffic Board. When the report is received, the Government will take necessary action. Then will come the stage for placing the paper on the table of the House."

SRI B. S. MURTHI:—"As the Gandiban Bus Service has appeared several times during our question hour, will the Hon. Minister consider the desirability of calling the people of the two companies together and seeing that justice is done to both the companies?"

THE HON. MR. DANIEL THOMAS:—"I do not agree with the implication that justice is not being done to either of the companies."

SRI PILLALAMARRI VENKATESWARLU:—"Who is the non-official member on the regional committee of the area?"

THE HON. MR. DANIEL THOMAS:—"I believe it belongs to Chingleput district and Mr. Muthuranga Mudaliar is the member representing the non-officials on the Board."

SRI R. V. SWAMINATHAN:—"In view of the unhealthy competition going on in the route, will the Government cancel the permits and run the buses themselves on the route?"

THE HON. MR. DANIEL THOMAS:—"This question of healthy and unhealthy competition often seems to change colour. Sometimes healthy competition becomes unhealthy monopoly and vice versa."

SRI B. S. MALLIKARJUNA RAO:—"Is it not a fact that an appeal has been made to the Hon. Premier on the ground that the Hon. Minister for Prohibition has not taken any steps in the matter?"

THE HON. MR. DANIEL THOMAS:—"I am not aware of any such allegation, Sir."

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* 545 Q.—

MR. SPEAKER:—"The Hon. Minister is not keeping good health. He has written to me to take up this question tomorrow. This question will be taken up tomorrow."

Groundnut cultivation in South Arcot.

* 546 Q.—SRI V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) the total area in the South Arcot district under groundnut cultivation and how many growers there are; and

(b) whether there is any proposal to open a new market area in South Arcot for groundnut?

THE HON. SRI K. MADHAVA MENON:—" (a) The area under groundnut cultivation during fasli 1356 was 421,649 acres (47,138 acres relate to summer cultivation and 374,511 acres to monsoon cultivation). The area of groundnut cultivation up to the end of October 1947 is 245,300 acres. There are about 125,000 growers in this district.

" (b) There is no proposal to open a new market area at present."

SRI V. I. MUNISWAMI PILLAI:—"In view of the large acreage in South Arcot district, is it not advisable to have one or two more groundnut markets?"

THE HON. SRI K. MADHAVA MENON:—"The market committee has one or two sub-offices in the various places. There is no necessity for more markets."

SRI V. I. MUNISWAMI PILLAI:—"Is the Government aware that the growers in the district have not been given elective franchise on the market committee?"

THE HON. SRI K. MADHAVA MENON:—"Notice, Sir."

Headquarters Hospital, Calicut.

* 547 Q.—M. V. HYDROSS SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) when the estimate for the Headquarters Hospital in Calicut was prepared for the first time; and

(b) what the Government have finally decided in the matter?

THE HON. SRI A. B. SHETTY:—" (a) The estimates for the construction of a new Headquarters Hospital at Calicut were prepared for the first time in 1941.

" (b) The Government have decided that the work of reconstruction of the hospital should be taken up as a scheme for introduction during the current year. It has also been decided that the work of reconstruction should be spread over a period of eight years. The repairs and improvements necessary for the existing hospital will be executed as early as possible."

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M. V. HYDROSS SAHIB BAHADUR:—"May I request for an assurance from the Government that there will be no further change in the location of the hospital?"

THE HON. SRI A. B. SHETTY:—"There will be no change. It has been decided to continue the building work in the same place where it has been brought up to the basement level."

B. POCKER SAHIB BAHADUR:—"In view of the fact that it has taken six long years to decide upon the site, will the Government be pleased to complete the hospital as quickly as possible?"

THE HON. SRI A. B. SHETTY:—"The work will be spread over eight years, because it is estimated to cost a big sum of 29½ lakhs."

M. S. ATAULLAH SAHIB BAHADUR:—"What is the estimate of the total cost, Sir?"

THE HON. SRI A. B. SHETTY:—"The estimate submitted by the Surgeon-General was for Rs. 36.5 lakhs. The items regarding the quarters for the sub-assistant surgeons and the nurses are being deleted. The estimated cost is thus being reduced to Rs. 29.92 lakhs."

B. POCKER SAHIB BAHADUR:—"In view of the bad state of public health in Calicut, will the Government find ways and means of completing the work at least before the decade is over?"

THE HON. SRI A. B. SHETTY:—"As the work will be spread over eight years, it is proposed to make additions and improvements to the existing hospital at a cost of Rs. 1.21 lakhs."

B. POCKER SAHIB BAHADUR:—"Why should it take eight long years to complete the scheme? Is it because it took six years to decide upon the site?"

THE HON. SRI A. B. SHETTY:—"It is due to the scarcity of building materials and also financial considerations."

B. POCKER SAHIB BAHADUR:—"Is it so difficult to the Government to secure building materials for a hospital at Calicut that it will take eight years to complete the building?"

THE HON. SRI A. B. SHETTY:—"The Government have to find building materials for so many other buildings also."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Inasmuch as it will take eight years to complete the building, may we have an assurance that the hospital scheme will be completed before the end of the century?"

(No answer.)

Sanatorium at Peapally, Kurnool district.

* 548 Q.—SRI B. S. MURTHI (on behalf of Sri S. Nagappa): Will the Hon. the Minister for Public Health be pleased to state at what stage the opening of the Sanatorium at Peapally in Kurnool district stands? 11-45 a.m.

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THE HON. SRI A. B. SHETTY:—"The matter is still under consideration."

SRI N. VENKATASUBBAYYA:—"Is it not a fact that this place is eminently suitable for opening tuberculosis sanatorium and may I know whether early steps will be taken because the matter has been pending for a long time?"

THE HON. SRI A. B. SHETTY:—"Yes, Sir, the place is quite suitable, but it is a matter of finding money for the demands for similar sanatoria in different parts of the Province."

SRI N. VENKATASUBBAYYA:—"May I bring to the notice of the present Minister that Mrs. Rukmini Lakshmiipathi, when she was holding the portfolio of Public Health, visited the place, inspected the surroundings, and assured that the construction would be speeded up, i.e., commenced within a year or two?"

THE HON. SRI A. B. SHETTY:—"At that time the people of the place promised to collect a big amount, but now they have withdrawn from that position."

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

II.—DISCUSSION *RE* LENGTH OF QUESTIONS.

SRI V. I. MUNISWAMI PILLAI:—"During question time, the Chair was kind enough to tell us about giving notice of long questions, and read a ruling thereon. May I submit that in the Central Legislature, the President has got the discretion to admit such questions as starred or unstarred? As the Chair in this House is placed in a similar position, he can use his discretion. But I did not know that the question would give rise to complications when I gave notice of it."

MR. SPEAKER:—"I do not blame the hon. Member at all. I said that that was the ruling. Members themselves can star, or unstar the questions. No doubt, the Chair has got full power to star, unstar or even to amend the entire question. But I do not want hon. Members to give room for using the discretion of the Chair."

SRI R. V. SWAMINATHAN:—"We send questions to the Government and sometimes it takes even two to three months to get the answers. So may I know whether there is any time-limit for answering ordinary questions?"

THE HON. DR. P. SUBBARAYAN:—"I can assure the hon. Members that the Government are not trying to avoid answering questions, because any information that is easily available in our records will immediately be given to the hon. Members. It so often happens that information has got to be obtained from the district head quarters, the divisional headquarters and even the taluk headquarters. Therefore, it takes some time. But for the convenience of the hon. Members, I can say that the Government will try as far as possible to obtain information as quickly as

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possible and furnish it to the hon. Members. I am afraid that my hon. Friend Mr. Swaminathan seems to be under the impression that the Government are trying to avoid answering questions. That is certainly not the intention of the Government."

SRI V. RAGHAVAYYA:—"On a point of information

MR. SPEAKER:—"I won't allow any point of information. If the hon. Member wants anything, let him put it in writing and send it on to me."

GOVERNMENT BILL.

III.—THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947—*cont.*

SRI T. PRAKASAM:—"Sir, we have come at last to the main Bill. The order in which these three Bills were placed for consideration was not a quite convenient or happy one. The third Bill as an urgent measure might have come first, and the second Bill relating to rent reduction could have been taken along with the main Bill or after the main Bill. At the close of the discussion on the Rent Reduction Bill, the Hon. Revenue Minister said that the question of fixing ryotwari rate for purposes of compensation was not to be considered then. It was not also the intention of the Government to fix up that rate for the purpose of granting compensation to the zamindar. Now we have come to the main Bill with regard to the abolition of the zamindari system. As a matter of fact, so far as I am concerned and so far as most of the members of this House are concerned and perhaps I will not be wrong if I say that so far as even the zamindars are concerned, we have reconciled ourselves to this abolition question; there can be no dispute at all.

"Before going to the real points involved in this, I shall have to mention something about the incomplete material that is placed before the House with regard to this Bill. After the 15th of August, everything has changed. This legislature as it was functioning before the 15th of August ceased to function as such strictly speaking. On the 15th of August, the Central Legislature as it existed before that date ceased to function. That is what is provided for in the Independence of India Act. When that Central Legislature ceased, this Assembly also ceased. Nobody can dispute that, because that is the law."

MR. SPEAKER:—"That is the opinion of the hon. Member."

SRI T. PRAKASAM:—"That is the opinion which I hold, that is the opinion which you should also hold."

MR. SPEAKER:—"Should I also hold the same opinion simply because the hon. Member holds that opinion?"

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SRI T. PRAKASAM:—“ That should be the opinion which not only you, but everybody else in the country should hold. It is the rule of law; it is the law of nature. When once the old Constitution was dissolved, it cannot be contended by any speaker either here or even in the outside world that the old thing continues.”

THE HON. DR. P. SUBBARAYAN:—“ On a point of order. I would like to submit for your consideration that the Government of India Act, 1935, has been altered under the Adaptation Rules and we are working under that Constitution which preserves the power of this Assembly to legislate and provides for the Government to continue. Therefore there is no point in saying that the Assembly or the Government has ceased to exist.”

MR. SPEAKER:—“ I have already given a ruling on that point.”

SRI T. PRAKASAM:—“ Am I not aware of that when I was talking on that point? I have been aware as much as the Leader of the House. I have been aware as well as anybody else that there was the Government of India Act, 1935, that it has been adapted by the Constituent Assembly to the new Constitution and that it is under that we are functioning. There is no reason for the Leader of the House to presume that I did not know that we are functioning under that Government of India Act as adapted. The point I have been trying to place before the House is that, so far as this House is concerned, it does not stand in the same position in which it stood before the 15th of August. The Government of India Act of 1935 was adapted. Because certain provisions of that Act were adapted by the Constituent Assembly, can it be contended by anybody that this House is functioning as it functioned before 15th of August? Surely not. 1935 Government of India Act was adapted in such a manner that it would not be inconsistent with the attainment of the freedom of this country. That is what is said in the Independence of India Act. That is what every reasonable person can understand and should understand also. No doubt here also we are entitled to take certain Acts after they ceased to exist and adapt them instead of framing the same sections with the same procedure and all those things. So far as we agree, we can adapt. It was only that that was done. It could not be contended that the Government of India Act, 1935, is actually in force to-day. Only certain provisions as adapted by the Constituent Assembly are in force. It is under that we are functioning. I do not dispute that. While we are functioning, the anomaly on which the Chair has given a ruling also is continuing here. Members who are put on oath pledging their loyalty to King George VI are sitting here. Under that oath, they are legislating now.

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DOOR “ Supposing this legislation becomes law in a few weeks and supposing the question is raised in the Federal Court or the Supreme

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Court as to the validity of this law, as to who passed this law and who were the gentlemen that considered the legal position and supposing the court is asked to give its verdict in the matter, then, I submit, Sir, that the verdict will be that these are not the persons who were competent to go into this matter, having sworn their loyalty to King George VI before the 15th August 1947. Sir, King George ceases to be our King after the 15th August. He is no longer connected with the administration of this country. That is what is stated in section 7 of the Independence of India Act. After the 15th August, he has nothing to do with what is going on in India. The British Government have said specifically and advisedly like that, because they wanted to guard themselves against any action that might be brought against them before they handed over this country to our charge. That is the position which this House has got to consider. Sir, even though you had given a ruling on the point raised, at that particular stage, I am trying to put it to you now, so far as this matter is concerned. Let it be in the discussions relating to this statute which is to be passed by this House. If the Federal Court should say that oath-taking is most important in any country and in any Government and in any Parliament, and if we have not taken the oath, or if the oath that we have taken was simply pledging our loyalty to King George VI then what will be the fate of this legislation which we are now considering and which we are going to pass? Therefore, Sir, I say that this House is not the same as it was before the 15th August. I am not trying merely to raise a technical point to spend our time here on that point. As it is my duty to raise constitutional points on occasions like this, I am raising it and it will not be an idle point. It may come before a court of law at any time, if persons affected should choose to bring it before a court.

“ Apart from that, Sir, I am trying to place before hon. Members of the House that all of us should imagine that we are not bound by the oath that we have taken as members of this House pledging our loyalty to King George, that we are not subjects of King George and that we are not bound by that oath. I am asking every member of this House to remember that he is a free man, to think freely, to act freely and to pass this law, not as a subject of King George, but as an independent person who has full rights to legislate as he likes.

“ The next thing which I have got to address hon. Members of this House is the question, ‘ Have we got that real freedom after the 15th August? ’ Are we acting with full freedom now? That is the point that every one of us should consider. Have we changed our mental attitude? Are we acting as free men now in dealing with questions relating to the millions of people who are the real rulers of this country, who are interested in this legislation? This is not a legislation relating to a few individuals. (At this stage, Madam Deputy Speaker occupied the Chair.) Madam, this is a

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legislation affecting millions of people. How are we governed to-day? The Congress High Command has been regulating our conduct here. The Congress High Command has called upon the Madras Government now to take their advice before proceeding with the Bill that is now before the House for its consideration. The Congress High Command called upon the Government to go over to Delhi to discuss matters with them and to take their own opinion and to regulate their conduct. The Hon. Revenue Minister made a public statement, which appeared in the press in reply to a question as to why they had gone to Delhi. The Revenue Minister said, 'We went to Delhi, because we were asked to go over there by the Congress High Command'. At whose instance did the Congress High Command call this Government? At the instance of some zamindars and some inamdars who went to them and poured forth their grievances and called them for interference. They therefore asked the Madras Government to go over there and discuss the points. There was a time, Madam, when I was resisting any interference on the part of the Congress High Command in our administration under the Provincial Autonomy. Even to-day I hold the same view and the Congress High Command take particular care to see that they do not ordinarily interfere with the Provincial Autonomy, but it is only rarely that they interfere. Now the question is whether this is a subject upon which the Congress High Command could have called upon the Government to go over to Delhi to place the whole matter before them and whether it was in order that this Government should have gone to Delhi and there entered into a discussion before the High Command with the zamindars and inamdars and then come to some understanding or some agreement. I was glad, Madam, when I heard from the lips of the Revenue Minister, that whatever the High Command might say, he was not going to act on it. I hope he will keep that to the end. What did the High Command do, Madam, in this particular case? They gave certain instructions to the Revenue Minister. They pointed out in what respects the Bill which he introduced here should be revised, in what way it should be amended, and the whole subject must have been discussed there."

THE DEPUTY SPEAKER:—"The Bill has been introduced only just now; how could they have given instructions with regard to amendments?"

SRI T. PRAKASAM:—"It is only with regard to the introduction, Madam, that certain instructions have been given to the Revenue Minister. They have given instructions how the Bill that has been published and that has been before this House for a long time, should be altered and amended, and it was also accepted by the Revenue Minister. It is stated publicly that advice was given to this Government to enhance the compensation that was proposed to be given to the zamindars, and it was also

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stated publicly that with regard to inams also certain advice was given. The amendments relating to this Bill were published in the papers and it was stated they would be introduced at the Select Committee stage. Madam, this is a Bill at the introduction stage and we have to discuss the merits and demerits of this Bill; the *pros and cons* of this measure. The Revenue Minister says: 'We will introduce those amendments at the Select Committee stage.' Are we not entitled, Madam, to know beforehand how it is proposed to be amended, in what respects the amendments are going to be carried out, or considered at the Select Committee stage? That is why I have raised this point to show that it was the duty of the Government to have placed all the facts relating to this Bill before the Members of this House to enable them to know what they have got to say at the introduction stage of this Bill itself, to what extent it was proper to introduce amendments, and how they should apply their minds to this subject. It is also known that in addition to the advice given by the High Command orally to the Revenue Minister and also to the Prime Minister, written instructions were also sent in two pages of typed matter and we were also told about the main points referred to in the written instructions, and when the Government were asked to place that letter containing two typed pages in the hands of Members, so as to enable Members of the House to see with what mind the Congress High Command had approached this subject, and what specific instructions have been given, the Government have refused to comply with our request. It is not a small point, it is not a mere technical point. If the Leader, and if the Government do not have confidence in the Members of the House or in the Members of even what is called a party, how can there be a reciprocation in the matter? Is it right that there should be a refusal on the part of the Government to place that letter in the hands of the Members? Why should it be refused when a discussion has been going on in the press, statements and counter-statements and additional statements, press statements and other statements are appearing day after day in the press, when it has become public property, when they say they have framed amendments and that those amendments will be placed before the Select Committee? What is the position of hon. Members of the Party or even hon. Members of this House? It is not my intention at this stage to say that the Congress High Command should not give any advice. Anybody can give advice; any one of the people living in the land is entitled to give advice; and the Congress High Command who were responsible for securing the freedom of this country after their struggle of 28 or 29 years certainly are entitled to give advice. But are we not expected to know what that advice is before this Bill is introduced; or at the time of the introduction, is it not the duty of the Government to say: 'We are framing amendments for this Bill; each amendment contains such and such a thing; you take note of it.' In the opening speech of the Revenue Minister, there is nothing about these amendments. Anybody could be taken into confidence by the Government, but not the Members,

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of this House. Others were told that amendments were being drafted, that this and that would be ready; but why should the Members be excluded from knowing all that? The question was put on the floor of this House after it was refused in another place. When I say I am entitled to know the contents of that letter, I am told: 'No, you are not entitled to know'. Is it a confidential letter? Is there any secret conveyed to this Government by the Congress High Command? I am absolutely certain, Madam, the Congress High Command are a very careful body; they would not say 'we are giving instructions but you keep it secret, do not show this letter to any of the Members'. I do not believe, and it is not the case of the Government also, that it was marked confidential. How can it be confidential when the whole matter has been before the country, when it is known that a circular letter was sent by the Secretary of the Congress in which he stated 'well, these will be the lines on which you will have to carry on this business'. The abolition of the zamindari does not mean mere abolition of the zamindaris; abolition means consideration of so many important matters relating to finance, relating to the administration, and above all, matters relating to the unfortunate lot of the ryots who are concerned in this matter also. That is what is stated in that circular; are we not to know what is stated about the lot of the ryots in the circular; are we not to know exactly what is in writing when they promised to send written instructions later on? And when they sent that letter with written instructions, what right have the Government to say they will not disclose it? I can understand all other matters in which the Government can plead: 'No, we are not free to say anything, it is a confidential matter'. This is a public matter; that is why I have to refer to this question at some length, in order to point out that there is no justification for this position. After issuing the circular and after pointing out that the matter should be considered not merely as abolishing the zamindari but as one relating to other matters concerning it, something else is stated in addition. It is stated that in doing this business, it must be kept in mind how this measure will help the production and distribution of food and other matters. Any measure when it is placed before this House, particularly a measure of this type, should be taking into account—when we abolish the zamindari, when we convert the zamindari land into ryotwari land—questions such as, what is the rent we are fixing, what is the position of the ryot, and to what extent will he be affected. Nothing has been pointed out to us about these matters and that is the most important thing. The Grow More Food Campaign has been before the country for a number of years now and we have been going through a famine of food and famine of cloth year after year and people are dying in several places without any of us knowing it, because the food has not been reaching them in proper time. So this is a measure about which there can be no secrecy. When the document is refused persistently, when we know our own position in this Province, the position of the Government, the position of the members and the position of the people outside, the people will

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be inclined to draw their own inferences with regard to the contents of that document. If a public document intended for the ryots, for the zamindars, for the inamdars, inam ryots and all other people who are concerned when it is not produced, what is the inference which people can draw? I can draw so many inferences; each one connected with this country of ours can draw his own inference. Why should the Government put itself in that position? What did the High Command do to make this Government fear to produce that document? That is the point I wanted to mention as a preliminary point. The High Command will have to come and answer as to why that document has been kept back from the people here. Did they instruct this Government: 'Don't reveal the contents of this document; this is meant only for you, this is meant only with regard to your conduct with regard to a certain measure, this is meant to give some wholesome advice to you to prevent you from doing anything wrong'—what is there in it God alone knows. Why should it be kept back and why should this House after the 15th August when it became a free House, where you have to legislate freely for the benefit of the people, for the benefit of the ryots, the zamindars and all others—why should this House be treated in this manner? It is wrong. I did not want to block this motion, i.e., the introduction of this Bill, by raising this point as a technical or constitutional point, and which every one of the Members here is entitled to raise. How many of us will not be anxious to know what exactly is the direction given by the High Command? Now, I may point out, Madam, that if the Congress High Command advised enhancement of compensation, I am one who will oppose it; I am one who will agree with the Hon. Revenue Minister that it should be resisted and will refuse to accept the advice in that respect. The Congress High Command would take particular care to say 'This is only our advice, we are not compelling you, this is not a mandate, you do what you like.' Just for that reason I say the Congress High Command should keep aloof from the administration of the Provincial Government—who is in office is not the question, especially after the 15th of August. But they have had their own reasons, they knew how we are getting on here in this Madras Province; they had their own troubles and they also knew the troubles of the people here; and they also knew the troubles of the leaders of different parties. They believe it would not be possible for us to do work here for ourselves; we are still infants in the opinion of the Congress High Command, we have not yet attained majority. Just as the British Government were giving us advice and controlling us until this freedom came, the Congress High Command still believes it is necessary for them to interfere and give directions. This is a very important matter, it is not a small matter—this increase of compensation. And what is the time taken for discussion between the Congress High Command and the representatives of this Government when they were there? How long did they discuss things? What were the subjects which they discussed? Within a few hours, for one and a half hours

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it was stated, they discussed—within one and a half hours, what could they understand of the zamindari system as it had been prevailing in South India? What could they understand with regard to any other subject connected with this legislation here? At whose instance did the Congress High Command offer to give advice in this matter? As I stated and as it appeared in the Press, were the Government also anxious to go and seek their advice in this matter? Where are we so far as this Province is concerned and so far as the subject-matter of this piece of legislation is concerned?

“The next point I would like to touch before coming to the Bill proper and the other points in connexion with this Bill, is the abolition of the zamindari system. The Revenue Minister said that the abolition of the zamindari system is one of the biggest points that we have been dreaming of and that it has at last come. I agree with him; we have been dreaming of that. Ten or eleven years ago when the Estates Land Act Enquiry Committee was constituted, as the Revenue Minister said, it was also considered whether it would be possible to abolish the zamindari system altogether. We knew, by the provisions of the Act by which we were governed, that it would not be possible to abolish the system itself, because the sanction of the Secretary of State was required under the Government of India Act.

12.30 p.m. “The Secretary of State was in existence until the 15th of August. The Secretary of State ceased to exist from the 15th of August. Therefore, we could not think of abolishing it in that proposal of ours. As an alternative, we said, let us fix the rate of rent first as the tenant has been groaning under the burden of taxation for such a long period. Let us examine the whole method and let us go into the question of their rights in the whole of India and then think of this legislation. It was only left to this Province to consider this question in all its aspects. Two long years were taken in investigation and examination of witnesses, oral and documentary, in different parts of the country and the Committee submitted a report stating that the rents fixed in 1802 at the time of the Permanent Settlement were unalterable and permanent and that they should not be increased or decreased at the will and pleasure of the Government. All that has been referred to by the Revenue Minister. He has taken the whole thing from our report only. Our report means, the report of the Revenue Minister, myself and every one of us here who worked it out. We produced that report, with the contents of which the Revenue Minister was in perfect agreement at that period. When that full report was about to be published—the Leader has gone away from his seat now (laughter), I would very much wish him to be present here—the Leader was one of the members of the Committee along with two other zamindars—you know, Madam, what those zamindars said—after the report was made ready. (An hon. Member: ‘Dr. Subbarayan was not a member of that Committee.’) I am sorry, Madam, so far as Dr. Subbarayan is concerned, I withdraw my statement. Madam, the two zamindars told us that it is a very

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dangerous document and that it must be kept under lock and seal and that it should not be published. Of course, the Committee did not agree with them. Then, Madam, an attempt was made to see that the report was not presented to the House. The report was the property of the House because the Enquiry Committee was constituted on a resolution tabled by the present Revenue Minister, Mr. Kaia Venkata Rao, who was at that time an M.L.A. (Interruption.) The position may be reversed in a day, or two and Dr. Subramaniam may be a Member of the Government to-morrow. What were the attempts made at that time? An approach was made to the then Governor, Lord Erskine, and he was told about the danger of this report being published or being presented to the House and he was asked to interfere in the matter. The then Speaker—I am sorry the present Speaker is missing from his Chair now—the then Speaker, Mr. Sambamurti, was advised by Lord Erskine to see that this report was not presented to the House. The then Speaker turned round and said, ‘How can I do it; it is the property of the House and how can I say that the report should not be presented to the House’ and so he wanted this report to be presented. Then the Bill was prepared and it should have become law but there were some unforeseen circumstances and obstacles. The zamindars are my good friends; I have no ill-feeling towards them, but I say there was a deputation of the zamindars at Bombay waiting on the High Command representative. That representative said, ‘Friends have come and made representation.’ This time the call came not from Delhi but from Bombay and the representative said that the question might be settled personally. There was a letter written by him to the then Premier, Mr. C. Rajagopalachariar. Mr. Rajagopalachariar showed the letter to me and asked me to reply to it. I told him that the letter addressed to him must be replied by him. He advised our friend of the Congress High Command not to come here at all. I told the Premier that the representative wanted to come here. At that time, the atmosphere was thick with all kinds of rumours and scandals also. When I was on tour at that time, in a place called Tekkali, an address was presented, as is usually done by our countrymen. It was a printed address. It was pleasant to hear the whole address, but after reading it, the person quietly came to my side and whispered in my ear, ‘There is a strong belief and a strong rumour that yourself and your Premier took a bribe of two lakhs of rupees to suppress this Zamindari Bill.’ Of course, I was not very much astonished at it. I told the young man, ‘My dear fellow, you flattered me so much in print but you poured scandal in my ears.’ I told him to write underneath the printed address what he told me. I brought it and passed it on to the Premier. It was in view of such tension in the country, I told the Premier to write to our friend of the High Command not to come here at this time. To-day, the same thing has happened, after we have attained freedom. An advice has been given by the High Command—I feel so strongly, Madam, on this—an advice has been given, it may be taken as a command from the High Command, and it may change the whole thing in this

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House—that advice was not made known to the Members. We have been labouring under very serious difficulties in this Province during the last three years, if not earlier than that.

“As I stated before, Lord Erskine, the then Governor, was then misled into the whole matter and he advised the then Speaker to see that the report was not presented. Afterwards, he went home—perhaps, he was reading the literature on board the ship—after he went home, in Guild Hall, he made a speech and he stated: ‘There is a system called the zamindari system in India which is out of date. The sooner it was abolished, the better.’ So, the abolition came from his own lips. After this report was published, what happened? In Calcutta, there was a proposal to deal with the question of the zamindari system. A Committee called the Floud Commission was appointed and that Floud Commission, soon after they saw these reports and what was stated there, fixed a programme to go round the whole country. The first place fixed by them was Madras. They came here. They made an enquiry in this Secretariat and I was the first witness to be examined with regard to the contents of that report, with regard to the land revenue system that was prevailing here and how we arrived at those conclusions. Conditions in Bengal were quite different. So they wanted to get out of the whole thing and so the abolition proposal from the Floud Commission came at that time. So, this is not a matter that has been taken all on a sudden. The abolition question was taken up even when we were in office. A resolution was moved and it was adopted and then we went out of office. The matter came into the hands of the present Government and it was left to them to move this proposed legislation.

“Madam, I am in entire agreement with the Revenue Minister and with the Government with regard to the steps that should be taken for the abolition of this system. I have been anxious to see that we do the right thing and that we do not do any mistakes in this matter, with regard to the interests of the parties concerned and with regard to the question of compensation which goes along with abolition. The Revenue Minister said that he has been backed up by various organizations with regard to the proposal. There was a Conference in the Gokhale Hall and it was opened by the Revenue Minister. A thousand delegates came from the Andhra country and Mrs. Sithamahalakshamma presided over the meeting. The Revenue Minister opened the Conference and in his opening speech, he said that he was backed up by various organizations. So far as I could understand, it was a Communist Conference that met in the Gokhale Hall; the Chairman of the Reception Committee was a Communist, and the whole programme was Communist. The Communists are very clever people. (Laughter.) I do not quarrel with Communists because they are Communists. They are very clever people; they know how to put the rope round the neck of others and drag them to them and then manage them. A double M.A. Communist met me when I went to Delhi some ten or eleven years ago. I asked him, what is your creed and what is

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your programme. He said: ‘Our programme is to enter any institution, accept their programme, do all our best to subvert and overthrow the whole thing.’”

SRI PILLALAMARRI VENKATESWARLU:—“He must be a Communist not belonging to the Communist Party of India.”

SRI T. PRAKASAM:—“There are people who will talk things but I was trying to verify these matters. I do not charge Mr. Venkateswarlu or Mr. Nambiyar or anybody else.

“Let us take what has happened in the Gokhale Hall meeting. He might have approached the Revenue Minister stating, ‘We are all your friends; we are your subjects; you please come and preside over our Conference’ and the Revenue Minister, I mean the present Revenue Minister, would have readily agreed to. Look at the whole speech delivered by the Revenue Minister, Madam. He was expecting apparently that these Communists who invited him to this conference and who requested him to open that conference, would follow him. He was expecting that he would be able to carry them with him for his support, but they are very clever people; they made him speak and adjourned and continued the session some time in the night in another place, not in Gokhale Hall and Mr. Venkateswarlu presided over that meeting. What resolution did they pass at that meeting? They passed a resolution and voted outright that the zamindars were not entitled to any compensation and that they should not have any compensation at all. They also passed one or two more resolutions. That is why I said, they were very clever, very consistent and that they would do their best to capture anybody and take him into their fold. That is what happened to this Revenue Minister. (Laughter.) That is why I jocularly remarked the other day that he narrowly escaped going into Communism outside, but he disclaimed everything in his speech and dissociated himself from them. I point out now that he is not supported by the Communists with regard to this compensation business. They said, as I stated, the zamindars are not entitled to any compensation at all. (Sri Pillalamarri Venkateswarlu: ‘Then we are supporting you in that.’) You will support and the whole party will support me; I never had any doubt about it and whatever may have been the mistakes committed by some people I have not the least doubt that I am in the right and the right thing would come to pass. So far as the Communist Party is concerned, I have stated that the Revenue Minister is not backed up by the Communist resolution. If you go to the other organizations, what are the other organizations which the Hon. Revenue Minister said have backed him? I have got cuttings here and I have no time to take them and read out but I can say from memory what is contained in them. The Andhra Provincial deputation, the Kisan deputation, some other deputations approached the Revenue Minister, waited on deputation and told him that the 1802 rates were the proper rates and they should not be disturbed and in regard to compensation also, they

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refused to support the view of the Revenue Minister. Then, why has he stated, Madam, that all the organizations have been backing up his proposal here. Therefore, it is not correct to say that such proposals were accepted by any organization.

“ When that is the case, let us see how the Bill is prepared and what are the provisions of this Bill with regard to these matters? Where do we stand so far as this matter is concerned? There was heated controversy in the Press and there were controversies on the platform also as admitted by the Revenue Minister on these two questions about the abolition of the zamindaris and the compensation payable to the zamindars. About abolition of the zamindaris there was no trouble at all. How was this Bill prepared and on what basis it was prepared? On the basis that the zamindar is the owner of the soil, he is entitled to the land and therefore he is entitled to have compensation. It was on that basis that the Bill was drafted, and the Bill stands like that even to-day. That is why I am obliged to give all my amendments now with regard to the various changes that have to be made. I am not raising a technical objection because there are these mistakes here and there, this Bill should be thrown out or it should be revoked or any such thing, but I am anxious that what I am holding for should be embodied in this Bill, if my view is correct. If my view is not correct, of course, it will share the fate of anything else. Sir, this Bill is drafted on the basis that the zamindar was entitled to compensation. The word ‘proprietor’ mentioned in this connexion in various documents and in various Statutes, has been used in the Bill and the words ‘interest in the zamindari’ are also referred to. It has also been pointed out that the forests, mines and all other things that are all in the zamindaris were entitled to compensation. So, it was on this basis that the Bill was prepared. That is why I have to take up this matter in the Press and enter into a controversy with the Revenue Minister from time to time and point out to him that it was not the correct position. After a long time, the Revenue Minister was good enough to accept the position that the zamindar had no interest in the land, that he was not the owner of the soil, but the Bill was not prepared on that basis. That is how he flung it into my face. The scheme of the Bill was that he is only a rent collector and that it was intended to give him compensation only on that basis. I shall be showing to hon. Members of the House taking the provisions of the Bill, how the whole Bill was framed. If you say that he is only a rent collector, then every clause, every section, every paragraph where this wrong idea was conveyed will have to be abandoned. As this controversy was going on, if the Revenue Minister had admitted that the zamindar was only a rent collector, the Bill could have been amended and it could have been presented in a proper form when he came up with its introduction now. He has not done any such thing and the Bill remains as it is and his admitted statement is that the zamindar is not the owner of the soil, he has no interest in the land but is only a collector for rents and it is only on that basis that he is proceeding. I request the Revenue

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Minister at least now before he forms the Select Committee and puts the Bill before them, to put it on the basis that every one he is going to choose as a member of the Select Committee understands what his idea is and that this Bill should be on that basis. What a terrible difference it makes, one can easily understand.

“ This is a statement issued by the Revenue Minister and I have given it in the printed book at page 19, dated 17th September 1947:

‘ Mr. Kala Venkata Rao, Minister for Revenue, has issued a statement in reply to Mr. T. Prakasam’s objections to the Zamindari Abolition Bill. The Minister says:

I have read with interest Mr. Prakasam’s statement criticizing the provisions of the Bill for the abolition of the zamindari system in the Province. His central argument regarding compensation is that the zamindari being only an assignee for the collection of revenue, no compensation need be paid to him at all when that function is taken away from him. He also contends that if any compensation is paid at all, it need be paid purely as a matter of grace and that the basis for it may be one-ninth or one-tenth of the total revenue of the estate at the time of the Permanent Settlement plus the revenue from lands brought under cultivation after 1802.

Extremely divergent views have been expressed on the very difficult question of discovering a basis on which compensation should be paid to zamindars when estates are abolished. These views have ranged from an assertion on the one hand that no compensation should be paid at all, to a claim on behalf of the landholders that they should be paid compensation on long acquisition principles based on the present market value of their estates. The policy of the Congress in this matter is to pay equitable compensation. And discussion in different Provinces in India has centered round the question as to what equitable compensation is.’

“ Hon. Members may note the next paragraph which says:

‘ The scheme of the Bill is to treat the zamindar only as an agent for the collection of revenue and to compensate him for the rights he has acquired in that capacity over a long period. The Bill does not concede any property right in the estate to the proprietor. Mr. Prakasam’s illusory argument is intended for potential value of land, forests, fisheries, etc., has no place in this Bill. He must have misunderstood the scheme of compensation embodied in the Bill and has raised a ghost for nothing.’

“ Now we have to consider whether I have raised a ghost for nothing. We have also to consider whether the zamindar is such a rent collector and whether the Bill is based on that. These are important things. The hon. Members of the House should try to understand exactly whether the decision of the Revenue Minister is right or whether my position is correct. The second point is still more significant. For eight years, the Revenue Minister has not chosen to explain why compensation was not

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the basis of either one-ninth or one-tenth of the total revenue in addition to the revenue from lands brought under cultivation after 1802. As far as I can discover there is no logical basis for one-ninth or one-tenth. As for revenue derived from extensions of cultivation it would be impossible in the case of most estates to discover the limits of the estate at the time of the Permanent Settlement and the area which has since been brought under cultivation. It is obvious that in the case of many estates these extensions will be considerable in area and to decide to award compensation on the basis of total revenue derived therefrom will put up the total compensation considerably.' Therefore, on this matter of the basis of compensation he challenges me to explain why compensation should be paid on the basis of one-ninth or one-tenth of the total revenue in addition to the revenue from lands brought under cultivation after 1802. This is what he says:

'As far as I can discover there is no logical basis for the one-ninth or one-tenth . . .'

This is a statement upon which he could have no doubt whatever because in his own previous speeches he recommended this one-ninth and one-tenth as the basis of the whole matter. He knew everything. In the heat of controversy and press correspondence he thought he could fling the whole thing at me saying he could not understand why I conceived this idea. I did not invent this. Did he not know at the time of the Permanent Settlement the basis upon which peishkash was fixed, the basis upon which after deducting peshkash the balance was distributed? It was divided into three parts: one-third for collection expenses, one-third for irrigation charges, and one-third for his commission allowance for the work he undertakes on behalf of the Government. That was the basis upon which the whole system started. I shall refer presently to the previous speeches made by him recognizing this. Having known this he was not able to understand why I chose to say that one-ninth or one-tenth should be the basis for compensation. Regarding the basis of compensation, the next paragraph says:

'Mr. Prakasam urges that the unalterable rates of rent fixed in 1802 will serve as a better basis for awarding compensation. In the first place that it is a moot point whether the rents fixed in 1802 are unalterable. While the argument may have validity in respect of money rents, it certainly does not apply to grain rents. And grain rents prevailed in most estates at the time of the Permanent Settlement. To put rents back to the 1802 level would be to ignore completely the course of events that in the last 145 years including changes in the value of land and in agricultural economy generally. As for the statement that some unascertained rate of rent of the neighbourhood any such thient lands is proposed to be fixed as rent payable to the public it is to leave it to the public to judge whether the existing no interest in the assessment are likely to prove more satisfactory only on that basis that

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than the hypothetical rates of rent which prevailed in 1802 and which in most cases it will be impossible to ascertain at this distance of time.'

This is a statement which I have decided to print just to enable the hon. Members to know how the whole thing was wrongly conceived. The scheme of my Bill was that the zamindar was a rent collector. He forgot altogether about the contents of the Bill. He forgot everything that had been stated with regard to this. I do not charge the Revenue Minister with anything but memories are short. He forgot the whole scheme in the heat of the controversy on a matter like this. Is it right for him to say that this basis of one-ninth or one-tenth is not known to him? Again, he says:

'Mr. Prakasam criticizes the provisions in the Bill regarding payment of compensation in respect of forests, mines, fisheries, etc. The scheme of the Bill is to take over all estate lock, stock and barrel without assigning compensation separately for various items like forests, fisheries, etc.'

Apparently the Revenue Minister was not applying his mind to the provisions of the Bill which he has introduced himself. He has no idea that compensation was to be calculated under this Bill on the basis that forests, mines, fisheries, etc., belong to the zamindar and any money paid for these things belongs to the zamindar. That is the trouble and this is a very serious matter, Madam. It is not a small matter over which anybody can speak lightly. I will refer to the provisions presently in detail to explain how these things were included in clause (b) of section 3 of this Bill and how compensation was proposed to be calculated on the basis that these belonged to the zamindar and the money paid for them should go to the zamindar. He has forgotten that it was done differently. The scheme of the Bill is to take over an estate lock, stock and barrel without assigning compensation separately for various items like fisheries, forests, etc. The position is that the gross annual income from these resources for the first year after Government take over the administration will be added on to the assessment from cultivable lands and that one-third of the total will be taken as basic annual sum for purposes of compensation. 'The proposals in Mr. Prakasam's Bill were to vest forests, fisheries, etc., in village communities. They are valuable national assets and the proposal to let village communities to exploit huge forests and big mines would have been unworkable in practice besides being injurious to the welfare of the community as a whole. The present Bill seeks to put them in the same position as forests, mines, etc. such as the rest of the Province and I am certain the public will be satisfied with this arrangement with much more satisfaction.' I did not say this to mislead the public as the Minister says. He says that it is to mislead the public over this matter is really a part. Mr. Prakasam says whatever zamindars ryotwari. For eight memorandum submitted by them in regard to the method of calculation of compensation are

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present Bill. That was my charge and that is my statement now. I request the hon. Members to go through that memorandum presented by the zamindars and see whether I am right or the Revenue Minister is right. The Revenue Minister is trying to maintain it now as incorrect. After quoting my statement he says: *'This is simply not true. Reduced to bare essentials the Bill seeks to pay compensation to the zamindars on the basis of one-fifth of the annual income under a ryotwari settlement. The zamindars to my knowledge have never even suggested that such basis should be adopted. On the other hand the zamindars have always claimed compensation on the basis of their present net income. Mr. Prakasam cannot deny the knowledge of the fact that one-third ryotwari basis was partly worked up by his predecessor-in-office, Mr. Karanth.'*

1-15 P.M. "That is how the matter was presented by the Revenue Minister and he has been proclaiming ever since he took up this department that he would be evolving a law with regard to tenures in this Province in a scientific manner. Sir Muthiah Chettiar, who is also a very clever gentleman, had been pressing upon me when I was in office the same view point and even eleven years ago he asked: 'Why the zamindari system alone is taken up; what you have done with regard to the ryotwari system?' In response to his question, I framed a Bill to regulate the rates of rent under the ryotwari system; but the Hon. Revenue Minister says that that Bill is not to be found. I always believed, whatever I may not have believed in the world, one thing and that is the way in which the records of the Secretariat are kept is such that the records are intact and the most ancient documents are preserved. Mr. Holdsworth, the then Revenue Secretary, when he saw the whole thing reduced into so many volumes, the most ancient documents put in that form, said: 'You have done a great service by preserving all these documents, documents which were ready to be moth-eaten and disappear.' So, ordinarily, no document will go so far as the Secretariat is concerned but I am now told by the Revenue Minister that the Bill is not forthcoming. But I remember the contents of the Bill and we proposed to reduce the assessment in the ryotwari lands also as we proposed to reduce the rent in the zamin areas. When the zamindars of the Andhra area either on account of ignorance or for want of proper guidance had been going on enhancing the rents, the Government had not been idle; the Government, as a sensible body, knows how to accomplish its object. I say without the least offence that the Revenue Minister has fallen in love with that ryotwari system and rate of assessment prevailing under that system. I pointed out that the enhancement made as a result of the settlement must be cancelled in the same manner in which when the rent made by the zamindar was proposed to be cancelled. any such thing are before us and there is no use of confusing the statement is that and the unfortunate fellows who will become the no interest in the procedure should be carried out now and the ryot- only on that basis the proper rate immediately after the zamin- What would happen immediately the

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zamindaris are abolished? The man who was prescribed to pay the rent fixed unalterably and permanently in 1802 must pay that rate only and that is the rate to which any reasonable person would go. I would ask the Hon. Revenue Minister 'Is it speculation?' The 1802 fixing of rent was not a mere process of fixing rent; it was creating a system of tenure and fixing rent thereupon. Mr. C. Rajagopalachariar, the then Premier of the Province, who is now the Governor of West Bengal and who acted as the Governor-General of India and who visited this Province recently, made very brilliant speeches in both the Houses pointing out how the rent fixed in 1802 was permanently fixed and unalterably fixed and that it should not be enhanced. So far as the money rents were concerned, that was proposed and as regards the varam rents, that could be converted on the money value of those years and both the things were proposed to be fixed up. I do not know how now the Revenue Minister has managed to evolve so many arguments and so many reasons to have recourse to this procedure prescribed by this Bill. It is in evidence and it is admitted by him that in the south of Madras there are zamindars who have not enhanced the rents fixed in 1802 and that obtains until now. In this case how can you go to the ryotwari rate? No doubt it is stated somewhere that if the rent is lower than the ryotwari rate, that should not be enhanced. Therefore, the 1802 rate is prevailing there and it is being paid and only the northern district zamindars made the mistake of enhancing year after year and time and again as they pleased. When he proposes to reduce that rate which will relieve the burden of the tenants there, he must have stated why there should be any difference between the northern districts and the southern districts. Whatever is prevailing in the southern districts from then until now as permanent and unalterably fixed, that should also prevail here in the Andhra districts. He is also a zamindari tenant who is coming from the Circars and why on earth should he think of having the ryotwari system rate here. He said he would give a scientific method. Simple common sense and nothing more than the application of the rule of three are all that is required. So far as the varam rates and the money rates are concerned, common rule is prescribed how to fix the valuation of the varam that was paid by the tenant to the zamindar. Both for varam and for cash payment, only one rule was fixed in the Regulation of 1802 and in the Patta Regulation and it applied up till now. He says that this is all the labour that we put in the Committee. But let it not be forgotten that for the first time what has not been stated anywhere else we stated in that report and that was that the ryot was the owner of the soil and that the zamindar was not the owner of the soil though he has been treated as such by the biggest of men so far. Even section 4 of the Estates Law Act which was piloted by the biggest of the lawyers of the day, was put in such a clever manner. When that was put in, if what is the difficulty to adopt that as the proper law, can be of the arguments advanced by him is that the ryot wanted. For eight the one everybody wanted. I wish to know what

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ryot who has been paying the 1802 rate would accept your proposal to have it enhanced to the ryotwari level? Every body demanded; every one demanded because of the oppressive nature of the levy that was made by Government after Government and year after year; all these 150 years, they were simply reduced to powder. They said: 'If you cannot give us more at least save us by reducing the rate to the ryotwari level.' Is a responsible Government to quote that as against the records and as against solid facts for which nobody can give any answer. In particular circumstances they said that they would be satisfied with the ryotwari rate. In the Bill that I framed, I pointed out that the rates as they prevailed in 1810 was the one which the ryotwari ryot should pay and all other enhancement must be cancelled. The Government was not entitled to enhance assessment. Every time a re-settlement was made, it resulted in an enhancement of the assessment. Real resettlement should mean that the officer should ascertain the ability of the ryot to pay with reference to the yield from the land; if he is not able to pay, it must be reduced. Can you show one instance where there was a reduction of assessment on account of resettlement? Each time in the name of resettlement, there was an enhancement. That it was a perfect method must not be his presumption in favour of adopting the ryotwari rate. He himself pointed out that the ryotwari rate was causing trouble to the poor ryots. He himself pointed out in one of his speeches taking thirty acres as the least, about 48 lakhs of tenants and even more than that number require immediate relief—never mind about the bigger ones as there are bigger ryots who are as good as zamindars and possess thousands of acres. He pleaded for these unfortunate people eleven years ago; he made a speech that early legislation must be introduced and early legislation was introduced by me in response to his demand and the demand of Sir Muthiah Chettiyar. You do not know what troubles there were even for a Minister to introduce a Bill of the kind and carry it through in spite of the thumping majority behind us and sitting about our shoulders. That Bill has gone away and it is not to be found at all. Never mind. What happened subsequently even about that time with regard to the ryotwari rates?"

THE DEPUTY SPEAKER:—"The hon. Member may continue his speech after lunch."

The House rose for lunch.

(After lunch—2-30 p.m.)

MR. SPEAKER:—"The hon. Member, Mr. Prakasam, may continue his speech."

when K. T. KOSALRAM:—"There is no quorum." any such all was rung and several members entered the House. statement in

MAKER:—"We are now 36 and the hon. Member, only on that has may continue his speech."

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SRI T. PRAKASAM:—"Sir, I was speaking in the morning about the ryotwari rates. I was saying how the report of the Estates Land Act Inquiry Committee was brushed aside by this Government as not worthy of consideration for adoption as the basis for compensation. I was also saying how the report of the Marjoribanks Committee, known as the Land Revenue Inquiry Committee, was brushed aside. The reason for that is not clear. Government cannot justify its position by taking a third course of action by stating that the current ryotwari rates should be adopted as the proper basis. Well, Sir, there are certain canons for legislative purposes also. Though I am not acquainted so much as you are with the text-books for regulating our conduct, I know there are certain rules and laws, even unwritten rules and laws, that when once you appoint a committee to inquire into certain matters, they should be taken into account and not brushed aside and take a new path, for which there is no basis and which cannot be defended on any ground. Sir, with regard to the zamindari system, the committee appointed by the Legislature produced a report, a Bill was drafted and it was about to be introduced, but it could not be proceeded with as the Ministry resigned under orders of the Congress in 1939. This Government cannot by law or by precedent produce another Bill like the one before us saying that it is a comprehensive one and that this is the only course we can adopt. Now, I say, no Government can be justified in adopting such a course in any country, even under the most despotic countries. If there had been no such committees it would have been a different matter. The Hon. Revenue Minister said, a rough and ready method would be adopted by him to give immediate relief to the zamindari tenants when zamindaris are abolished. That is, he said, he would make them all ryotwari tenants. Now, Sir, the Marjoribanks Committee not only made a report, they gave a remission of 75 lakhs of rupees by way of land revenue, and it was given effect to one or two years. When such is the case, how can this Government brush aside its recommendations and say that they will adopt the current ryotwari rate? One's heart fails to think of the position adopted. No reasonable Government would adopt that course; no reasonable officer will take up that course. Now what is the reason given for this course? Absolutely none. I have, for the sake of hon. Members understanding what is contained in that report, printed it in the form of a pamphlet, and if not now, at least later, you may find leisure to go through it. In that report is described the nature of the ryotwari tenure. Mr. Marjoribanks was a very able man. The members of the Committee were as follows:—K. Ramunni Menon, B. Ramachandra Reddi, C. E. Jones, J. F. Hall, Mahabala Hegde, P. Subbiah Mudaliyar, N. E. Marjoribanks. In that report you will find the nature of the ryotwari tenure, the difficulties experienced by the ryotwari ryots, the resettlement enhancement rates and other things in paragraphs 2 and 3. What they say is: 'We propose that the Government Order so and so, dated 1937, can be May 1937, to consider in the light of Government Order No. 1000 of 1937. For eight

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and make proposals regarding the method to be adopted in regulating ryotwari revenue assessment in pursuance of the new policy of the Government in ryotwari tracts of the Madras Presidency, have the honour to submit the following report. 'The Committee holds no brief for the Madras land revenue system. Several of the members have challenged, and still do challenge, the settlement calculations of the past. A brief statement of what this system is and how it was developed will however be useful to report. The system of periodic revisions of the land revenue assessment in ryotwari areas hitherto in force dates from about the middle of the nineteenth century. Up to that time, the history of land revenue was an incessant clamour for heavy reductions of the standard assessment and for remissions, while every sort of evasion and artifice was resorted to, both by ryots and by officials in order to lighten the assessment. This was necessitated by the every high "standard" assessments based on those found in existence at the assumption of the country by the East India Company and by the continuous fall in prices up to 1855. The Madras Government, therefore, decided about this time on a complete revision of the land assessment and to have the new settlement on a cadastral survey and a classification of lands according to their productive capacity estimated with reference to the staple crops in each locality. The crops selected were usually paddy second sort for "wet" land and cholam and ragi for "dry" lands.

'The normal gross produce, i.e., the gross produce struck on a comparison of good and bad years is valued at commutation rate which are usually considerably below the average of the previous twenty years, from which, moreover, all years of scarcity and high prices are excluded: from this sum from 10 to 27 per cent is deducted for merchants' profits and distance from markets; another deduction is then made of from 6½ to 25 per cent for vicissitudes of seasons and unprofitable patches of soil, the allowances on dry lands being never less than 15 per cent and now usually 20 to 25 per cent; from this are deducted the estimated expenses of cultivation, and the remainder is taken as the average net produce; of this a normal half, usually rounded to a convenient lower figure, is taken as the Government assessment. But this again is subject to considerable reduction under the system of village or irrigation source grouping in which the circumstances, position, etc., of villages or the nature of the sources are taken into consideration, and finally, the result is compared with existing rates and lowered if relatively too high. (Paragraph 35 of the Report of the Board of Revenue contained in the 'Land Revenue Policy of the Indian Government.')

'Lands were classed as wet if they were irrigated from sources producing a regular supply of water sufficient for one or two crops. where the supply was normally sufficient for two crops the land was any sūed as double-crop wet and charged at 1½ times the single-statement'sment determined as above. If the supply was not no interest icient for two wet crops, the land was assessed as only on that ba and if a second wet crop was successfully grown

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on such lands it was charged at half the assessment. Second-crop charges could be compounded for at a lower rate, one-third, one-fourth, etc., of the assessment, but such compounded charge was leviable in all years, whether a second wet crop was raised or no. Irrigated crops grown on lands classed as dry was charged an acreage rate for water.

'3. On these general lines the assessments in the various districts of the Presidency were revised from 1862 to 1898. The districts of Malabar and South Kanara were the last districts to be dealt with by the Settlement department and present certain special features. There are practically no artificial sources of irrigation in these districts. The rainfall is normally abundant and unfailing. The lands were classed according to estimated productivity; lands growing paddy in Malabar as two crop or single crop and in South Kanara in three classes and lands growing coconuts and fruit trees were assessed in several classes on a count of the trees in bearing. The dry lands in Malabar were generally speaking all included in private holdings but charged assessment only if and when cultivated' and so forth.

"In the subsequent paragraphs they dealt with the tarams and the classifications and some of these things, with regard to these dry ryotwari rates and the ryotwari lands. The report further says in paragraph 7:

'The Committee invited suggestions from those who have studied the Madras Land Revenue System and from associations representatives of ryots' interests. It has received a large number of communications chiefly from ryots' associations and in some cases from individuals. The most general demand is for a reduction of present assessments from 33½ per cent to 50 per cent. Of more detailed requests many deal with local grievances or wants sometimes unconnected with the subject of the Committee's enquiry. These will be noticed in a later paragraph. In one or two cases a radical change in the system of assessment is put forward. It is suggested for example that assessments should be based—

- (1) on a revaluation of the capital value of the land, or
- (2) on a revaluation as suggested in the Taxation Enquiry Committee's Report at not exceeding one-fourth the economic rental value. Or again it is suggested . . .

"I shall read from paragraph 8, Sir:

'The Committee therefore consider that, with certain modifications and alterations, the existing scales of assessment, based as they are on calculations, of rental value made in every district over 30 years ago and in most cases revised at least once subsequently may well serve as a starting point for future changes. Some districts were however settled years ago on commutation rates which are lower than existing prices. Others have been reassessed, if comparatively recently on commutation rates which are approximate to present prices.'

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“ Paragraph 9 reads:

‘ Appendix II shows the year in which each district was settled, the commutation rates of staple grains adopted, the year of resettlement and the re-calculated commutation rates (resettlement), the increases imposed at these resettlements and the present prices of the staple food grains. A study of Appendix I and the figures in Appendix II has led the Committee to the conclusion that if the percentage increases after 1914 on account of rise in prices be eliminated, the resultant assessments with certain modifications specified in paragraph 13 may fairly be taken to be equal in incidence in all districts.

10. Wherever land is assessed as wet the charge for water is consolidated with the charge on the land and therefore wherever under the above proposals the percentage increase in assessments is cancelled the charge for water is to that extent also reduced. Where the charge for water is separately made, the land being assessed as dry, the charges are either general at the rates set out in B.S.O. No. 4 or special to particular irrigation projects. The general charges have not been changed in recent years on account of the rise in the prices of agricultural produce except in the districts of Godavaris, etc., etc.’

“ In this way after very careful consideration and investigation it came to the conclusion that the assessment should be reduced by 75 lakhs. This recommendation was accepted by the Government and it was given effect to and remissions were given like that. The Hon. Revenue Minister knows this. Perhaps in the second year of the application of the recommendation of this report by this very Government he pointed out in a speech of his made in this Assembly that out of 75 lakhs only 70 lakhs had been distributed and that there were still 5 lakhs and that these 5 lakhs might be distributed for relieving certain distresses in East Godavari and some other districts. Knowing all these things, knowing that the report of the Marjoribanks Committee’s report is there and having applied it in general and having asked for applications from his district to meet certain difficulties arising out of excess taxation in regard to water, how did he reconcile himself to throw away that recommendation which was acted upon and then find out this new one that has come out of his own imagination and dream, i.e., the existing ryotwari rate as it prevails would be taken as the rate now. He himself stated that this is not a Bill which will abolish zamindaris straightaway and that it was a complicated one. According to him it will take four years to take over these zamindaris. During this period why should they be subjected to the payment of the ryotwari rates of taxes? The Revenue Minister wants to enforce the thing in the same manner in which the Adviser’s Government would have done.

any “ Sir, I would not have been reading all these things to you state—are not for my desire to impress upon the Government that no interest attempted is a grievous wrong to those ryots of the only on that had been groaning under heavy taxation of the

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zamindars. He himself stated how these tenants were suffering under the rack-renting system of the zamindars. He wanted all the extra collections over and above the 1802 rates to be cancelled. The lancet should be applied first to remove all these things. The Revenue Minister would have done well if he had applied the lancet to the Circars first and brought them to the level of the southern zamindars. Why should the Hon. Minister have so much hatred towards the permanent settlement rates which were fixed by the Committee? His point was that there was no question then of abolition of zamindaris but only a question of reduction of rent. Now that there is the question of abolition, we should go to ryotwari rates. Is there any reason or justification in that position? I should not have troubled this House about this, but I am sure, Sir, any Judge or Jury would be perfectly satisfied when I say that this is a tyrannical attempt to book these unfortunate fellows for at least four years.” (Interruption by Hon. Sri Kala Venkata Rao.)

MR. SPEAKER:—“ The hon. Member Mr. Prakasam is not yielding.”

SRI T. PRAKASAM:—“ I was glad that he called himself my sishya. We will continue that relationship for some more time to show what sort of disciple he is.” (Laughter.)

THE HON. SRI KALA VENKATA RAO:—“ And what sort of Guru he is.”

SRI T. PRAKASAM:—“ If I myself had done anything wrong and had omitted to include the remission of Rs. 75 lakhs in the budget in one year when I was holding office, why should the people be punished for my mistake? Is it the people who should be dealt with? Look at the reason that he has given to you and to hon. Members! He does not dispute the fact that a remission should have been given, that it had been decided upon. If a foolish Minister, a Revenue Minister made a mistake or a Prime Minister made a mistake—I do not think the mistake was made by me when I was Revenue Minister 11 years ago; the hon. Member must be referring to the mistake when I presented the budget after 11 years—that should have been corrected by him when he became a Revenue Minister. He should not quote it as a precedent and say: ‘ Because you omitted to do this, I do this.’ That is punishing with a vengeance millions of ryots. This does not stop with four years. What happens afterwards? You will have to settle the ryotwari rates by a separate Bill. The appointment of a settlement officer, a commission of enquiry, and so forth are only a temporary arrangement. He is thinking of bringing a scientific Bill or law along with all other things and have one law or code for land revenue which will stand to the honour and credit of the Revenue Minister. When will it be coming, if this thing takes four years? (Interruption.) Yes, if we can sit together, in two weeks the whole legislation can be placed before the House. I do not dispute that position. For eight

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months he has spent in office he has been promising a scientifically based system of taxation. In reply to the Kumararaja Sir Muthiah Chettiyar the Revenue Minister said: 'I am not a man who will go piecemeal. I will bring in all these things together so that whole thing can be settled.' His speech is there. I expected him to take all these things, prepare separate Bills or put them in the same Bill. I have been more anxious than anybody else that some such thing should come out of the labours of the 11 or 13 years in the direction of giving relief to the suffering tenants. I have been labouring hard for this. I have been trying to put in amendments in this Bill. I am submitting to this House a revised Bill, a Bill showing how this Bill will look after the incorporation of my amendments. If this is accepted, I shall be perfectly satisfied. I have framed these amendments so that another legislative sitting and all these things may not be necessary. Anything can be done if there is heart. If there is no heart, even God cannot compel a man to do anything.

"It has been my object to show how unreasonable the Revenue Minister has been in not accepting the reasons and the facts as they stand. If I have said anything untrue or unreasonable I will withdraw the whole thing in one minute and sit quiet. I feel that injustice is being done. In the name of independence after the 15th August that a Bill of this complicated nature should be presented to the House, no one could understand. You can easily say: 'The zamindaris are abolished. Rent should be fixed at this rate.' But you reject the Estates Land Act Committee report, the Marjoribanks Committee report, reject everything done by the Government and say: 'See what I have done. What I say must be the law. I am the uncrowned king. King Canute must rule.'

"Sir, I am not taking pleasure in criticising him, but these are the facts for which no one can reply. How can the Hon. Minister say that this is a scientifically prepared Bill? Where is science or logic in it? I have read several passages from his speech. He has himself admitted many things. He does not dispute them now. He sits quiet. He is a very good man. But in action he does not understand whether he is scissoring me here or the millions of people outside. I am not talking of the question of compensation. I am talking of the question of rate of rent. He rejects the Marjoribanks Committee report with regard to the ryotwari lands, rejects the Estates Land Act Committee report with regard to the zamindari lands and out of his own imagination he says that people are anxious to have ryotwari rates. What will the people do? People who have been suffering for a long time will be thankful for whatever little they are given. He says he has prepared this on a scientific basis. I should like the hon. Gentleman to explain where he has got this scientific structure in this Bill."

THE HON. SRI KALA VENKATA RAO:—"Did I say that the rates in this Bill have got a scientific structure? I only

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referred to the progressive rates which I would like to introduce into the system of ryotwari settlement when we codify the land laws. I can tell the hon. Member that the matter is already being examined and I do hope by the Budget time we can have the proposals ready. If that Bill becomes law earlier than the work of settling the estates, i.e., before four years—then these lands also can be brought under that law."

SRI T. PRAKASAM:—"I must offer my thanks to the Hon. Revenue Minister for saying that he did not mean that. I will take that passage and show later on. I have been charging him only with lack of memory. (Laughter.) Having stated clearly, having expounded the whole law with regard to the one-ninth or one-tenth as the basis for any action in the zamindari areas, he forgot conveniently and challenged saying: 'How did he get it and where is the cause for accepting this one-ninth or one-tenth?' Like that he went on." 3-15 p.m.

THE HON. SRI KALA VENKATA RAO:—"In the paragraph which the hon. Member is quoting, I was speaking about compensation."

SRI T. PRAKASAM:—"This is not the way in which he should try to distinguish. He distinguished, in the case of Mr. Vaidyanatha Ayyar, by quoting the cow and the calf. (Laughter.) Mr. Vaidyanatha Ayyar replied by saying that not only the firewood but also the carrier of the firewood was included in the bargain. What I have read, he has not read; what I have seen, he has not seen. But he has been imagining that he knows more than anybody else."

THE HON. SRI KALA VENKATA RAO:—"I have never made any such claim."

SRI T. PRAKASAM:—"If he has not made that claim, how could the Hon. Minister fix the ryotwari rate as it prevails to-day?"

THE HON. SRI KALA VENKATA RAO:—"I will explain when the time comes."

SRI T. PRAKASAM:—"Then there need be no interruption with regard to that. I shall be glad if he accepts the correct position even to-day and makes the necessary correction."

THE HON. SRI KALA VENKATA RAO:—"I am prepared to do it provided I am convinced and the House also is convinced."

SRI T. PRAKASAM:—"I am trying to convince the Hon. Minister and the hon. Members of the House. I know his sheet anchor and how he has been trading on our ignorance in this House. (Laughter.) I have not lost faith or confidence in the hon. Members with whom I have been associated and with whom I am dealing. Even though we may commit errors, I have been

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always certain that, when the real position is presented and when the hon. Members understand it, they will try to correct unlike the Revenue Minister. (Laughter.) I never had any doubt about that. Otherwise, I would not have been endeavouring to convince them. Having worked so long with the hon. Members here, it is my duty to tell them all that I can tell and to take from them all that I can take. I will learn even from the youngest of these Friends. There is no difficulty about that. The Hon. Revenue Minister does not believe much in the capacity of the hon. Members of this House or even his own Party in their competence to grapple with difficult questions relating to land laws and their preparedness to go forward along with him in the revolutionary land revenue reforms which he is advocating. I will read a little passage from one of his public speeches. He has not only been a legislator and an administrator, but he has also been a propagandist, a propagandist of one of the best kinds. Some of us have ceased to be propagandists. He has taken our place even as a propagandist. All hon. Members may carefully hear the words of the Revenue Minister with reference to the capacity of the hon. Members of this House to appreciate the difficult problems of land reform. These are the words which I have taken from his speech in a place in Madras. The report of the speech is very long and I am reading only the relevant words.

'He would not be revealing to them—("He" means the Revenue Minister)—a secret if he said that with the present legislature composed as it was by the members, it would be too much to expect any revolutionary reform to be acceptable to it, which aimed at the transforming of the proprietorship of the soil from the middle class to the tenant who already cultivated the soil.'

THE HON. SRI KALA VENKATA RAO:—"What is wrong there?"

SRI T. PRAKASAM:—"Nothing wrong. Did I say that there was anything wrong? The Hon. Minister has described the incapacity of the Members of the Legislature."

THE HON. SRI KALA VENKATA RAO:—"I only said that this was a middle-class legislature and that the representatives of the middle class would not agree to the transfer of the proprietorship from the pattadar down to the under-tenant. The quotation is about that."

SRI T. PRAKASAM:—"Are these hon. Members incapable of understanding and giving effect to the transfer of ownership from the proprietor to the actual tenant on the soil? I do not say that with regard to them. In whatever direction we might have been carried away by winds and storms on certain occasions, every one of us possesses full commonsense and ability. We need not be lawyers to understand these things. As Mr. Vaidyanatha Ayyar was saying, what is going to happen after some little time

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when the next elections come and the Legislature meets, God alone knows. I am not afraid of that. I was prepared for the Revenue Minister joining the Communists and both of them fighting the people. I am not afraid of anybody joining hands with anybody else in unholy and unrighteous causes. If the cause is just, it will flourish even though the affected person may be made to roll on the road a number of times on account of freaks and vicissitudes. That is the legislation which he contemplates and which some of us have been contemplating for a long time. But nothing could be done in former days. Legislation was contemplated by the so-called Justice Party people, and remarkable attempts were made by them. That is a thing which has yet to be accomplished. Take for instance the conversion of the zamindari landholder into a ryotwari landholder of which the Government are so much enamoured to-day. We were thinking at one time or rather others thought and we read and learnt from them and in that way we are attempting to make some progress that the tax upon small holdings of one or two acres would not fetch anything and that there should be no tax on such holdings. (Mahboob Ali Baig Sahib Bahadur: 'Hear, hear.') People should be free to cultivate and they should get something from the land they cultivate. Even after the eight months that the present Revenue Minister has been in office, the Government have not thought of revising the ryotwari rates. It was in the hands of the Government and nobody in this House or outside would have objected to such revision. As I said, he appealed to me for passing legislation as early as eleven years ago. Now we are in the twelfth year. It is eight months since my Friend came into office, and now he promises to bring some measure for the reduction of ryotwari rate also. It could have been done before this. Even now, as we are sitting on this Bill, I am not for postponement. We can sit for that also day after day. As the Hon. Minister said that he was adopting some rough and ready method for giving immediate relief to the zamindari ryots, some such rough and ready method could have been adopted for that Bill also and given effect to till things are finally settled in due course, without waiting for so many months for the Select Committee to go into the question and for my amendments. Whether my amendments are accepted by the House or not, I am not going to leave the matter there. It is the millions of people for whose interests we have been fighting. We have to fight not merely by word of mouth; we have to do everything when the time comes. Therefore, I will ask him, if that Bill has already made any progress, make it ready, bring it here, put it as one of the sections or sub-sections in this Bill. The whole thing can be finished. I have tried to give amendments only in that way so that this Act would be self-sufficient both with regard to the zamindari lands converted into ryotwari lands and the ryotwari land which existed as such previously, and the rents revised at least on the basis of the Marjoribanks Committee Report, if not on the basis of the Bill

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that I drafted taking the rates as they prevailed in 1810. At least the rates fixed in 1810, after the settlements and resettlements done by the British Government, remain as the basis. Let the Hon. Minister give at least that much relief. He can bring that also into this Bill.

“Now, Sir, I said some time ago that the whole structure of this Bill was modelled on the recommendations made by the zamindars in a memorandum presented by them to this Government.”

THE RAJAH OF VENKATAGIRI:—“Sir, may I ask my hon. Friend Mr. Prakasam what the memorandum is that he is referring to, because several memoranda were submitted to the Government?”

3-30
p.m. SRI T. PRAKASAM:—“I was just looking for the paper to give that information. Sir, one petition was presented to the Government about April 1947 which appeared in the papers under the headline ‘Proposed Estates Land Reform, Zamindars’ Representation to the Madras Government’. A second memorandum was presented by the zamindars to the Government about the 19th August 1947. They were also good enough to send a copy of the memorandum to me, Sir, and I am giving the date from the postal seal on it. The signatories to the second memorandum were the Rajah of Bobbili, the Maharajah of Pithapuram, the Zamindar of Munagala and the Zamindar of Telaprole. In the first memorandum the name of the Rajah Sahib of Venkatagiri was also there.”

THE RAJAH OF VENKATAGIRI:—“Perhaps that is a different memorandum that he is referring to, Sir, and I don’t think that my hon. Friend, Mr. Prakasam, can charge the Hon. Revenue Minister with having accepted any substantial portion of the requests contained in the memorandum submitted to the Government on behalf of the Landholders’ Association.”

SRI T. PRAKASAM:—“We must have committed many crimes, Sir. The Rajah Sahib says that he gave Memorandum No. 1 to me and one to the present Revenue Minister or to some others, and that their requests have not been accepted substantially. Well, Sir, let me see what were the demands made in the second memorandum which the Zamindar Sahibs have submitted to the Government. My hon. Friend has stated that he did not see anything scientific in the structure of the Bill that is now before us. But I should like presently to refer to the Bill in detail and show how far the requests contained in the memorandum have been met by this Bill. For the present, let me say this that this second memorandum given by the Rajahs of Bobbili, Pithapuram and others is a very learned document, a document prepared not by themselves, but by the best of the legal advisers they could get. It started with a statement made by Lord Justice Moulton in a particular case in England recorded in 1909, 1, King’s Bench

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Division, 16. Lord Justice Moulton was a very able Judge. I knew him as a Judge of the Court of Appeal in England. In this memorandum in the first paragraph it is stated thus:—

‘1. The acquisition of zamindaris by the Government on payment of compensation being now a settled fact, there are a few points in connection with the question of compensation to be paid to the zamindars which it is proposed to emphasise here under three heads—firstly, as to the determination of the amount of compensation; secondly, as to the authority which is to make such determination; and thirdly, as to the mode of payment of the compensation as and when determined.’

“Now take the provisions of the Bill, and if we have got the patience, let us compare them, paragraph by paragraph with the proposals made by these gentlemen in this memorandum of theirs. In paragraph 2, the memorandum says:

‘2. It may be mentioned at the outset that the necessity for a correct appreciation of the principles of law and considerations of equity and justice relevant to each one of these three heads cannot be over-emphasised. To-day it is a question of liquidation of the zamindari system of land tenure and the ascertainment of the measure of equitable compensation awardable therefor. To-morrow it will be a question of nationalization of industries and of State interference with huge mercantile interests and business concerns. Unless to-day’s questions are properly solved, the solution of to-morrow’s questions with reference to other interests whose turn too may come ere long will stand prejudiced. It is essential, the more, therefore that the perturbation of the public mind over the burning question of to-day should be completely allayed so as to produce the impression in the public that principles of abiding fairness and justice will not be lost sight of by the State in connection with its treatment of similar questions of the future.’

“Nothing wrong; all the things stated therein are high sentiments and everything is on a high level.

“Now take paragraph 3. It states:—

‘3. The idea of “Compensation” as very aptly put by Fletcher Moulton, J., in the well-known case of *Lucas and Chesterfield Gas and Water Board* (1909, 1, King’s Bench Division, 16) is that the owner receives for the lands he gives up, their equivalent, i.e., that which they were worth to him in money, that his property is not therefore diminished in amount but to that extent is compulsorily changed in form.’

“Sir, that is a high doctrine laid down by Lord Justice Moulton. It is no new doctrine laid down by Justice Moulton. He was a very eminent Judge in those days and a gentleman in every respect,—as English people on the top have always been,—although we, as their subjects have always been at the bottom. That has been the rule so long as they were in this country. In

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England, Sir, as in any other advanced western countries, robbery, dacoity, burglary, house-breaking—all these things are done in an advanced, in a civilised and in a particularly scientific manner; nothing of the old uncouth, ugly and barbarous methods adopted by our burglars here. So, Sir, in those days also, they laid down rules and laws for the conduct of their affairs and we have to follow them in the conduct of our affairs also. But it must be understood, Sir, that the doctrines which they have laid down are no new doctrines. Even from our very ancient times, our law-giver Manu whom we have referred to in the Report, has laid down a number of doctrines far more laudable and far more admirable in their sentiments, for the conduct of human affairs in this land and from the times of Manu onwards, ever-so-many laws and rules of equity and justice had been laid down and these were only transferred from this country to other western countries, as all other things were, which are our heritage. But that apart, Sir, what do we see to-day? To-day our burglars in this country adopt the old methods of the crowbar, the spade and the saw, with which they operate their business, whereas in western countries they adopt, as I said, far more advanced and scientific methods. To commit house-breaking or to break open an iron safe, they will not adopt the method of our burglar friends here. They will simply put some acid and the whole lock will go to pieces and they will take everything in the iron safe and go away. Just as they entered without anybody's knowledge, so they will leave the area without anybody's knowledge. That is the British method. Our method is quite different. (Interruption.) Although they have left India with goodwill, their agents are here now. This scientific method which Lord Justice Moulton had laid down here is simply a reiteration of the principles contained in the British Jurisprudence and the same principles and doctrines had existed in our country and are found in our Indian Jurisprudence also. This rule as it applies to the owners of property, or who had an interest in property applies in this country also. I will presently take you, Sir, to the various provisions in the Bill to show how all the requests contained in the Zamindars' Memorandum and the principle as enunciated by Lord Justice Moulton have been incorporated in it. Let us go to the Memorandum, Sir. After quoting Justice Moulton, the Memorandum states in the next paragraph—

'4. It is, therefore, well settled by decisions of Courts that the equivalent is estimated on the value to him, and not on the value to the purchaser or the acquirer. Whether the latter value is more or less than the former is immaterial. Then again, it is also settled that the value to the owner consists in all advantages which the land possesses—present or future, though it is the present value alone of such advantages that falls to be determined. That is why the tribunals assessing compensation may take into account not only the present purpose to which the land is applied, but also any other more beneficial purpose to which in the course of events it might within a reasonable period

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be applied, and may estimate the compensation with all its existing advantages to the owner and all its potentialities and possibilities excluding any advantages incidental to changes due to the acquisition.'

"Now, compare this statement with what is contained in the present Bill, Sir. In the present Bill, forests, mines and all other things—the present value, and their potential value as well as their future value even—if they are to be taken away from the zamindar or any person in possession of them, should be paid the compensation. Therefore, it is on that principle that the present Bill is framed, Sir. (Interruption). Sir, I shall presently go into the Bill, section by section, and point out how they have been copied from here.

"In paragraph 5 of the Memorandum, it is stated—

'These two propositions embody principles implicit in the very conception of compensation and have received recognition in India as well as in England. In cases under the Land Acquisition Act the market value of compensation awardable for the land acquired has accordingly been assessed on the basis of these principles and propositions.'

They have quoted the Land Acquisition Act also. The Hon. Revenue Minister has been referring to section 299 of the Government of India Act which refers to the acquisition of land and the payment of compensation. They have also referred to the Land Acquisition Act to show how that Act should be applied when the zamindars are taken away. They have stated that they were entitled to ownership also. They were perfectly justified in making out a case in the manner in which they have attempted to do. *'Applying these principles and propositions. Courts have ruled that the market value of melwaram is the sum which the melwaram would fetch in the open market (1933, Mad. 190).'* Even the agricultural income was referred to. Then again, *'in the case of property which has market value, 25 years' purchase of the hypothetical rental would be a proper method of valuation'*. There is nothing which they have omitted. Their memorandum may be converted into a Bill without any effort. If we wish to support their case, if we wish to accept their principles and their rights, if we desire to award compensation on the basis on which they are claiming it, we can easily take their memorandum and ask the expert Department to draft a Bill for our acceptance. That is why I stated that the Bill has been taken from the memorandum presented by the zamindars. It is true that the Bill drafted by the zamindars was not taken in as such and that is not the Bill before this House now, but except that, everything else has been done. Now, I ask, is there any reason why different considerations should weigh with the Government in acquiring zamindaris? Having stated the present valuation, the potential valuation and all present, future and potential interests, they have asked why this Government should apply different methods for this purpose.

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p.m.

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"Now, Sir, let us compare certain provisions of the Bill with the provisions in the memorandum and also with the admitted position of the Revenue Minister that the zamindar is not interested in the land, is not the owner of the land, is not the proprietor of the land, but is only a collector of the revenues for the Government. That is the basis on which the Revenue Minister presents his case now; and he charged me with not having been able to understand the scheme of his Bill. He said the scheme of his Bill is that the zamindar is only a rent collector, he is entitled only to compensation, so that he might get something for being deprived of the business of collecting revenue for the Government. You will have to compare the terms of this memorandum with what he has now agreed to in the provisions of the Bill. 'The zamindars' interest'—that language may be noted—is the melwaram interest in land which for a long time has been recognized as proprietorship by Regulations and Acts of as early as the beginning of the 19th Century and by judicial decisions of the highest authority under such Acts and Regulations. A resolution of the Working Committee of the Indian National Congress of some time back declared that the liquidation of the zamindaris should be effected on payment of an equitable compensation to the zamindars. That is to say, the compensation paid must be just and fair.' I accept their interpretation of the words 'equitable compensation'. The meaning of the word 'equitable' is well-known and also the meaning of the word 'compensation' is well-known. As men of commonsense, they said it must be fair and equitable. That is their position, but not the position taken by the Government in this Bill. The compensation is an irreducible minimum of Rs. 10 crores—that is what the Revenue Minister has been proclaiming on the platform and in the press. (Interruption by the Hon. Sri Kala Venkata Rao.) If you have not said it, I will not press that point. But I have got it here in print, and I will be able to tell you where you stated so."

THE HON. SRI KALA VENKATA RAO:—"I never said 'irreducible minimum'."

SRI T. PRAKASAM:—"If you did not use the word 'irreducible', I withdraw; but I think you used the word 'minimum'."

THE HON. SRI KALA VENKATA RAO:—"I never used the word 'minimum'; I used the word 'maximum'."

SRI T. PRAKASAM:—"If I am wrong, I shall be corrected; but if you are wrong, you must be corrected. You may not have meant it, but for the matter of that, you did not mean so many other things too."

"Then, they have given the process of calculation also. 'The present income must be so capitalized as to help the zamindar to realize from the amount of compensation an amount equivalent to the present income. In any case, it is submitted that the compensation ought not to be less than twenty-five times the present

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income. In ascertaining the income to be capitalized, the present rents, it is submitted, ought to be taken into account, or if they are to be levelled down to the rates of rent of ryotwari areas where the present rates are higher, the present rates where lower, should be levelled up to rates prevailing in ryotwari areas."

"Differentiation will not do—that is what they have stated in the next paragraph. Further on, in another paragraph, they have explained the process of capitalization. Paragraph 11 refers to the forests, mines, etc. 'While fixing the amount of compensation on the basis of capitalization of the present income, Government should, in fairness, also assess the value to the zamindar of those parts of the estate which may at present be yielding no income, but which are capable of yielding it—such as forests and mines and cases of those punthas and porambokes in which the zamindar and not the Government has the reversionary right.' It says they have reversionary rights in forests, punthas, etc., in the same manner in which they were claiming the right to the soil in the zamindari areas. 'The compensation must, in the case of such property, be arrived at on the basis of the hypothetical rental adverted to in paragraph 5 supra.' Then they referred to the cost of maintenance of charitable institutions and said that they should not be deducted from the income. In paragraph 14 they have pointed out that a tribunal should be fixed up for enquiry into these matters. In the next paragraph 15, they explain the mode of payment. Section 9 of the present Bill deals with this and section 8 with the tribunal."

"Now, Sir, as regards compensation, in the first memorandum presented in or about April this year, they pointed out that compensation should be paid. The first memorandum of April was a very simple memorandum; and four months later in the month of August, they presented the other memorandum from which I have read out just now, suggesting what the Bill should contain. We shall now look into the first memorandum and see what is the amount of compensation which the zamindars claim. The note was signed by the Raja of Bobbili, Maharaja of Pithapuram, Zamindar of Munagala, Zamindar of Mirzapuram, Zamindar of Teleprole and the Zamindar of Kapileswarapuram, and it has been submitted to the Government in connexion with the proposed Estates Land Reform. There they give the basis for compensation; they have given figures to show their net income. 'The total gross demand of all permanently settled estates in the Madras Presidency is approximately 222 lakhs. This figure includes Rs. 47,50,000 peishcash and Rs. 36,34,000 cesses, half of which are recoverable from the ryot. Out of the balance of about 140 lakhs in the hands of the zamindars, administration and other charges take away Rs. 43 lakhs, leaving a net income of Rs. 97 lakhs for which the zamindars have to be compensated.'"

"I request the attention of the hon. Members of this House to follow the details of the first memorandum presented in or about April, four months earlier than the second memorandum. 4 p.m."

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They stated the income and the expenditure, and the balance is given as Rs. 97 lakhs and on that Rs. 97 lakhs, compensation should be paid and on which the full compensation has to be based. That is what they have stated in the second memorandum and that is also what is stated in the Bill to-day. They arrived at the figure of Rs. 97 lakhs, and on this amount Government must pay compensation. If Government had approached that matter with that statement before them, they would have arrived at the figure of Rs. 97 lakhs. (An hon. Member: 'It is not so in the Bill.') I know it is quite different in the Bill. In April, this memorandum was presented and in this memorandum they stated in the third paragraph, that the compensation payable would be roughly 19 crores of rupees if calculated at twenty times. After calculating at twenty-five times the figure, it comes to 24.25 crores. The interest charges would amount to about Rs. 57 lakhs and Rs. 7½ lakhs respectively. These financial obligations will leave a handsome margin to the Government, even if the rent roll of the estate is reduced by introducing the existing ryotwari rates. It has to be remembered that in the great majority of the unsurveyed estates, experience has shown that the surveyed extent of the lands under cultivation would be more than 40 or 50 per cent of the areas now recorded in the village accounts, which means that all these lands are at present unassessed. In the hands of Government, there would be a great saving in the cost of administration as the collections are made by village officers who do not receive any additional remuneration for this service. The second memorandum is on a different basis altogether. For the present interest, for the future interest and for the potential values, all these calculations are put in in the second memorandum.

"Now, Sir, I would request your attention to the Bill proper in order to find out whether there is anything in this Bill to indicate whether you are proposing to do away with the agencyship of the zamindar for collecting the revenues for the Government or whether you propose to deal with the zamindar on the basis that he is interested in the land. The preamble is this:

'Whereas it is expedient to repeal the Permanent Settlement, acquire the interest of zamindars. . .'

'Acquire' has got a technical meaning given to it under the Land Acquisition Act or under section 299 of the Government of India Act.

'Whereas it is expedient to repeal the Permanent Settlement, acquire the interest of zamindars, inamdars and under-tenure holders in permanently settled and certain other estates in the Province of Madras and introduce the ryotwari settlement in such estates; it is hereby enacted as follows':—

Clause 1 reads—

'(1) This Act may be called the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Act, 1947.

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(2) It applies to all estates as defined in section 3, clause (2), of the Madras Estates Land Act, 1908.

(3) This section and sections 23 and 25 shall come into force at once; and the rest of this Act shall come into force in regard to any estate on such date as the Government may, by notification, appoint:—

Again, Sir, in clause 2, sub-clause (7), 'proprietor' is defined as follows:—

'Proprietor' means the person owning an estate.

Then, let us take section 3. It says—

'With effect on and from the notified date and save as otherwise expressly provided in this Act—

(a) the Madras Permanent Settlement Regulation, 1802, the Madras Estates Land Act, 1908, and all other enactments applicable to the estate shall cease to apply thereto;

(b) the estate (including all communal lands or porambokes, waste lands, forests and other non-ryoti lands, mines and minerals, irrigation works and fisheries), shall stand transferred to the Crown and vest in it, free of all encumbrances, in the same manner as lands in ryotwari areas; and the Madras Revenue Recovery Act, 1864, the Madras Irrigation Cess Act, 1865, and all other enactments applicable to lands in such areas shall apply accordingly to lands in the estate;

(c) all rights which may have accrued in the estate before the notified date to the proprietor or any other landholder of the estate or to any person not being a ryot or a person holding under a ryot, shall stand transferred to, and be enforceable by, the Crown, in accordance with and subject to the provisions of this Act;

(d) the proprietor, any other landholder, and any other person whose rights so stand transferred shall only be entitled to compensation as provided in this Act.'

Leaving sections 4 and 5, we come to section 6 which deals with compensation as follows:—

'Compensation shall be determined for all rights in an estate which stand transferred to the Crown in pursuance of section 3, clauses (b) and (c), in accordance with the following provisions:—

(a) The compensation shall first be determined for estate as a whole and not separately for each of the interests therein.

(b) After the completion of the ryotwari settlement in the estate as hereinafter provided, the gross annual ryotwari demand in respect of the estate shall be computed by adding to the ryotwari assessments on cultivable land in the estate (other than

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private lands therein) the gross income derived by the Government from the estate in respect of fisheries, forests and mines and minerals, during the complete fasli year commencing—

(i) on the notified date, if such date was the 1st of July, and

(ii) on the 1st of July immediately succeeding the notified date, if such date was not the 1st of July.

Then we come to clause (c).

(c) For the purpose of applying the scale of compensation in clause (d) below, the basic annual sum referred to in that clause shall be deemed to be—

(1) in the case of estates other than inam villages falling under section 3 (2) (d) of the Madras Estates Land Act, 1908, the sum obtained after deducting from one-third of the gross annual ryotwari demand as computed under clause (b) (i) 8-1/3 per cent of such demand on account of establishment charges and (ii) 5 per cent of such demand on account of the cost of maintaining irrigation works in the estate,

This is the most important portion which enables you to understand how compensation would be increased or enhanced by these figures."

MR. SPEAKER:—"If the hon. Member wants, he can sit and speak. I am prepared to permit him to sit and speak."

SRI T. PRAKASAM:—"I thank the Hon. Speaker for his kindness. When I feel tired, I will ask for your permission to sit down and speak. The difficulty with me has been the bad light. According to clause 6, if the establishment charges at 8½ per cent and irrigation charges at 5 per cent are added, the compensation will automatically increase—one-ninth for establishment charges, one-ninth for irrigation charges and one-ninth for zamindar's commission for the work done by him, that is how the distribution was fixed up.

1-15 p.m. "In this section where compensation is dealt with, the establishment charges are reduced to 8½ per cent and irrigation charges to 5 per cent. On what basis is this done and what is the effect of this reduction? In one case it is 8½ per cent and in another case it is 5 per cent and what is the percentage to be given to the zamindar. If it should be, not 8½ per cent but 1/9th, it would be 11 per cent and if it is 1/10th it will be 10 per cent. When in one case it is 8½ per cent and in the other case 5 per cent and the balance going to the zamindar, the amount of compensation will automatically increase. How is it possible and on what basis that can be done, particularly when the Hon. the Revenue Minister has stated more than once in the statement made by him both in the press and in public that the irrigation sources had not been attended to by the zamindars. When that is the case, how would it be possible to fix these figures at 8½ per

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cent and 5 per cent and for what purpose? Therefore, I say it is a clear proof of the intentions of the Government and the intentions of the framers of this measure.

"In sub-clause (2) it is stated:—

"in the case of estates which are inam villages falling under section 3 (2) (d) of the Madras Estates Land Act, 1908, one-half of the sum obtained after deducting from the gross annual ryotwari demand computed as aforesaid (i) 8½ per cent of such demand on account of establishment charges, (ii) 5 per cent of such demand on account of the cost of maintaining irrigation works in the estate and (iii) the annual quit-rent or other annual payment of a like nature, if any, payable to the Government in respect of the estate.

"The total compensation payable shall be determined in accordance with the following scale. . .

What is the scale and where from has it come or for what purpose? The scale has been introduced here. If it is intended by the draftsmen of the Bill that the compensation should be in accordance with the claim made by the zamindars in their second memorandum, then the whole framework of the Bill should be cut out. There the method of calculation also is indicated by them. The Raja Saheb of Venkatagiri shakes his head. Perhaps I am not putting it in the form he can put it; he is a clever gentleman and when he can put it for himself, he can also put it against himself for me. How can a case dealing with zamindars who are rent collectors be dealt with? Rent collectors would be entitled not to compensation on the basis prescribed in the Land Acquisition Act or under section 299 of the Government of India Act. If he is a rent collector he would be entitled not to compensation, but for having served as such for such a long time, he may say give me some compensation, relieve me of the duties, here are the records, take them away. It is not so, but the whole basis of this Bill is on the footing that the zamindar is entitled to compensation in this manner. I repudiate that, as I have been repudiating all along. I say, strictly speaking, he will not be entitled to any compensation at all, because it is found that he is only a rent collector and when that agency is terminated and he is requested, 'please allow us to terminate your agency, you have done good service, now we pay you some solatium, you had better take it.' That must be the position. Instead of doing that, this Bill proceeds on the basis that he has interest in the land, forest and other things and that the compensation is to be paid on the basis of the calculations made here—8½ per cent and 5 per cent—so that the compensation is also increased. That must be changed completely.

"Then section 11 deals with the appointment of Settlement Officer and his staff and the work which they have to do. Again, section 12 deals with making interim payments of the proprietor, etc. It says, 'after the settled date and before compensation has

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been finally determined and apportioned in pursuance of sections 6, 7 and 8, *ad interim* payments shall be made every year to the proprietor and the other persons referred to in section 8, subsection (1) as follows:—‘This section makes it clear that it is not a matter which can be settled immediately. You have provided a rough and ready method of payment of compensation during the interim period. Of course you are right in estimating that it will take four years for these amounts to be ascertained and for the real payment to be made. I want to know when the first payment will be made to the zamindar under this Act. Is there any payment to be made before that? Interim payment is referred to here. Interim payment of what?’

THE HON. SRI KALA VENKATA RAO:—“The interim payment is to cover the period which will be taken for the survey and settlement of the estates. It will not of course be the same in the case of all estates. After this Bill becomes law, on the 1st of February or so we will begin survey and settlement, because we have the parties ready now for the purpose. In the case of small estates it may take a month or two to complete the settlement and therefore this interim payment will only be for this period. In the case of some big estates, if it will take a year, the payment will be for that period. Therefore it is a variable period of time. So I am unable to say what will be the exact date by which it can be completed. The overall period for settlement in respect of all estates has therefore been computed as four years.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“The hon. Member, Mr. Prakasam, wants to know what is the interim payment?”

THE HON. SRI KALA VENKATA RAO:—“I will describe it. It will be based on the basic value fixed under the Act. The present rental will be brought down to a ryotwari rental and only 20 per cent of it will be the interim payment.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Does it mean advance payment of compensation?”

THE HON. SRI KALA VENKATA RAO:—“Not compensation which we are bound to give only after the final account is settled. Meanwhile he cannot starve and therefore he will be paid a part of the compensation. In addition during the interval an interim payment would be made. It will come to 20 per cent of the ryotwari rental. (A voice: ‘Widow’s maintenance’.) The hon. Member may call it widow’s maintenance, but the hon. Mr. Prakasam calls it something else.”

SRI T. PRAKASAM:—“Then, Sir, section 13 says that the Impartible Estates Act will cease to apply on a date to be notified and section 14 deals with deposits and distribution of compensation.”

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Section 15 says:—

‘The Government shall appoint a Commissioner to give effect to the provisions of this Act and in particular, to superintend the taking over of estates, to make due arrangements for their interim administration and the carrying out of survey and settlement operations, and to provide for the introduction of the ryotwari settlement, and the recruitment of the necessary staff.’

‘The Commissioner shall be subordinate to the Government and shall be guided by such instructions as they may issue from time to time.’

“You will find, Sir, each section is independent of the other and each section will have to function by itself. Here, when the taking over of the estate actually comes in we can have no idea now. That date will be notified and it has come up in a most dangerous form. The date may be notified in advance, say three months or six months, so that these zamindars would not be hanging on with the Government for this or that with regard to the notification of the estates themselves. It is a highly objectionable procedure which should not be adopted in our Bills. Everything to be notified, everything to be done in future and for everything people should come. Is that the way a statute like this should be put in operation?

‘Section 16. The Commissioner shall be assisted by an officer styled the Director of Settlements whose duty it shall be under the supervision of the Commissioner, to carry out the settlement of estates under this Act with the utmost possible expedition.’ 4-30 p.m.

“The next section deals with the Manager for the estate and the person employed for the administration of an estate on the notified date shall have to be terminated by giving such person one calendar month’s notice. ‘Persons whose services are retained shall not form part of any of the existing services of the Government, but shall be grouped into a separate service and shall be governed by such rules as the Government may make in regard thereto.’

“Section 19 provides provision for existing estate buildings and transitional provisions are given in section 21.

“Now Sir, I shall place before you how the preamble of the Bill should read, and the Bill itself should be headed. It should read as ‘A Bill for the repeal of the Permanent Settlement, and abolishing the zamindari system in permanently settled estates and acquisition of the interests of Inamdars and Under-tenure holders in certain other estates and so on.’

“In the preamble itself there should be changes and they should read as follows:—

‘Whereas it is expedient to repeal the Permanent Settlement and terminate the services of Zamindars as collection agents in permanently settled estates in the Province of Madras and thus abolish the Zamindari system.’

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"Instead of using the words 'the interest of zamindars, inamdars', etc., it should be made clear in the preamble itself that the services of the Zamindars as collection agents in permanently settled parts in the Province of Madras are terminated and thus abolish the Zamindari system.

'Whereas it is expedient to repeal the Madras Estates Land Act of 1908 and acquire the interests of inamdars and under-tenure holders in estates and other areas in the Province of Madras governed by the Madras Estates Land Act of 1908;

'Whereas it is expedient to introduce a ryotwari settlement in such estates and areas in the Province of Madras; it is hereby enacted as follows . . .

'These words Sir 'Ryotwari settlement' must be made here because they have got a settled meaning technically.

'Clause 1.—This Act may be called the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Act, 1947.

(2) It applies to all Estates as defined in section 3, clause (2) of the Madras Estates Land Act, 1908 and to all inams in relation to which the concerned inamdars are 'Land-holders' as defined in section 3, clause (5) of the Madras Estates Land Act of 1908.

(3) This section and sections 23 and 25 shall come into force at once, and the rest of this Act shall come into force in regard to all estates on such date as the Government may by notification appoint within a period not later than six months from the day on which this section comes into operation.'

"I suggest that the time must be fixed as six months so that there will be definiteness about the position.

'Clause 2.—In this Act unless there is anything contrary or repugnant in the subject or context.

(1) All expressions defined in the Madras Estates Land Act, 1908 shall have the same respective meanings as in that Act.

(2) "Commissioner" means the commissioner appointed under section 15.'

I wanted that to be defined.

(3) "Government" means the provincial government as defined in section 3, clause (43-a) of the General Clauses Act, 1897.

(4) "Notification" means a notification published in the "Fort St. George Gazette."

(5) "Notified date" in relation to an estate means the date with effect from which the notification issued under section 1, sub-section (3) in respect of that estate will come into force.

(6) "Prescribed" means prescribed by rules made by the Government under this Act.

(7) "Landholder" means in relation to Estates under section 3, sub-section 2, clause (a) and the first part of clause (b)

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of Madras Estates Land Act of 1908 the concerned zamindar and in relation to all others shall have the same meaning as in the Madras Estates Land Act, 1908.

(8) (a) "Ryotwari Settlement" means in relation to Estates under section 3, sub-section (2) clause (a) and the first part of the clause (b) of the Madras Estates Land Act, 1908 in the introduction of rates of rent prevailing for similar class of lands in such estates in the Southern districts of the Province of Madras unaltered from the time of Permanent Settlement.

"The word Proprietor used in the line has been deleted and the word 'Landholder' substituted wherever it occurs.

'(b) in relation to other estates under section 3 of the Madras Estates Land Act, 1908 and all other areas governed by that Act, the introduction of the ryotwari assessment in the neighbouring ryotwari areas for similar class of lands after cancellation of all enhancement in accordance with the recommendations of the Madras Land Revenue Enquiry Committee (Marjoribanks Committee), dated 8th July 1937.'

'(9) "Zamindar" means the agent appointed by the Government by or under the Permanent Settlement Regulation, 1802 for collection of land revenue from ryots without any rights to the soil and his successors-in-interest by inheritance, survivorship alienation or otherwise.'

Clause (3).—With effect on and from the notified date and save as otherwise expressly provided in this Act.

(a) the Madras Permanent Settlement Regulation, 1802, the Madras Estates Land Act of 1908 and all other enactments applicable to the estate shall cease to apply thereto,

(b) the estate shall stand transferred to the Crown and vest in it free of all encumbrances in the same manner as lands in ryotwari areas; and Madras Revenue Recovery Act, 1864, the Madras Irrigation Cess Act, 1865 and all other enactments applicable to lands in such areas shall apply accordingly to lands in the estate,

(c) the right which may have accrued to landholders who are zamindars for collection of land revenue from the ryots as agents of Government appointed by or under Permanent Settlement Regulation of 1802 and all other rights which may have accrued to zamindars in the capacity of such agents in Estates under section (2), clause (a) and the first part of clause (b) of the Madras Estates Land Act of 1908 shall stand transferred and vest in crown.

"In this manner, Sir, I have made amendments to the Bill which is presented now so that there will be no difficulty in understanding the intention of the Government. There should also be no difficulty with regard to the methods that should be employed for giving effect to that intention.

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4-45 P.m. "The Hon. the Revenue Minister has tried to explain away the 1802 rates by stating that it would not be possible to have information regarding prices or the extent of land under cultivation in or about 1802. I may be permitted to submit to hon. Member that the accounts maintained about 1802 and subsequently were perfect accounts and they provided for everything, with regard to prices and with regard to the details of lands cultivated or uncultivated. The reason given by the Revenue Minister is not correct. There is one volume prepared by the Estates Land Act Committee in which graphs were given so that it will be known at a glance how prices were regulated, how they were going up and coming down during famine and other times. The Hon. Minister was simply saying in one word that there is nothing to show how the prices prevailed at that time and he also said that there is no evidence regarding the extent of land, cultivated or uncultivated. The latter statement the Hon. Minister was kind enough to correct by saying that there is no evidence regarding the extension of land under cultivation. This volume shows how the prices were falling during famine years and also points out how zamindars were not entitled to any enhancement of rent when the prices were falling and when the tenants were in trouble. The volume shows price levels under the head 'commutation' and 'famine' has been dealt with elsewhere. It shows how crops failed completely or partially either due to drought or famine or floods and how the ryots were affected not merely by way of crops but their houses, cattle and all other things. Such details existed in those days and it is available even to-day. To say that there is no material to show how the prices were going up and down is not the correct way of disposing of the matter and to state that having regard to the changes in money value, we have to give up the 1802 rates as unworkable, is wrong. I may tell you that in the other volume details have been given of the total extent of cultivated land at the time of the Permanent Settlement and it has been shown whether there has been any extension during the whole of the period from that date. Let me take the instance of the Vizianagram estate. There was not even an inch of land by way of extension of cultivation in that estate. To say now at this distance of time that there are no materials in the hands of Government is not fair and proper for the ryots for whose interests the Government is so solicitous and anxious to protect. Therefore, regarding compensation, I say that the only proper basis is 1/9 or 1/10 as fixed up originally; and as regards the rent, the proper basis is the rent determined in 1802 which is applied and enforced in the southern areas up to now. With regard to the varam rate the whole matter was discussed in full as to how they could be fixed and all the labour of the Committee was put into the matter to show how the material was available and how on the basis of that material the varam rates could be commuted into cash rates. There must be no difficulty for Government to accept that. It is not too late yet; because they did not accept it at an earlier stage, it does not mean that they should be sticking to it even now. Their view should be revised. What are the people called upon to pay by means of this statute; they have to

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pay the ryotwari rate as it exists to-day and that is easily ascertainable. I was talking about that elsewhere; I believe it was in connexion with the Rent Reduction Bill. Let us take the Pittapuram estate. The present annual income of the estate is Rs. 8,00,000. The ryotwari rate that is now proposed to be substituted is about Rs. 7,00,000. What is the relief, only one lakh of rupees and the poor tenant as soon as he becomes a ryotwari tenant and pays at the ryotwari rate, has attained his salvation! What was the original rental at the time of the Permanent Settlement; it was less than Rs. 4,00,000, to be correct about Rs. 3 lakhs 99 thousand and odd. Hon. Members would realize the extent of the relief that would be afforded if we take the 1802 rates as the basis. It has to be remembered that it is backed up by the enforcement of the same rates in the southern zamindaris. What more proof can anybody produce before a court of law or a Legislature; it does not require much to argue and convince hon. Members of this House. Hon. Members will realize that their decision is higher than the highest courts of the land. The Federal Court there may be or the Supreme Court may exist or the High Court may exist but this Legislative Assembly has got a right to modify or cancel any decision given by a High Court and make an enactment in the interests of the country and of the people. Under the new dispensation after the 15th August, what is the kind of relief that is expected of us? What is the kind of method that is expected to be adopted by the Legislature? It is not certainly the old method, the British method that was planned 150 years ago for the purpose of enforcing the rule and for the purpose of getting money from the unfortunate ryots. When they took charge of the whole thing, the lands were not held under the ryotwari system; we had a system which kept up the community intact and which made them strong for any purpose. The whole of that was destroyed by the East India Company to facilitate their collection work. For facilitating their collection, this system was introduced by them. I would invite the House just to look into the Karnam's Regulation which is as old as the Permanent Settlement Regulation to see how many accounts he has to maintain and what details he should furnish with regard to land, cattle or property. The British Government wanted to establish themselves in this country permanently and they thought they would be here for ever. Are we to follow up the whole of that thing now? Are you going to do it when you have all come to legislate for the benefit of the poor people who have been kept away from their legitimate rights all these years? What have you given them now? What is the good of simply praising them; what is the good of flattering them or expressing our mourning over their plight? The time has come when all the rules and regulations framed by the British Government for getting the whole population of this country tied up in a net should be cancelled. They have built up a revenue system and have built up an official chain from the karnam to the Secretary of State. For what purpose is it and what is the amount spent over the revenue establishment and what is the balance left in the hands of the poor ryots and where are they to find the

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money? Was any consideration given to the fact whether he has got anything for his pot to cook; he has to sell what little he has; he has to sell the small trinket of the jewels that his wife wears and pay it into the hands of the revenue or the rent collector according to the rules and laws that are in force. After the 15th August, after you have taken charge, I want to give relief to those people immediately so that they will not be under any more trouble."

MR. SPEAKER:—"The hon. Member might finish if he can or he can continue his speech to-morrow."

SRI T. PRAKASAM:—"I will continue my speech tomorrow."

17.—SITTINGS OF THE HOUSE.

5 p.m. M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Before we adjourn for the day, may I know, Sir, what is the programme regarding the future transaction of business in this House?"

MR. SPEAKER:—"There is no change in the programme I have already announced. To-morrow at the end of the forenoon sitting we adjourn and meet again on the 9th instant, and from the 9th till the 15th or so the House will sit."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, of course, we realize it is for the Government to draw up the programme of work, but in doing so, Government must also consider the convenience of the Members of the House. The rules are made for the convenience of the House as well as the Government. Therefore I have represented to you, Sir, yesterday that there are some Members who feel . . ."

MR. SPEAKER:—"And I on my part have represented to Government that they should try to accommodate Members of the House . . ."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Now, Sir, my request is not on behalf of members of my party, but I may say members of all groups find it inconvenient to this arrangement of adjourning on the 4th instant and re-assembling on the 9th instant. Several of us have to go home, and we feel this interval of four days is not sufficient for them. It will put them to great inconvenience, and therefore I request to see that there is a longer interval than four days, or we shall sit at a stretch till the 9th and finish the work and break up."

MR. SPEAKER:—"But the Upper House is meeting to-morrow?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Why not. both Houses sit simultaneously."

MR. SPEAKER:—"But we have only a limited number of Reporters."

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, it has come to this: while this House has to see to the convenience of everybody else there is nobody to see to the convenience of this House." (Laughter.)

SRI T. VISWANATHAM:—"May I repeat my request I made yesterday. There are twelve Members of this House who have got to attend the Senate and Convocation of the Andhra University. It would be very graceful on the part of Government to accommodate us. We have to start on the 10th instant for Waltair and can return only on the 15th instant. I would therefore ask the Leader of the House not to insist on his own arrangement but to accommodate such of those who want to go to Waltair."

SRI K. R. KARANTH:—"On behalf of those Members who come from a long distance, of whom there are four or five here, I have to submit, we have to return to our places and for that the journey itself takes full 24 hours, and to return to Madras also it takes full 24 hours and thus there is hardly any time for us to go and come back. In the last three months, unlike in the previous Legislature, we do not know when our sitting commences and when it ends. (Some voices: 'Hear, hear.') After all we have other business to attend to and make some living. Therefore instead of adjourning to-morrow and re-assembling on the 9th, it would be better to have a longer interval."

MR. SPEAKER:—"There is another difficulty. The 9th instant has been fixed by His Excellency the Governor as the date for the presentation of the Supplementary Budget."

SRI K. R. KARANTH:—"In the past His Excellency was pleased to alter the date. After all the convenience of 215 Members is more important. So instead of the 9th, if the 15th instant is suggested His Excellency would be too good to accommodate us. We have to go a long way within these five days; we have to go a distance of 550 miles to reach our place, which takes full 24 hours and to finish our journey back we have to cover a distance of 550 miles and this too takes full 24 hours."

(At this stage several members stood up to speak.)

THE HON. DR. P. SUBBARAYAN:—"Sir, I cannot speak if everybody wants to speak at the same time."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"They only say the Leader of the House is very reasonable and accommodative."

THE HON. DR. P. SUBBARAYAN:—"It is a very difficult position I am placed in. There is Government legislation which has got to be gone through. The Upper House also has got to sit and finish the work that has been finished here. And I have to tell you that in the Legislative Department of which I happen to be in charge as well there are not enough Reporters who will be able to function if both Houses meet at the same time. I am thinking seriously why I should not persuade my Hon. Colleague, the

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Finance Minister, to make some arrangement by which both Houses could meet at the same time so that Ministers in this House as well as in the Upper House could take care of the work of Government in both places. But situated as we are, it is very difficult to do this at present. But as I said, I promise to consider this with the Finance Minister. But at present as arranged, we have to take note of the Upper House as well, who are to meet to-morrow afternoon, and they have their business well on till the 8th. Because of the difficulty of Reporters we cannot meet before the 9th instant. You know yourself, Sir; and hon. Members are aware of it, as I am, that there is a large amount of legislative work pending before the House, and it is important for the Government to go through it as early as possible. I do not want to curtail the rights of members to express their views and opinion. But I am quoting a well-known statement of Mr. Asquith, when he said in the House of Commons, that things that could be said in five hours could very well be put in 45 minutes, and as though to show his capacity to do this, as Chancellor of the Exchequer in 1908, the general budget speech which used to take him three to four hours, Mr. Asquith finished with all the statements of ways and means and taxation proposals and how he proposed to get rid of the deficit in 45 minutes. And therefore Mr. Asquith was as true as his word, and I hope hon. Members here will follow this precedent. Because every one knows his arguments, and they could be put in a shorter time than what has been happening in this House. Personally, Sir,"

SRI T. PRAKASAM:—"Sir"

(The Hon. Dr. P. Subbarayan did not yield.)

MR. SPEAKER:—"The Hon. the Leader of the House is not yielding."

THE HON. DR. P. SUBBARAYAN:—"Perhaps the hon. Member wants to rise on a point of order." (So saying he yielded.)

SRI T. PRAKASAM:—"On a point of order, Sir, the Hon. the Leader of the House has been delivering a sermon to the members of the House to regulate their conduct with regard to speeches. I do not think, having regard to the experience we have had here, members here are indulging in long speeches. A person like myself has been vigilantly watching the proceedings and sometimes I have been idly witnessing all kinds of performances here. So may I request we may be spared this sermon. We, members, know our duty well. It is the duty of the Government to draw up the agenda to suit all sides of the House so that no one be put to the necessity of asking for concession."

THE HON. DR. P. SUBBARAYAN:—"Sir, I yielded as I thought the hon. Member was raising a point of order. I do not see any point of order in my hon. Friend's remarks, or rather in my respected leader, if I may call him so. I was not disparaging

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any member. I was only pointing out that you and the Government are entirely in the hands of the House, and at the same time the programme of legislation that has been brought forward has got to be gone through. Therefore I was respectfully submitting to hon. Members that if there are arguments that they want to advance, they could be advanced in a shorter manner. I was only submitting it for their consideration. I myself yesterday agreed that I was prepared to allow Sri Prakasam one full day to speak because of his intimate knowledge of land revenue and Estates Land Act."

SRI T. PRAKASAM:—"Sir, with regard to Bills, there are rules prescribing to what extent members can speak and all that. No member has taken more time in this House. I know in the Central Assembly when it was presided over by Mr. Vithalbhai Patel how one hon. Member argued for full four days, and yet the President could not ask him to sit down because the rules did not forbid it."

THE HON. DR. P. SUBBARAYAN:—"May I remind hon. Members, if that is to happen here, there is such a thing as guillotine in the House of Commons. (Mr. Muhammad Raza Khan: 'We are tired of your House of Commons.') But I have to acquaint the House with the practice. I would like to submit, Sir, that if that kind of practice is to go on here, Government will have to reconsider the method and manner of legislation and to bring in the rules of guillotine, which was done, if I may remind hon. Members, because of the obstructive attitude of Irish members. (Laughter.) (A voice: 'There are no Irish members here.') There may not be Irish members over there; but there may be Irish members within the Government, if I may say so. Therefore I feel we have got to keep to our programme and I would like every member to consider the amount of legislation that has to be gone through and as the amount of time that is before this House is very short, I am afraid, Sir, I cannot change the programme which has already been set down."

MR. SPEAKER:—"With regard to the daily allowance and Travelling Allowance?"

SEVERAL VOICES:—"We do not want anything from the Government."

MR. SPEAKER:—"I now adjourn the House till to-morrow eleven o'clock."

THE MADRAS LEGISLATIVE ASSEMBLY GOVERNMENT

Thursday, the 4th December 1947.

The House met in the Assembly Chamber, Fort St. George, at eleven of the clock, Mr. Speaker (THE HON. SRI J. SIVASHAN-MUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Appointment of the Arabic and Urdu Munshi in the Government College, Mangalore.

* 545 Q.—MAHIN SCHAMNAD SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state whether there is an Arabic and Urdu Munshi in the Government College, Mangalore?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“No, Sir.”

MAHIN SCHAMNAD SAHIB BAHADUR:—“Are the Government aware that the students in this college who have taken Arabic and Urdu as their second language were not able to continue their studies in the college in Mangalore for want of Arabic and Urdu munshis and that some of them were compelled to discontinue their studies as they could not go to other places to prosecute their higher studies?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I understand that some people made some representations. They have now taken Hindi instead.”

(Questions 546 to 548 answered on 3rd December 1947.)

* 548-A Q.—MUHAMMAD RAZA KHAN SAHIB:—
“Will the Hon. the Premier be pleased to state why he seldom attends the proceedings of the Assembly?”

THE HON. SRI O. P. RAMASWAMI REDDIYAR:—“என்னால் கூடிய மட்டும் அசெம்பிளி கூட்டத்திற்கு நான் வந்து கொண்டேதானிருக்கிறேன்.”

MUHAMMAD RAZA KHAN SAHIB:—“Is the Hon. Premier aware that as Premier it is part of his important duties to attend the Legislature on all occasions and to participate in the discussion, to reply to questions that stand in his name and also to know the views and feelings of the Members which would help him in the administration of the Province? Is he also aware that in the course of his Premiership he has hardly answered two questions and spoken on one occasion and as such he has failed in his duties?”

THE HON. SRI O. P. RAMASWAMI REDDIYAR:—“என்னுடைய கடமை எனக்கு நன்றாகத் தெரியும்.”

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"In the question it is asked, Sir, 'why he seldom attends.' May I know what is the distinction between 'seldom attends' and 'rarely attends' from the Hon. the Premier?"

MR. SPEAKER:—"The Hon. Premier is not responsible for the question. The hon. Member Mr. Raza Khan is responsible for the question. If he wants, he can put that question to him in their Party meeting."

MUHAMMAD RAZA KHAN SAHIB:—"May I know from the Hon. Premier what his duties and functions are?"

MR. SPEAKER:—"That is not a supplementary question at all. If he wants, he can put that in writing and send it to me."

MUHAMMAD RAZA KHAN SAHIB:—"While we are not able to meet him in the Assembly, is it a fact, Sir, that if any M.L.A. of the Congress Party makes an attempt to see him, he has to stand at his doors and be waiting for an interview even for a few minutes because it is said that he is always busy with his files?"

MR. SPEAKER:—"The hon. Member may put a separate question."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is the Hon. the Premier aware that an hon. Member of this House, Mr. Fernandez, attempted to meet the Premier six times . . .?"

MR. SPEAKER:—"Order, order. The hon. Member can put a separate question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is the Hon. the Premier aware that this and similar questions are only based upon the well-meaning object of conveying to him the anxiety of the Members that the Hon. Premier may come in more contact with the representatives of the people so that they may convey to him the feelings of the representatives of the people, Sir?"

THE HON. SRI O. P. RAMASWAMI REDDIYAR:—"நான் முடிந்த வரையில் வந்துகொண்டுதானிருக்கிறேன். இங்கே இருக்கும் மெம் பர்கள் கேட்கும் Question விஷயங்களையும் குறை கூறும் விஷயங்களையும் கவனிக்கத்தான் அதிக அவகாசம் செலுத்தவேண்டியதாக இருக்கிறது."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"I am not able to follow the reply, Sir."

MR. SPEAKER:—"Will the Hon. Home Minister kindly translate that into English?"

THE HON. DR. P. SUBBARAYAN:—"The Hon. the Premier stated, Sir, that he is present on every occasion that he could possibly be present. Because of the number of questions and queries that are put in the House he has got to be in his place in order to reply to the questions. There are people who can answer questions for him but he goes through every question put and their answer on the floor of this House."

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MUHAMMAD RAZA KHAN SAHIB:—"What about other Premiers in other Provinces, Sir?"

(No answer.)

Demands of the Hindu Maha Sabha branch in Malabar.

* 549 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Premier be pleased to state—

(a) whether a memorandum was submitted by the branch of the Hindu Maha Sabha in Malabar when the Premier visited Malabar recently; and

(b) what were the demands made in the said memorandum?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. the Premier):—" (a) Yes.

" (b) A copy of the memorandum is placed on the Table of House."

SRI PILLALAMARRI VENKATESWARLU:—"May I know what action the Government have taken on the abjectionable portion of the Memorandum?"

THE HON. DR. P. SUBBARAYAN:—"I have already explained many times on the floor of the House what the Government proposed to do with these communal organizations. They are keeping a strict watch over the activities of the organization and if they go beyond bounds the Government will take necessary actions to put down such activities."

SRI PILLALAMARRI VENKATESWARLU:—"May I know, arising out of the answer given by the Leader of the House what action he has taken in Gudur in the Nellore district regarding the activities of the communal organizations?"

MR. SPEAKER:—"Is it about Gudur?"

THE HON. DR. P. SUBBARAYAN:—"The question is about Malabar."

MR. SPEAKER:—"The hon. Member may put a separate question."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know whether it is as a result of this representation that most of the Muslim officers have been transferred from the Malabar district in the Police department?"

THE HON. DR. P. SUBBARAYAN:—"I have already said, Sir, that these officers were transferred on account of administrative convenience. Therefore it is for the Government to judge what is administrative convenience."

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Arrest of certain people for making and hoarding lethal weapons.

* 550 Q.—SRI K. T. KOSALRAM: Will the Hon. the Home Minister be pleased to state whether it is a fact that three Muslim workers belonging to the Madras and Southern Mahratta Railway Workshop, Electricity department, Perambur, were arrested on the 17th of October on a charge of making and hoarding lethal weapons?

THE HON. DR. P. SUBBARAYAN:—"The answer is in the negative."

SRI K. T. KOSALRAM:—"May I know from the Hon. Minister for Home whether similar complaints have been received from the various districts throughout the Province?"

THE HON. DR. P. SUBBARAYAN:—"The Government, as I said in answer to another question, are keeping a strict watch over these matters and the searches that have been made in consequence of the complaints received have not proved any of the charges that have been made. But even now because of the tension that exists the Government are keeping a very careful watch over the matter and if anything of the kind occurs naturally the Government will take action."

MUHAMMAD RAZA KHAN SAHIB:—"Do I get an assurance from the Hon. Leader of the House that the Government will order searches only when they feel that there are arms and not because some mischievous and interested people send false petitions and representations to the Government? Only when they have got a suspicion, they have a right to do this and therefore will they give me an assurance that they will not order searches simply because such bogus representations are made?"

THE HON. DR. P. SUBBARAYAN:—"Sir, as I have said again and again, it is impossible to give any assurance because things occur and the Government on their own responsibility have got to take action. I have mentioned again and again that the Government will perform their duties in a responsible manner and not in any sense of panic at all and therefore the hon. Gentleman may rest assured that no hasty action will be taken."

SRI T. VISWANATHAM:—"May I know, Sir, whether any searches were conducted in Vizagapatam recently in this connexion and if so, what is the result?"

MR. SPEAKER:—"The hon. Member can put a separate question."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"The Hon. Minister for Home has stated that the result of the house searches in Muslim houses has proved that most of the allegations of arms being in those houses has proved false. In view of this conclusion will the Hon. Minister discourage such rumours that are being spread against the Muslims having arms in their houses?"

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THE HON. DR. P. SUBBARAYAN:—"I have explained again and again to the hon. Gentlemen opposite that there is a certain amount of tension and as the Government is responsible to the people of the Province such tensions have got to be looked into and proper arrangements made so that the fear and scare in the minds of the people are put an end to and, therefore, when the Government feel that there is a bona fide fear naturally searches are made. But as I said searches will be only made when the Government are convinced with such material as are available with them and are fairly certain that there may be arms. Of course, the search may prove that there are no arms. The hon. Gentlemen are aware as I am that there is such a scare that arms may be in the houses and that they might be taken away from that house merely because they think that a search is going to be made. The Government have got to be careful in dealing with these matters."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Will the Hon. Minister be pleased to define 'lethal weapon' so that even pen-knives used to mend pencils may not be kept?"

THE HON. DR. P. SUBBARAYAN:—"I would refer the hon. Member to the thirteen volumes of the Oxford dictionary."

MR. SPEAKER (Addressing Sri Kosalram who was making certain signs to attract the attention of the Hon. the Speaker):—"If the hon. Member wants to put a question, he should say 'Mr. Speaker.' This will be the proper way of drawing the attention of the Speaker. I warn the Member."

SRI K. T. KOSALRAM:—"Are the Government aware that the purport of my question has been published in the English and Tamil daily newspapers in Madras?"

THE HON. DR. P. SUBBARAYAN:—"I am not aware of what the thought of the hon. Member is, Sir. I would like to quote here the words of Pope, Sir. This is what he says: 'The devil himself knows not the thought of men.'"

MUHAMMAD RAZA KHAN SAHIB:—"Arising out of the answer given to my friend Mr. Majid that he might refer this matter to the dictionary. Our question is this. We want to know from the Hon. Home Minister what a lethal weapon is, so that we may not keep them. He is not within his rights in asking us to refer to a dictionary. In fact we are referring to the dictionary daily. Is this the kind of reply we deserve from the Home Minister, Sir? I appeal to the Chair."

THE HON. DR. P. SUBBARAYAN:—"I said, Sir, I was prepared to adopt the definition of legal weapon in the Oxford dictionary. That is the reason, Sir, why I referred to the dictionary. I do not mean the small volume, Sir, but the 13 volumes." (Laughter.)

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11-15
a.m.

SRI PILLALAMARRI VENKATESWARLU:—"Will the Hon. Minister be pleased to supply copies of Oxford dictionary to the Members?"

THE HON. DR. P. SUBBARAYAN:—"I think the Secretary to the Legislature can place the 13 volumes of the Oxford dictionary on the Library table."

MR. SPEAKER:—"I think the 13 volumes are found in the library."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"The Hon. Minister stated that it became necessary to search houses of Muslims as there was a scare. As the scare is in the Muslims also, why did he not order a search of the Hindu houses also?"

THE HON. DR. P. SUBBARAYAN:—"I should like to remind the hon. Gentleman that there has been a scare in the border districts of Hyderabad and a number of Hindu refugees have come into this part of the world. If hon. Gentlemen are really sincere in their desire to put down the scare, I would like them as citizens of the Union to reassure the minds of the Hindus coming from Hyderabad and tell them that they are as much behind them as the Hindus."

Activities of Rashtriya Seva Sangham in Malabar.

* 551 Q.—P. K. MOIDEEN KUTTY SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state—

(a) whether the attention of the Government has been drawn to the activities of Rashtriya Seva Sangham in Malabar;

(b) whether the Government are aware that one of the aims of this organization at present is the overthrow of the Nehru Government; and

(c) what steps the Government intend to take to check the activities of the organization especially as they tend to disturb the peace of the district?

THE HON. DR. P. SUBBARAYAN:—" (a) Yes.

" (b) No.

" (c) The Government will take necessary steps to check the activities of the organization if they tend to disturb the peace of the district."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"In view of the fact that there are representations and counter-representations with regard to the conditions in Malabar, will the Hon. Home Minister tour the district and study the conditions first-hand?"

THE HON. DR. P. SUBBARAYAN:—"When I am freed from my responsibilities of leading this House, I shall tour the Malabar district to find out how the relations are between the two communities."

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SRI PILLALAMARRI VENKATESWARLU:—"Will the Hon. Minister tour the Andhra districts also?"

THE HON. DR. P. SUBBARAYAN:—"I have only one body and I cannot be present in two places at the same time."

SRI R. V. SWAMINATHAN:—"In view of the A.I.C.C. resolution, will the Government declare the Rashtriya Sevak Sangh and the Muslim National Guard as unlawful associations and start Home Guards?"

THE HON. DR. P. SUBBARAYAN:—"I am sure the hon. Gentleman as a responsible member of the Congress has read the resolution of the A.I.C.C. There is no question of banning those organizations. All that the A.I.C.C. decided was that the activities of the organization were not conducive to the peace of the country and should be carefully watched. This the Government propose to do."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"May I know whether the Government are aware that Gandhiji has condemned the activities of the Rashtriya Sevak Sangam in his article in the *Harijan* of August 9th, 1942, on a report made by Mr. Asaf Ali, the present Ambassador of the Congress, I mean the Indian Union, in America?"

THE HON. DR. P. SUBBARAYAN:—"I should like to make it clear to hon. Members that there is no question of any Ambassador of the Congress in any country in the world. The Government of the country to-day is in the hands of the Congress and a representative of the Union is an Ambassador in that country. There is no question of representing the Congress in any foreign country. I remember well the article written by Gandhiji, because I naturally pay great attention to whatever Gandhiji says, because he is the undoubted leader of this country. Whatever he says must be taken notice of and we must try to carry out anything he says. Therefore hon. Members may be certain when I say that Government will carry out whatever Gandhiji wants, especially because he is now pleading for communal amity and peace in the country."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Are the Government aware that the Muslim National Guards are a purely social organization intended for social service? Are they also aware that in 1942 when the City of Madras and other parts of the Province were in confusion on account of the fear of Japanese invasion, these guards rendered yeoman service to the people of the Province irrespective of caste or creed? Are they also aware that these volunteers do not possess even a lathi?"

THE HON. DR. P. SUBBARAYAN:—"I am grateful to the hon. Gentleman for his information and I am prepared to take it. At the same time the Rashtriya Sevak Sangh plead that they also are an organization for social service. Therefore in both these cases the Government have got to keep

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careful watch to see whether any communal tension is raised by the behaviour of these two organizations because you cannot get away from the fact that they are both essentially communal."

SRI R. V. SWAMINATHAN:—"Is there any proposal to start home guards?"

MR. SPEAKER:—"A separate question may be put."

SRI V. RAGHAVAYYA:—"Are the Government aware that the Rashtriya Sevak Sangh is one of the most efficient and best behaved organizations engaged in social welfare work and, put at the worst, they are not worse than the Muslim guards?"

MR. SPEAKER:—"The hon. Member is giving information."

SRI S. NAGARAJA MANIGAR:—"As long as the hon. Members of the Muslim League are owing allegiance to Mr. Jinnah who has carved out a separate state for himself, does it not follow that these people must be less affectionate (disaffectionate) to the Nehru Government?"

(No answer.)

Alleged opening of letters, etc., addressed to Muslim League leaders of Tellicherry.

* 552 Q.—M. MUHAMMAD ISMAIL SAHIB BAHADUR (on behalf of K. M. Seethi Sahib Bahadur): Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that letters and postal communications addressed to Muslim League leaders and workers at Tellicherry are being opened and read by the Special Branch of the Police;

(b) whether the Government have directed such censoring of letters of private parties; and

(c) whether such censoring is going on in other post offices also?

THE HON. DR. P. SUBBARAYAN:—"The Government decline to answer the question in the public interest."

Irrigation works to be carried out this year (1947-48).

* 553 Q.—SRI M. A. EASWARAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) the number of major and minor irrigation works that are going to be carried out this year 1947-48; and

(b) when the Lower Bhawani Project is going to be carried out?

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THE HON. SRI M. BHAKTAVATSALAM:—" (a)—

Minor irrigation works in charge of the Revenue Department. (All these works relate to repairs to minor irrigation sources) 2,221

Major works in charge of the Public Works Department 120

Minor works in charge of the Public Works Department 167

" (b) The execution of the Lower Bhavani Project is being commenced in the current year."

SRI M. A. EASWARAN:—"What will be the cost of the project and when will it be completed, Sir?"

THE HON. SRI M. BHAKTAVATSALAM:—"The hon. Member may put a separate question."

SRI M. A. EASWARAN:—"Will the Hon. Minister please state the extent that will be brought under cultivation both in Bhavani and Erode taluks?"

THE HON. SRI M. BHAKTAVATSALAM:—"A separate question may be put."

SRI K. BRAHMANANDAM REDDI:—"Will the Hon. Minister place on the table of the House the number and names of major and minor irrigation works to be carried out in 1947-48?"

THE HON. SRI M. BHAKTAVATSALAM:—"A separate question may be put."

SRI V. RAGHAVAYYA:—"Will Government see to it that these major and minor irrigation works are distributed equitably in all the districts of the province?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are exactly doing that even without the suggestion from the hon. Member."

M. S. ABDUL MAJID SAHIB BAHADUR:—"In view of the fact that District Collectors are having heavy pressure of work, will Government transfer minor irrigation work to the P.W.D.?"

THE HON. SRI M. BHAKTAVATSALAM:—"The proposal is under the consideration of the Government."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"What is the exact amount to be spent in the Andhra area and the Tamil area? Will the Hon. Minister give an assurance that a proper amount will be spent in the Andhra area?"

THE HON. SRI M. BHAKTAVATSALAM:—"A separate question may be put to the proper quarters."

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Road communication in Tiruchendur taluk.

* 554 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Public Works be pleased to state whether the Government are aware that the Tiruchendur taluk is the most backward in road communications in the Tinnevely district?

THE HON. SRI M. BHAKTAVATSALAM:—"It is true that Tiruchendur taluk in Tinnevely district is backward in road communications at present; but action is being taken to remedy this state of affairs."

"The list^a of works included in the approved five-year programme of improvements to village communications in the district, those sanctioned for execution in the current year under 'Grants in aid—Post-war Reconstruction' and those taken up by the district board for execution from other grants is placed on the table of the House."

SRI K. T. KOSALRAM:—"In view of the fact that the roads mentioned in the answer paper are pending for several years and the amount sanctioned for that purpose lapses year after year, will the Government be pleased to appoint a special overseer to execute the work as expeditiously as possible?"

THE HON. SRI M. BHAKTAVATSALAM:—"Perhaps there has been delay. I shall consider the suggestion of my hon. Friend for the appointment of additional staff to go into the question."

SRI M. KUMARAN:—"Is the Hon. Minister aware of the communications in Malabar are in the worst condition?"

THE HON. SRI M. BHAKTAVATSALAM:—"That is so, Sir."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is the Government aware of the road communications must be given the top-most priority in postwar reconstruction programmes? Are the Government satisfied that what they are doing now satisfies the situation?"

THE HON. SRI M. BHAKTAVATSALAM:—"Consistent with the financial position of the Government, we are giving the utmost priority to this question."

SRI S. NAGARAJA MANIGAR:—"After the present popular Government has come into office, is it a fact that comparatively less attention is being paid to road works?"

THE HON. SRI M. BHAKTAVATSALAM:—"That is not so."

^a Printed as Appendix II on pages 1162-1163 infra.

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Installation of radio sets.

* 555 Q.—SRI K. P. KAMATCHI CHETTIYAR: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal under the consideration of the Government to instal 8,000 radio sets in the Province; and

(b) if so, whether priority will be given to villages where there are no schools of any kind?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) A scheme for large scale installation of radio sets in this Province is under the consideration of the Government. The Chief Engineer (Highways) has been asked to submit a scheme for the development of listening facilities and it is awaited."

" (b) The question of giving priority to remote and backward villages will be considered while examining the scheme on receipt from the Chief Engineer."

SRI K. RAJARAM NAIDU:—"May I know whether priority will be given to the firkas selected for intensive development?"

THE HON. SRI M. BHAKTAVATSALAM:—"Yes, Sir, priority will be given not only to firka development villages but also to backward and inaccessible areas."

SRI V. M. RAMASWAMI MUDALIYAR:—"Has any progress been made in getting radio sets manufactured in this country?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are examining this question."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know whether at least all the panchayat board areas will be supplied with radio sets?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are trying to do that, Sir."

SRI V. RAGHAVAYYA:—"Will the Government set apart a fair number for the aboriginal tribes area in the agency tracts?"

THE HON. SRI M. BHAKTAVATSALAM:—"I shall remember aboriginals and others in whom the hon. Member is interested when I distribute the radio sets."

SRI M. KUMARAN:—"Will priority be given to rural dispensaries and rural communications over radio sets?"

THE HON. SRI M. BHAKTAVATSALAM:—"We shall consider that suggestion, Sir."

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Complaints against V. M. Guruswami Chetti, textile dealer.

* 556 Q.—SRI R. SUBBA IYER: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government received any complaint against V. M. Guruswami Chetti, a wholesale and retail textile licensee at Poonamallee, that he clandestinely removed a large quantity of mill goods from Poonamallee to Mangadu in August 1946;

(b) whether the police immediately seized the goods on information;

(c) whether the said goods were found to bear August 1945 stamps;

(d) whether the goods were subsequently released by the police; and

(e) whether any action is proposed to be taken against the licensee and when?

THE HON. SRI H. SITARAMA REDDI:—“(a) Yes.

“(b) Yes.

“(c) No.

“(d) Yes.

“(e) No. It has been reported after investigation by the Provincial Textile Commissioner that no irregularities have been committed.”

SRI R. SUBBA IYER:—“May I know how many wholesale and retail licences this gentleman holds?”

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a.m.

THE HON. SRI H. SITARAMA REDDI:—“Notice.”

Strike period treated as on loss of pay.

* 557 Q.—SRI R. V. SWAMINATHAN: Arising out of the answer given to my question No. 328, dated 30th October 1947, will the Hon. the Minister for Education be pleased to state whether it is a fact that the strike period was treated as on loss of pay as a sort of punishment?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The teachers who went on strike were dismissed for not attending to their duty. When they were re-instated, their period of absence from duty was considered as leave on loss of pay; for otherwise, they would have lost the benefit of the service they had already put in.”

SRI R. V. SWAMINATHAN:—“May I know whether the Hon. Minister is aware of the fact that the Madura Municipal Elementary School Teachers' Association informed the Municipal Commissioner, Madura, that the teachers were prepared to resume work from 19th July 1947, but that they were permitted to do so only from 13th August 1947, that is, after a lapse of 24 days?”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“It is quite possible, as the Commissioner has to get the sanction of the Director of Public Instruction in the matter.”

SRI R. V. SWAMINATHAN:—“In view of the fact that out of the total strike period of 39½ days, only 15½ days were due to the strike and the remaining 24 days due to the delay caused by the authorities in not taking prompt action, will the Government consider the desirability of allowing the teachers to work during holidays as compensation?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am afraid the hon. Member does not understand the full consequence of the question. The delay was caused because they struck work, and when they appealed, some time had to be taken for considering the appeal. That is a natural delay when any question like this arises.”

SRI N. M. R. SUBBARAMAN:—“May I know whether the Government are aware that the teachers have offered to work for additional days as compensation and that the committee of M.L.As. has recommended the offer to the Government?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I must point out to the House that the teachers were treated very generously. There was no victimization and even the temporary hands who struck work were reinstated. None of the teachers were deprived of the benefit of the service they had already put in. The Government have treated them very generously and correctly. After all that, it is not fair to come down here and say that the Government have not treated them properly.”

“As for the question put by the hon. Member opposite, I want to say that certain representations have been received, but the Government regret that they cannot comply with them.”

SRI R. V. SWAMINATHAN:—“May I know whether the Hon. Minister considers that a delay of 24 days is reasonable in considering whether the teachers should be allowed to resume work or not?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I may inform the hon. Member that some days were taken by the Commissioner's Office in sending the papers, because certain holidays intervened. As soon as the papers were received, orders were issued at the earliest possible moment by wire.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know whether their period of absence from duty was considered as leave on loss of pay as a disciplinary measure and, if not, whether they cannot be allowed to work for an equal period to recoup the loss that they sustained?”

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—

“ I am afraid the hon. Member has not understood the position. It is a matter of misplaced sympathy. If the Government wanted to take disciplinary action, they could have fined, suspended or removed them from service. But they not only never did anything of that sort, but also reinstated them at the earliest possible moment. There is no question of loss of pay, because they were not in service during those days.”

SRI R. V. SWAMINATHAN:—“ My question has not been answered. My question was whether the Hon. Minister would consider the desirability of giving a chance to the teachers to work during holidays to compensate for the strike period.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ There is no question of compensation. They were not in service in those days.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ As the matter has been settled, will the Government consider the question of reimbursing the teachers to the extent of the loss they sustained? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ I must say that this is not a very responsible question which I expect from the Leader of the Opposition. Knowing as he does how strikes are going on in every department, I am really surprised that the Leader of the Opposition should put a question like this.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ My question was, since the Government have had their way and the teachers had been reinstated, whether now it would not be gracious on the part of the Government to give back the pay to the teachers which they lost during the period they struck work? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ It is not a matter of grace. The Government had been very graceful. No one was victimised and even the temporary hands, who could be set aside, had been reinstated. I do not see any want of grace on the part of the Government in the matter.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know whether there is any impediment in making the schools work for the number of days that they lost on account of strike and giving an opportunity to the teachers to earn the pay they lost? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“ I am afraid the hon. Member has not understood the position. They were not in service, and they were not employed by the Municipal Council during those days. We cannot give them salary by making them work again to compensate for a period when they were not at all in the service of the Municipal Council.”

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[* 558 Q.—

MR. SPEAKER:—“ The hon. Member Sri V. I. Muniswami Pillai is not in his place. The answer will be printed in the proceedings.”]

[*Cultivation of sugar-beet.*

* 558 Q.—SRI V. I. MUNISWAMI PILLAI: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether any experiment by the Government has been conducted in the cultivation of sugar-beet in this Province;

(b) if so, with what result;

(c) whether it is a fact that large sugar content is present in the sugar-beet and that there are many places in this Province suitable for the cultivation of this beet; and

(d) if no experiment was carried out in the past whether the Government have any proposal before them to undertake it now with a view to encourage sugar-beet cultivation?

THE HON. SRI K. MADHAVA MENON:—“ (a) The answer is in the negative.

“ (b) Does not arise.

“ (c) The sugar content of sugar-beet is between 13 to 17 per cent of its weight as compared with 10 to 11 per cent in the case of sugarcane. Beet root requires for its cultivation a temperate climate in both humid and semi-arid regions. As such its cultivation can be expected to succeed only in the following areas:—

Nilgiris district, Kodaikanals, Hosur plateau, portions of the Central districts with mean annual temperature of 75° F and below.

“ (d) At present there is no proposal with Government to conduct experiments on beet cultivation. Preliminary exploratory trials and survey of suitable areas will first have to be undertaken in case beet cultivation is to be encouraged. In September 1946, at the request of a ryot in Otacamund, the Agricultural Department obtained a small quantity of white sugar beet seeds for him from U.S.A. for experimental purposes. The crop is reported to have been sown in March 1947. The result of the trial is being watched by the Agricultural Department.”]

[* 559 Q.—

MR. SPEAKER:—“ The hon. Member Sri K. Anandan Nambiyar is not in his place. The answer will be printed in the proceedings.”]

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Alleged selling of fertilizers at black-market rates.

* 559 Q.—SRI K. ANANDAN NAMBIYAR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether he has received a petition from S. Nachimuthu Gounder of Karur, dated the 10th October 1947, stating that the local distributor of fertilizers, Messrs. Athi Kandaswami Chetti and Sons, was selling ammonium sulphate at black-market rates; and

(b) if the answer is in the affirmative, what action the Government propose to take in the matter?

THE HON. SRI K. MADHAVA MENON:—“(a) The answer is in the affirmative.

“(b) It has been found after enquiry that the allegations are unfounded. It has also been reported that there was no sale of the fertiliser at high rates as alleged in the petition. No action is therefore called for.”

Prevalence of cholera in Parvatipuram taluk.

* 560 Q.—SRI GONA SEETHARAMASWAMI: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the Government are aware of the fact that there are many deaths in Parvatipuram taluk, Vizagapatam district, due to the prevalence of cholera in that area;

(b) the number of deaths which have occurred so far; and

(c) what precautionary measures have been taken to prevent the infection?

THE HON. SRI A. B. SHETTY:—“(a) Cholera was prevalent in Parvatipuram taluk from 23rd August 1947. The epidemic has almost subsided. Only sporadic cases are now reported.

“(b) 420 attacks and 260 deaths.

“(c) An additional staff was employed to combat the epidemic. The usual precautionary measures were adopted, viz., chlorination of water-supplies, their protection from contamination, disinfection of infected articles, houses and their surroundings, isolation and treatment of cholera patients and improvement of the general sanitation of the infected localities. Twenty-one thousand, six hundred and thirty-eight persons were inoculated. The Assistant Director of Public Health in charge of the range inspected the cholera situation on the 3rd October 1947.”

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UNSTARRED QUESTIONS.*Supply of electricity to the ryots of South Arcot.*

69 Q.—SRI S. A. DEVANAYAGA IYAH: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government have received any representation from the ryots of South Arcot requesting the Government to supply electricity for pumping water to the lands; and if so, what action has been taken in the matter;

(b) whether it is a fact that the South Arcot Electricity Distribution Company refuse to supply electricity saying that they have not the necessary materials on hand; and

(c) what steps the Government propose to take to supply them with the materials at an early date so that the ryots may be relieved from the troubles?

A.—(a) to (c) Attention is invited to the paper^a placed on the table of the House.

Sanitary cleanliness in hotels.

70 Q.—DR. D. S. RAMACHANDRA RAO: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether adequate steps are being taken to ensure sanitary cleanliness being observed in the preparation and serving of food in hotels and restaurants and other places where public catering is permitted; if so, what are they; and

(b) whether sweetmeat shops are properly protected from the contamination of flies, microbes and dust?

A.—(a) Yes. Hotels, restaurants and other places where food is prepared and sold to the public are licensable under section 193 of the Madras Local Boards Act, section 249 of the Madras District Municipalities Act and section 297 of the Madras City Municipal Act. Annual licences are to be taken for the premises used for these trades and such licences are issued only after the health staff satisfy themselves that proper sanitary arrangements have been made.

(b) Yes. Steps are always taken to ensure this.

A copy of a recent circular^b issued by the Director of Public Health to all Health Officers on the subject of inspection and control of the preparation and sale of foodstuffs is laid on the table of the House.

^a Printed as Appendix III on pages 1163-1166 *infra*.

^b Printed as Appendix IV on pages 1166-1167 *infra*.

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The "Vyvasaya Cooly."

71 Q.—SRI S. NAGAPPA: Will the Hon. the Home Minister be pleased to state whether the Government have received a copy of a weekly by name *Vyvasaya Cooly*, dated 12th October 1947, in which an article under the caption "Police Zulum" is published?

A.—The answer is in the affirmative.

The Rayalaseema Economic Development Board.

72 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Industries be pleased—

(i) to place on the table the recommendations of the Rayalaseema Economic Development Board;

(ii) to state—

(a) how many of the recommendations have been carried out so far and in which places; and

(b) if not, why not?

A.—The Government have nothing to add to the answer already given in reply to Starred Question No. 464 on 28th March 1947 except to say that they have recently appointed a Development Commissioner for the preparation and submission of a report formulating a co-ordinated plan for the economic development of Rayalaseema.

Repair of the school building at Bukkapatnam.

73 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Education be pleased to state whether the people of Bukkapatnam, Anantapur district, have sent representations for repairing the school building which is in a very bad condition?

A.—No.

MR. SPEAKER:—"I wish to inform the hon. Members that 13 volumes of the Oxford dictionary are available in our library. So the hon. Members can refer to that dictionary."

MUHAMMAD RAZA KHAN SAHIB:—"On a point of order, Sir"

MR. SPEAKER:—"The hon. Member should not create disorder in raising a point of order."

M. S. ABDUL MAJID SAHIB BAHADUR:—"On a point of order, Sir. While replying to the question regarding the attendance of the Premier in the House, the Hon. Leader of the House used the appellation 'Prime Minister'. Is it not a fact that the appellation applies only to the Head of the Indian Union and not to the Heads of the Provincial Governments and, if so, I would like to have a ruling from the Chair whether the Hon. Leader of the House is in order in using that expression?"

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THE HON. DR. P. SUBBARAYAN:—"I will correct myself in view of the hon. Gentleman's suggestion."

MUHAMMAD RAZA KHAN SAHIB:—"The question hour is very important not only for the Members of the Opposition but also for the Members of the Congress Party to elicit information from the Hon. Ministers. It may be that we may not be so much experienced as the Hon. Leader of the House about the practice in the House of Commons. We would like to know whether the Hon. Minister can get touchy, nervous and panicky in answering questions, as thereby the purpose of questions is lost. Tell them that at least in future that they should answer politely, for, after all, politeness pays."

THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman has made an attack. What I want to tell the hon. Members of this House is that it is the hon. Gentleman who seems to have lost his head and talks absolute nonsense."

MUHAMMAD RAZA KHAN SAHIB:—"He should withdraw the word 'nonsense' as it is quite unparliamentary. He is not entitled to say that, for, if I had talked nonsense, the Chair would have called me to order."

MR. SPEAKER:—"I have gone through the Hansard, and the word 'nonsense' has been used in Parliament. But the thing is that nobody brought it to the notice of the Speaker. I will bring relevant Hansard and read it if necessary. But it is better that the Leader of the House withdraws the word."

THE HON. DR. P. SUBBARAYAN:—"Might I point out that, because the hon. Gentleman cast serious reflections, I had to use some strong words? If they hurt him, I am sorry. But I hope he will not use the terms which he chose to use."

SRI V. RAGHAVAYYA:—"I wish to say something regarding the privilege of this House. Questions are put to the Government marked 'short notice,' because they are really urgent. When six Koya aborigines were shot down by the Police in Kovvur the other day, a short notice question was given. The Government have not yet chosen to answer the question. Another case is that of a short notice question which was given nearly ten days back regarding the arrangements made for the relief of the refugees from Hyderabad. Such delays are really hampering the work of the House and making inroads on the privileges of the Members. May I therefore draw your attention to the inordinate delay on the part of the Government in answering short notice questions? While short notice questions on epidemics like diarrhoea and cholera are given prompt attention, questions on bigger issues like shooting and killing have not received the same amount of sympathy from the Government."

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MR. SPEAKER:—"As far as short notice questions are concerned, the Hon. Leader of the House has already explained the position to the House. As soon as the answers are ready, the questions will be brought before the House."

"Regarding other questions, the position is this. As soon as questions are received, they are scrutinized by me and sent to the Government. The rule is that they should be answered within a maximum of seven days. If the answer is not ready, they send me a requisition for extension of time to answer the question. Automatically, I allow the extension."

SRI R. V. SWAMINATHAN:—"May I know what the practice is in the House of Commons?"

MR. SPEAKER:—"Only two days are allowed in the Commons."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, Sir. A very serious situation has arisen due to the Government taking action against the Non-gazetted officers."

MR. SPEAKER:—"The matter has already been raised before the House twice, and I have given my ruling. I am not going to allow the hon. Member Mr. Salam to raise the matter again."

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

II.—GOVERNMENT MOTION UNDER PROVISIO TO RULE 17 OF THE MADRAS ASSEMBLY RULES.

THE HON. DR. P. SUBBARAYAN:—"Sir, I move—

'that Rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 4th December 1947.'

"I have already said that the measures brought forward by the Government are very urgent and that the pressure on time is very great. I am really sorry to take away a day which is available for non-official business. I hope the House will accept my motion."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"When a similar motion was moved last week, I agreed to it. At the same time, I wanted the Government to have some consideration for non-official business. Whatever may be the practice in other countries and in the country of the Mother of Parliaments, the practice in this country is that there is only one non-official day in a week. Very many important measures emanate from the non-official side of the House. In view of that fact, even this single day in a week should not be taken away like this again and again. That is the point that I want to place before the Chair for the consideration of the Chair and of the Government."

11-45 a.m. "Then again, Sir, last time when we were asked that the non-official day should be utilized for official business, we said that we had no objection, but that no further inroads should be made into

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our privileges. Now again, Sir, we are being advised to be restrictive in our demands and in our explanations and similar advices are also being given. Here, I want to bring to your notice, Sir, that it is the business, the privilege and the function of the Chair to take care of such things. You are aware, Sir, that you have always been strict and at the same time accommodative in these matters. You have never allowed members of the House to abuse their privileges in that respect and the members have always been ready to keep within their privileges. As such, Sir, the plea that these days may be compensated in any other way, cannot hold water and the Government cannot urge it as an excuse for taking away even these non-official days that are allotted for non-official business. Sir, the Government, on their part, may expedite their business in more than one way. For example, take the business which is engaging the attention of the House now, namely the Zamindari Abolition Bill. I asked a question the other day whether the Government have received any instructions from the Government of India asking them not to proceed with this Bill further. Then I omitted to ask the Hon. Minister whether the Government have received similar instructions from the Congress High Command. Though it was in my mind, I did not mention the word Congress High Command. Here, Sir, I am coming strictly relevant to the subject and it is in this way. If there are any instructions from the High Command in the matter, then let them announce it to the House . . ."

MR. SPEAKER:—"We are not discussing here about the instructions of the High Command or the Zamindari Bill. We are on the motion whether we can utilize this Thursday for official business."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I am explaining, Sir, how the Government can help the House in expediting their business and for that purpose I am taking the example of the Zamindari Bill. Now the Government have not rebutted the statement that they have received some instructions from the Congress High Command . . ."

MR. SPEAKER:—"I am afraid that the hon. Leader of the Opposition is going out of the way."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"No, Sir, I shall explain how I am particularly relevant. If the Government had really received such instructions, if they are going to reconsider the Bill, if they are going to table any amendments which the Congress High Command had instructed them to do at the Select Committee stage, and if they place those things before the House, then there would be a saving of all our trouble and all the time of the House in discussing the Bill in its present form. That is what I want to say to you, Sir, and that is what I want to impress upon the Members of the Government through you. Therefore, it is not alone the Members of the House that can help in the expedition of the business of the House, but the Government as well. For

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example, if they postpone the Zamindari Abolition Bill, and if instructions to that effect had really been received from the Congress High Command, we may take up other business of Government and get through them, rather than going on with this Bill. We are still in the dark as to the future of the Bill. The Government have not so far given any categorical reply to the question we have asked, whether they have received any such instructions and whether the Bill will be retained in its present shape to the end. Therefore, Sir, the Government also can help us and the House in the expedition of their business."

MR. SPEAKER:—"The motion before the House is one thing and the hon. Leader of the Opposition is speaking about something else. Being the Leader of the Opposition, I gave him all latitude, and he has taken advantage of that and said whatever he wanted to say."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I respectfully protest, Sir, and I beg to submit that it is not so. I have been very relevant as the Leader of the Opposition. The Government have come forward with a motion that this non-official day might be utilized for Government business and for that purpose, they want to deprive us of the non-official day. I was saying that if the Government were to come forward with the motion in a helpful attitude, the House also would be able to help them in their own way. It is to explain how the House will help, that I took the Zamindari Bill for example. Therefore it is, Sir, that I am most respectfully obliged to protest against some remarks which have been made inadvertently just now."

MR. SPEAKER:—"My point is that it is not even necessary for the hon. Leader of the House to move his motion, because the Governor has fixed to-day as the day for the presentation of the Supplementary Budget. By way of abundant caution, I think the Hon. Leader of the House has moved this motion. It is perhaps unnecessary that he should have moved such a motion, but all the same, he appears to have moved it to make his position safe."

"Now I shall put the motion to the vote of the House."

THE HON. SRI KALA VENKATA RAO:—"Sir, the hon. Leader of the Opposition, in opposing the motion of the hon. Leader of the House said that we have received certain instructions from the Congress High Command and that instead of proceeding with the Zamindari Bill, we could have as well postponed it and given some more time for other Government business or for non-official discussions to-day. I will tell the House, Sir, the instructions from the Congress High Command. This is a copy of the letter sent by the Congress High Command to the Premiers and the Revenue Ministers of Provinces. It is dated 26th October 1947. At the end of it referring to our Province it reads:

'You may proceed with the legislation in the matter.'

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Therefore no restriction was placed upon this Government with regard to this legislation except for the advice tendered to us and I would like to inform the hon. Leader of the Opposition and certain people who are making a propaganda in this respect, that we have no intention of retarding the progress of this legislation."

MR. SPEAKER:—"I am now going to put the motion to the vote of the House. The motion is: 'That Rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 4th December 1947'."

The motion was put and carried.

MR. SPEAKER:—"Regarding the word 'non-sense' on which the point was raised whether it was parliamentary or not, I have found out the reference to it in the Parliamentary Debates. It will be found in Volume No. 420, and it is dated 6th March 1946. The incident happened there as it happened here, during the question time. Mr. Sussington said, 'Is not the whole basis of the question a lot of cheap-jack non-sense.' Nobody raised any point of order and the Speaker kept quite."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"On a point of submission, Mr. Speaker, the words used in the Parliament were not 'pure non-sense'. They were 'Cheap-jack non-sense' Sir."

III.—DEMAND FOR GRANTS FOR FURTHER EXPENDITURE IN THE YEAR 1947-48.

* THE HON. SRI B. GOPALA REDDI:—"Mr. Speaker, Sir, I have great pleasure in presenting the Demands for grants for further expenditure in the year 1947-48. For the second time, Sir, I am presenting this supplementary demand and all other items of expenditure which will come under 'New Services' will also be presented at the end of March 1948."

"Sir, last time, when I presented the Supplementary Demand, the hon. Sri K. Bhashyam wanted a sort of running commentary on the various demands. Now I propose to give the House a synopsis of these demands for the easy understanding of the hon. Members. With your permission, Sir, I shall read a statement."

'As the House is aware, the first batch of Demands for Grants for further expenditure and the connected Detailed Supplementary Estimates for the year 1947-48 was presented to the Legislature in September last. The present statement covers 16 demands, all of which are for token sums only. They are presented in the middle of the year so that the approval of the Legislature may be obtained for the expenditure on the several items either before they are sanctioned by the Government or as soon as possible thereafter—as stated in paragraph 4 of the Introductory Memorandum to the Supplementary Statement.'

"All the Demands are for 'new services,' including in this category one item which is so treated on account of a material

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increase in the cost of the scheme since the Legislature voted funds for it. The reasons for incurring the expenditure are explained in the note under each Demand. They are briefly as follows:

1. *Grant II—Provincial Excise.*—This relates to the additional staff sanctioned for enforcement of Prohibition in the West Coast districts, Nellore and Guntur when Prohibition was extended to eight more districts from the 1st October 1947.

2. *Grant VIII—Irrigation.*—This comprises four items—

(i) Re-modelling of an irrigation channel in the Tanjore district;

(ii) Purchase of tools and plant for use on works of the Irrigation and Electricity Departments;

(iii) Provision of additional quarters for the staff at Polavaram engaged on the detailed investigation of the Ramapadasagara Project; and

(iv) A grow-more-food work in the Kurnool district.

3. *Grant IX—Heads of Provinces, Ministers and Headquarters Staff.*—This relates to the constitution of a Provincial Firka Development Board which will formulate a plan of work for the Province and frame schemes for intensive rural reconstruction work and development of cottage industries and khadi in the selected firkas and centres.

4. *Grant XI—District Administration and Miscellaneous.*—This is for the provision of facilities for research work in the laboratory of the Provincial Broadcasting Department in order to promote the indigenous Radio Industry.

5. *Grant XIV—Police.*—This seeks approval mainly to the formation by the Government of four Special Armed Police units to be stationed in different parts of the Province for the better preservation of law and order and in the interest of internal security under present conditions, the opening of Police Recruits' Schools at Alamadhi, Vizianagaram and Trichinopoly and the employment of additional police staff for enforcement of prohibition.

6. *Grant XV—Education.*—This relates to four items—

(i) The employment of additional staff in Government colleges to cope with the larger numbers of students admitted;

(ii) The starting of the Overseer's Course in the Engineering College, Guindy;

(iii) The deputation of some officers to Wardha for training in the principles of Basic Education, and opening of two stores for supply of the equipment required for Basic Schools; and

(iv) The employment of a Basic Education Officer to formulate proposals for introduction of Basic Education in the Andhra districts and a junior Deputy Inspector to supervise the work of basic schools in the Coimbatore district.

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7. *Grant XVI—Medical.*—This seeks approval to the Government's action in having transferred the Wellesley Sanatorium Jail, Bellary, from the Jail department to the Medical department to be run as a civil sanatorium with an increased bed strength in view of the very urgent need for increased facilities for treating tuberculosis patients.

8. *Grant XVII—Public Health.*—The question for creating a separate fund for rural water-supply has been under the consideration of the Government for a long time and we have decided to start a rural water-supply fund with Rs. 1 crore to start with, and Rs. 15 lakhs would be set apart from the current revenues and it is also for the approval of the House.

9. *Grant XVIII—Agriculture.*—This Demand relates to the sanction by the Government of a scheme for the purchase of small tractors, crude-oil engines and medium and low-lift centrifugal pumps by the Agricultural department for sale or hire to ryots, and of a scheme for the control of the rat pest in Tanjore district.

10. *Grant XX—Co-operation.*—This Demand relates to the cost of additional staff sanctioned by the Government for the more effective audit of co-operative societies.

11. *Grant XXIII—Miscellaneous departments.*—This relates to the additional cost of paying lump sum boarding grants to Harijans hostels even in the first year of their existence instead of waiting till the second year as hitherto.

12. *Grant XXIV—Civil Works—Works.*—This relates to a Postwar Reconstruction work, viz., the construction of a permanent hospital in the Wynaad Colonization area.

13. *Grant XXV—Civil Works—Establishment and Tools and Plant.*—The Government have sanctioned the employment of additional clerical and menial staff for each of the subdivisions and sections of the Highways department sanctioned in June 1947 and this Demand relates to the extra cost of that staff.

14. *Grant XXVII—Electricity.*—The Madras Electric Supply Undertaking was taken over by the Government on the 29th August 1947, and is now being administered as a Government Operating System called the "Madras Electricity System." Some additional staff had to be sanctioned for this system, and this Demand relates to the cost of such staff.

15. *Grant XXXV—Civil Works outside the Revenue Account.*—This Demand relates to the proposals of the Government to construct new buildings for the Headquarters Hospital at Calicut and improvements to the existing hospital. The approval of the Legislature is required with reference to the material increase in the cost of the scheme as compared with the provision made in the current year's budget voted by the Legislature.

16. *Grant XXXVI—Capital Outlay on Electricity Schemes.*—On the acquisition of the Madras Electric Supply Undertaking by the Government at the end of August 1947, it was necessary to increase the stock of cables in the System to meet the

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requirements of the next twelve months, and the Government sanctioned the necessary purchase. This Demand is presented in order to obtain the approval of the Legislature for the additional expenditure involved.

"Sir, the voting of the demands will take place on the 9th."

12 noon. Mr. SPEAKER:—"The Supplementary Demand has been presented to the House and voting will take place on the 9th. I am not going to trouble the House once again regarding the word 'nonsense' but I may tell the House."

SRI P. NATESAN:—"What is the dictionary meaning of the word 'nonsense', Sir?"

Mr. SPEAKER:—"The Hon. Leader of the House has already stated that we have 13 Oxford volumes."

SRI P. NATESAN:—"I should like to have the Speaker's definition."

Mr. SPEAKER:—"My definition of it is to be seen in the Oxford dictionary. I want to say, that on 28th May 1902 (volume 108, page 848), Speaker Gully said that 'nonsense' was an unparliamentary word. Again on 26th January 1931 Speaker Fitzroy said that the words 'Nonsensical references' were unparliamentary."

MUHAMMAD RAZA KHAN SAHIB:—"I want to make a submission, Sir. Really I never meant anything against the Ministers or the Hon. Leader of the House. If the Hon. Leader of the House has used the word 'nonsense' I do not feel sorry, because next time my chance will come and I will use that word with all the emphasis I can."

Mr. SPEAKER:—"I have declared that word unparliamentary. The Hon. Leader of the House also has withdrawn that word."

"Regarding cut motions on the Demands for further Grants, I must inform the House that they should be received in the office not later than 3 p.m. to-morrow, i.e., 5th December 1947."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"It is too early, Sir; why not have 3 p.m. the day after to-morrow?"

Mr. SPEAKER:—"No, tomorrow 3 p.m. That is fixed."

SRI T. VISWANATHAM:—"Sir, I want to make a submission. When the Hon. Leader of the Opposition referred to something, the Hon. Revenue Minister rose up and by way of explanation, read out a letter. As you are aware, a document which is not before the House cannot be read out, and the letter having been read out in the House, we are entitled to have a copy placed on the table of the House."

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GOVERNMENT BILL.

IV.—THE MADRAS ESTATES (REPEAL OF PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947—cont.

Mr. SPEAKER:—"Mr. Prakasam will now continue his speech. May I know from the hon. Member how many more hours he wants to finish his speech?"

SRI T. PRAKASAM:—"I am anxious to finish as early as possible. There is no desire on my part to prolong the debate unnecessarily. I have got some points to mention which I did not mention yesterday; and I cannot say what exact time I shall be taking to complete my speech. Yesterday, I was referring to ryotwari totals. 27,661,300 acres of land is the total ryotwari area. Of this, 7.2 million acres, were lying waste from 1938 until now, i.e., from 1938 to 1946 June. I am giving the reference from Resettlement Reports of 1938 June and 1944 June. The total extent of zamindari lands is 12,842,230 acres, of whole inams 3,396,190 acres and of minor inams 3,600,000 acres. With regard to these, there are no accounts to show how much of this extent was lying uncultivated in the zamindari areas. Yesterday I submitted that in section 6, clause (c), sub-clause (1), 8-1/3 was put in for establishment charges. Out of the one-third of the revenue assigned, one-ninth was allowed as the cost of administration and another one-ninth as irrigation charges, leaving only one-ninth for allowance to the zamindar. There are certain estates which were settled at 70 per cent of their revenue as peishkash and of the balance of 30 per cent, one-third was to cover estate establishments, one-third for irrigation and one-third for the allowance to the zamindar, i.e., one-tenth of the total. When such is the case, how did the Government arrive at 8-1/3 per cent as establishment charges and 5 per cent as irrigation charges? This was done for the purpose of enhancing compensation to the zamindars; in other words, instead of giving compensation of 10 per cent, the Revenue Minister proposes to give compensation at 20 per cent, i.e., double compensation upon the gross rental, i.e., 20 per cent of the present gross rental of 2,23,00,000 against 71.25 lakhs of revenue assigned at the time of the permanent settlement. If the peishkash was fixed at 47.5 lakhs, half of it, or 23.75 lakhs was the allowance; total 71.25 lakhs. The present gross rent is three times the revenue assigned to them at the permanent settlement. Though irrigation works had been neglected for some decades, in the language of the Revenue Minister, high rents were collected from ryots, whereas the Minister allows compensation for 5 per cent out of 10 per cent with regard to irrigation works. I referred to this yesterday, Sir, and pointed out that this is a deliberate attempt to enhance compensation that should be given to the zamindars."

"You may compare in this connection what amount was charged towards establishment charges in the estates that were under the Court of Wards. I am referring to fasli 1348, i.e., 1938-39. This is the report of the Administration of the Estates under the Court of Wards in the Presidency for the fasli 1348. Page 5, paragraph

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12 of the report explains the position, and the amounts given there may be compared with the amounts prescribed in section 6, clause (c), sub-clause (1), with regard to these establishment charges.

12-15 p.m. "Sir, the percentage of establishment charges is given in paragraph 12 on page 5 of the report. The normal receipt is contained in statement No. 4. The average percentage in the fasli was 17.0 against 21.3 in the previous fasli. In none of the estates except Mandasa, Kurupam, Marungapuri and Ramnad has the percentage exceeded 21. It was 22.7, 20.7 and 21.1 in Kurupam, Mandasa and Ramnad Estates respectively which are unsurveyed. It was 21.7 in Marungapuri. The slight increase in percentage was due to the fall in the ordinary receipts of the estates on account of unfavourable seasons. Such were the figures given for the establishment charges, when these estates were under the Court of Wards. What is the explanation which the Government can give for paying the establishment charges at 8-1/3 per cent? I was dealing with this question yesterday and I am now giving this reference to show that there is no justification to put this figure at such a low rate and then to allow enhanced compensation to be calculated in favour of the zamindar. You may compare, Sir, in this connection, how much was charged in Bihar on account of this. In the Bihar Bill, the maximum of 20 per cent gross income is deducted under this head for purposes of compensation. I have got instructions from the Bihar Government with reference to a letter written by me to them and this is their statement: 'I am sending herewith a copy of the memorandum of the Council of Ministers of the Bihar State about the acquisition of land under the Zamindari Bill, 1947, and also a copy of the note prepared by the then Financial Secretary. They have given this information to help us and they provided the information that we wanted.'

"Sir, I have given the total extent of the ryotwari land. I have also stated how much of this total area of ryotwari land has been lying waste from 1938 to 1946. It was 7.2 millions of acres. What does that show? The Hon. the Revenue Minister set aside the Marjoribanks Committee Report with regard to dry lands in the assessment proposed by the Committee. Similarly, he set aside the Estates Land Act Committee Report which gave all the details that one would require; he did not test the correctness of the conclusions arrived at in that report. I have brought today, though not all the volumes, yet some of the important ones. I do not propose to take your time and the time of the hon. Members of this House by reading any portions of these reports. It contains volumes of evidence from the zamindars' and ryots' associations and other persons and also regarding inams. We left off the question of inams finally when we came to write the report, because it could not be completed. We did examine witnesses as members of that Committee in those days and got evidence, in all these matters. If the Revenue Minister had not taken into his head that there is no information and no

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help that could be got from all these reports, recognized by committees and recognized by himself, it must have been suggested to him to reject these reports and to take a third line of his own. He must have asked himself, how far am I justified in setting aside these reports, without testing the correctness of the statements made therein. He must have felt compelled to ask himself such a question, but nothing of the sort was done by him. Yesterday, about the Marjoribanks Committee Report, I asked why the Government did not consider it and why did they ignore it. But, the Hon. the Revenue Minister has thought fit to set aside all these things and go his own way and he did go. I wish to impress upon the minds of hon. Members of this House, who are responsible to the people who sent them here, to consider whether the line of action taken by the Government with regard to a most important matter relating to millions of people, with regard to all the data available, with regard to the kinds of lands which I have mentioned just now and the extents of which I have given, is justified. Eleven years ago, there was a debate in the Legislature—the period is not very long, it is not hundred years or fifty years or even twenty-five years,—it is only eleven years back—the Hon. the Revenue Minister spoke on the 14th September 1937 and you have got it in the proceedings. I am referring to that to remind the Hon. Minister so that he may refresh his mind and judge for himself whether the way in which he cast aspersions against the statement made by me is justified or not. He stated in that speech regarding zamindari lands, why has Mr. Prakasam fixed one-ninth or one-tenth per cent. What is the sanctity of this one-ninth or one-tenth? That is how he challenged my statement. Sir, you and the hon. Members may decide whether the position taken by the Government today is correct or not, whether it is due to lack of memory or whether it is due merely to a desire to controvert anything that may be said by non-official members who were engaged in this matter. He stated, Sir,—I am referring to his own words, to his own speech on the 14th September 1947—he stated:

'In 1802 when the perpetual settlement was given to the zamindar he was only allowed one-tenth of the rent that was then collected. Today it has increased by leaps and bounds and the poor tenants in zamindari tracts are being rack-rented to the extent of lakhs and crores of rupees. This rack-renting should go. . . . He said, how Mr. Prakasam is justified to arrive at the figure one-ninth or one-tenth as the basis, and that Mr. Prakasam's argument is illusory and so on. I want to ask whether there is any justification for that statement. That is why I am referring today to his speech made on the 14th of September 1947. Today, Sir, in the heat of the controversy, he said that I was an irresponsible man to have stated that one-ninth or one-tenth per cent was the basis fixed not now, but in 1802. It has increased by leaps and bounds. These are his very words. He said that 47 lakhs was fixed as peishkash. For the zamindar's remuneration, what

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12-30 p.m. was fixed was one-tenth for that group of estates. Such being the case, he was entitled to have only one-tenth but the Revenue Minister says today that it has increased by leaps and bounds and the poor tenants in the zamindari tracts are being rack-rented to the extent of lakhs and crores of rupees and that this rack-renting should go. These are the very words which the Hon. the Revenue Minister spoke in those days. Why should he be angry, why should he lose his temper and say that I was an 'irresponsible man'? I would refer to the exact words used in the printed book which I circulated with your permission. I refer to page 20 of the book wherein it is stated: 'Mr. Prakasam has not chosen to explain why compensation should be paid on the basis of either one-ninth or one-tenth of the total revenue in addition to the revenue from lands brought under cultivation after 1802. As far as I can discover, there is no logical basis for this one-ninth or one-tenth.' It is not anything else. In hair-splitting it, the Hon. Revenue Minister is trying to outshine all other gentlemen in that field. He goes on 'As for revenue derived from extensions of cultivation, it will be impossible in the case of most estates to discover the limits of cultivation at the time of the Permanent Settlement and the area which has since come under cultivation.' That is how he wanted to dispose of the matter. I said to you yesterday that there is one volume in which these estates were referred to and details were given about the extent as it was at the time of the Permanent Settlement. In that record, you will find the extent of cultivated land, uncultivated land and how they stood since that report was made. Therefore, it is not right to say that there is nothing on record because he did not choose to refer to that (The Hon. Sri Kala Venkata Rao: 'I said in the case of most of the estates it will be impossible'). He says, most of the estates. 'Most' is a very general expression to condemn the thing and throw it away in the manner this Government have done with such contempt.

"Then, Sir, about the scheme itself, in page 20 of the same book, he said 'The scheme of the Bill is to treat the zamindar only as an agent for the collection of revenue and to compensate him for the rights he has acquired in that capacity over a long period. The Bill does not concede any property right in the estate to the proprietor. Mr. Prakasam's illusory argument that potential value of land, forests, fisheries, etc., has no place in this Bill. He must have misunderstood the scheme of compensation embodied in the Bill and has raised a ghost for nothing.' Whether I raised a ghost or not, it will be seen on a reference to the Bill that the scheme of the Bill was not prepared on the basis that the zamindar is a rent collector but on the basis that he had interest in the land and that he was the proprietor himself."

THE HON. SRI KALA VENKATA RAO:—"Let me first explain that latter portion. The hon. Member says that the potential value of the land is no basis . . ."

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MR. SPEAKER:—"If the Hon. Minister wants to say anything let him go to the mike and speak."

THE HON. SRI KALA VENKATA RAO:—"The hon. Mr. Prakasam has said that potential value of forest, etc., has got a place in the Bill. I would like him to explain, because I am unable to see where that is provided in this Bill."

SRI T. PRAKASAM:—"Sir, the Hon. Minister may refer to the Bill, and read section 6, clause (b). Section 6 begins by saying 'compensation shall be determined for all rights in an estate which stand transferred to the Crown in pursuance of section 3, clauses (b) and (c) in accordance with the following provisions:—

(a) The compensation shall first be determined for the estate as a whole and not separately for each of the interests therein."

"Clause (b) says: 'After the completion of the ryotwari settlement in the estate as hereinafter provided, the gross annual ryotwari demand in respect of the estate shall be computed by adding to the ryotwari assessments on cultivable land in the estate . . .'. Take the words 'cultivable land.' That makes it clear and nothing can be more conclusive to show that the Government have in its mind compensation on the basis of cultivable land."

THE HON. SRI KALA VENKATA RAO:—"I would like to say one word in this connexion, Sir."

SRI T. PRAKASAM:—"The Hon. Minister wanted me to explain and I am trying to explain it and if the Hon. Minister interrupts me in the middle, it will be difficult both for him and for me. It is stated that the demand shall be computed by adding to the ryotwari assessments on cultivable land. Note the words, it is on the 'cultivable land' and not on the land already cultivated, but on the cultivable land, that is land capable of cultivation in future. That is the meaning of the words 'cultivable land.' In the clause itself, it is stated 'cultivable land in the estate, other than private lands therein the gross income derived by the Government from the estate in respect of fisheries, forests and mines and minerals, during the complete fasli year.' Can there be anything more conclusive than this to show that the potential value also is taken into account. He wanted to know how I used the word 'potential' in my statement. I used the word because I have read the section, the English words therein and I have understood it in the natural sense, the sense in which anyone in my position with a limited knowledge can understand."

THE HON. SRI KALA VENKATA RAO:—"I have been advised, Sir, by the Legal Department that the words 'cultivable land' there only refer to 'cultivated lands' and that this term has been referred to in the Board's Standing Orders and it

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stands to-day and if there is any difficulty about the words 'cultivable lands' not meaning cultivated lands, I am prepared to concede the point. I made a reference to the Legal Department and the Revenue Department and they told me it only refers to 'cultivable land' in terms of the Board's Standing Orders and nothing else."

SRI T. PRAKASAM:—"The Board's Standing Orders were condemned by the Hon. the Revenue Minister in such terms as 'The Board's Standing Orders do not contain even figures, heaps of paper have been stuck up into it without any meaning; they are changing it every morning.' This is the language used by the Hon. Revenue Minister with regard to the Board's Standing Orders. (Interruption by the Hon. Sri Kala Venkata Rao.) Let me not be interrupted and let me complete what I have to say. Since it was stated like that I am trying to clear it up. The mines that may be worked in future and the amounts realized by them out of their working are also taken into account in the matter of compensation to be paid to the zamindar under this Bill. The Hon. Minister laughs over it. He says the Legal Department and some other department told him; the Board of Revenue said so and so on. They may all say to him in private; we have not got their statements here. I would like to have the statements of the Legal Department or any other department or let them come and explain it in this House . . ."

MR. SPEAKER:—"How can they come and explain before this House?"

SRI K. BHASHYAM:—"They may summon anybody before the House."

MR. SPEAKER:—"That is not the practice here though it is the practice in the House of Commons. Mr. Viswanatham raised the point when the Hon. Revenue Minister cited a letter from the High Command and said that it should be placed before this House. In this connexion I must give a ruling on that."

SRI T. VISWANATHAM:—"Sir, some amount of importance has gathered round the instructions or advice which the High Command have given to the Revenue Minister."

SRI T. PRAKASAM:—"On a point of order, Sir. May I interrupt Mr. Viswanatham for a moment. I am afraid that Mr. Viswanatham when he spoke and asked for that letter, was mistaking that letter for the two-page typed matter. It is not so. The Hon. Revenue Minister made it clear in one of the Press notes in the local press. . . ."

MR. SPEAKER:—"Under which rule he is entitled to place it before the House?"

SRI T. PRAKASAM:—"Yes, Sir. Let me complete my sentence. I am not trying to defend him, but am trying to point

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4th December 1947] out because he may not have noticed, as anyone of us would not have noticed, every one of the statements issued by the Hon. Revenue Minister day after day now. I have a cutting of one paper with me here. The press people would not leave the Revenue Minister or the Prime Minister or anybody else; so long as they are alive they would be after them. When he was asked, why are you stating like this, it is so and so, then he issued a statement which appeared in the Press saying 'I have got special instructions from the High Command' meaning thereby the Secretary or somebody and he gave his name also."

MR. SPEAKER:—"Is it a public document or a private document?"

SRI T. PRAKASAM:—"It has appeared in the press and I am coming to it now."

MR. SPEAKER:—"Let us hear Mr. Viswanatham what he has to say in this matter."

SRI T. PRAKASAM:—"I only wanted to correct Mr. Viswanatham if he had not read what appeared in the press."

SRI T. VISWANATHAM:—"Sir, I was about to say, the Hon. Revenue Minister was referring to the instructions and to the letter which he has read out to-day, and he not only referred to them but he said that he embodied those things in the statement which he made in introducing this Bill. He actually said, 'I have incorporated those suggestions, although I am not placing the letter' from which he actually read or which purports to be the letter. The letter and the instructions are an integral part of the same transaction. Mr. Speaker, Sir, you were asking, under what rule it can be placed before the House. The rule is the ordinary rule of debate observed not merely in the Houses of Legislature but also in courts of law. It is not possible for the members of the House or for the Speaker to understand the relevancy or the import of all documents which a particular member or Minister proposes to read unless the document is placed before this House."

MR. SPEAKER:—"Whether it is a private document or otherwise?"

SRI T. VISWANATHAM:—"I will come to that aspect of the matter later. It is for that reason the Hon. Sri Prakasam took your permission to distribute the document which he was about to read to the House. It is a well-known rule. It is a rule which appeals to every one. Yesterday the Revenue Minister said that Sri Prakasam is not entitled to ask and he was not entitled to place it on the table of the House. He said that he had made a substance of it in his statement and had not said the whole. The members are entitled to know from the document whether he is correct in his interpretation of the thing. We want to know whether

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the document bears any other interpretation and what it says. It has come before the House and it is the property of the House and therefore he has got to place not merely that little sentence which he has read but also the instructions which form an integral part of that entire transaction. There is no particular rule upon which we can ask for this."

MR. SPEAKER:—"We can be guided by the procedure of the House of Commons."

SRI T. VISWANATHAM:—"It is also generally observed in courts of laws otherwise we cannot proceed and Mr. Speaker, Sir, whether it is to be public or private; then the position of this House under the present constitution you are aware of. There is what is called a Party Government and this party is controlled in a way by a certain Central organization in the Indian Union and in matters of policy and enunciating the policies and the issuing of election manifestoes the Central High Command has got a definite place and the Revenue Minister read out from the election manifesto not issued by the Government but by the Congress High Command and it is in pursuance of that election manifesto that this whole legislation is coming up and therefore when the Congress High Command addresses a letter to the Revenue Minister or the Premier of the Province it is not a private document but it is an official document."

MR. SPEAKER:—"Official or public."

SRI T. VISWANATHAM:—"It is a public document because we are under a system of Party Government. We are controlled in a way. The Revenue Minister says that he has incorporated those instructions in the statement which he read while introducing the Bill. Therefore I submit, Sir, the letter and instructions are not private. They are of a public nature and this House is entitled to know not merely the substance but entitled to have complete copies on the table of this House."

SRI K. BHASHYAM:—"Whatever the original nature of the document may be when he says or reads something from it he makes it a public document and therefore it is necessary that it should be put before the House. Because he says that these instructions have been incorporated in the Bill we want to know whether the instructions have been carried out. That is the usual rule in all these matters."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"The hon. Mr. Bhashyam has covered the point which I wanted to raise."

MR. SPEAKER:—"Then the hon. Member Mr. Ismail need not say anything on that."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I want to add only a few words to make the matter more explicit. If the Hon. Minister had refused to refer to that document it would have

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been another thing but when he read out a portion of it then the Members are entitled to know it fully. They must know whether the sentence read out by him bears that meaning which he wants to give to that in the context. Then again, Sir, there may be no definite rules on this subject."

MR. SPEAKER:—"There are rules."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"From the point of view of equity you must give your ruling. That is my submission, Sir, and the whole document must be placed before the House."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to add a word or two from my experience of procedure in the Legislatures now and in the past. A very wholesome convention has been accepted and followed and that is that whenever a member of the Government in his speech in support of any motion refers to any document and says that he has incorporated the same in the legislation as was done by the present Revenue Minister then it is expected always that the hon. Member should place that document on the table of the House. The members of the House are entitled to know all the things that are contained in that document. That is the procedure that has been followed. I do not know what exactly the Hon. Minister said in his original speech, whether he referred to any particular document. If he had said that he has incorporated some of these suggestions contained in a particular document then he should place the whole document before the House."

* THE HON. SRI KALA VENKATA RAO:—"As a matter of fact I never referred to this in my speech introducing the Bill. During my speech Sri Prakasam asked me whether some instructions were received from the Congress High Command. I simply said he is not entitled to know it nor was I in a position to disclose it. That is the way in which on the first day it arose. Three days ago I incidentally pointed out that suggestions from many quarters were incorporated in the Bill. Now to-day the hon. the Leader of the Opposition raised a point perhaps based on certain news that appeared in the press and argued that I am proceeding with the legislation so as to circumvent the forthcoming Revenue Ministers' Conference at Delhi. That will go into the press and if they read it in the distant villages they will say that something is going wrong. That is incorrect whatever one may say. Therefore I had to say simply that in the letter that I have received from the Congress High Command that I have also information that I can proceed with my legislation. Those who place any reliance on my word may believe this and the others need not do so."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"You read out from a document."

MR. SPEAKER:—"I am going to give a ruling on this,"

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SRI T. PRAKASAM:—"You may give a ruling, Sir, after I read a paper cutting in which he stated that he had received separate instructions."

MR. SPEAKER:—"May I know the paper from which the quotation is taken?"

SRI T. PRAKASAM:—"Sir, it is in Telugu."

‘మద్రాసు ప్రభుత్వపు జమీందారి బిలు కును శ్రీ శంకర రావుదేవ్ సర్క్యులర్ కును ఎటువంటి సంబంధము లేదు. అదేకాక శ్రీ శంకర రావుదేవ్ ఈ క్రింది వర్తమానమును నాకు పంపించినాడు.

‘ఈ విషయమునకు సంబంధించిన శాసనమును మీరు వెంటనే ఆమలు జరుపవలెను.’

"That is the substance of note sent by Sankararao Deo to him. It is a separate instruction to him. It is not in the circular or any other letter. The circular is a different matter. That circular has appeared in the papers. What I referred to was a two-page typewritten letter which contained instructions with regard to various matters under controversy in regard to this matter of Zamindari and Inam Bills. I interrupted because I wanted to point out the correct position so that there may be no mistake on the part of any member here. There are two things. The circular has already appeared in the press. The Hon. Minister pointed out that the circular had nothing to do with the proceedings. He said that he had got special instructions from the Congress Secretary implying thereby that instructions came through a messenger or word of mouth not even by a letter."

SRI A. KAMESWARA RAO:—"On a point of information, Sir. I was told that the Working Committee and its members had nothing to do with this House and I do not understand why all this should be referred to to-day . . ."

MR. SPEAKER:—"An Hon. Minister when he quotes from a Government dispatch or a State paper is bound to place it on the table of the House. If it is confidential the Minister may say that it is of a confidential nature but this rule does not apply to private letters. In this connexion I wish to quote May's Parliamentary Practice. I am reading from page 433—'A Minister of the Crown is not at liberty to read or quote from a despatch or other state paper not before the House, unless he is prepared to lay it upon the table. This restraint is similar to the rule of evidence in courts of law, which prevents counsel from citing documents which have not been produced in evidence. The principle is so reasonable that it has not been contested; and when the objection has been made in time, it has been generally acquiesced in. It has also been admitted that a document which has been cited ought to be laid upon the table of the House, if it can be done without injury to the public interests."

"This ruling is dated 1808. (Voices: 'Very old, Sir.') It is continued: 'A Minister who summarizes a correspondence but does not actually quote from it, is not bound to lay it upon the table.' This is in 1905."

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"The same rule, however, cannot be held to apply to private letters or memoranda."

"On 18th May 1865, the Attorney-General, on being asked by Mr. Ferrand if he would lay upon the table a written statement and a letter to which he had referred on a previous day in answering a question relative to the Leeds Bankruptcy Court, replied that he had made a statement to the House upon his own responsibility, and that, the documents he had referred to being private, he could not lay them upon the table. Lord Robert Cecil contended that the papers having been cited, should be produced; but the Speaker declared that this rule applied to public documents only. On 10th August 1893, the Speaker ruled that confidential documents or documents of a private nature passing between officers of a department and the department cited in debate, were not necessarily laid on the table of the House, especially if the Minister declared that they were of a confidential nature. Indeed, it is obvious that, as the House deals only with public documents in its proceedings, it could not thus incidentally require the production of papers which, if moved for separately, would be refused as beyond its jurisdiction."

"Now I have quoted fully and the hon. Sri Prakasam will continue his debate."

AN HON. MEMBER:—"Your ruling, Sir."

1 p.m.

MR. SPEAKER:—"I have already given the ruling at the outset and in support of it I quoted from May's Parliamentary Practice which is to the effect that private documents need not be placed on the table."

"I hope the hon. Member will be able to finish his speech within half an hour as we are not meeting in the afternoon."

SRI T. PRAKASAM:—"It will not be finished within half an hour; because I have got very important material to be placed before you."

MR. SPEAKER:—"I have got very great respect for the hon. Member. He has already had a day for this out of the five days allotted for his debate. I hope it will be possible for him to finish his speech within half an hour. It is merely a request to Sri Prakasam."

SRI T. PRAKASAM:—"I am anxious to be in your good graces without depending upon rules. When I quoted the rule and practice, the Hon. the Leader of the House flung it back into my face, saying that he has got the power of requesting you to apply the guillotine. I will go on until you apply the guillotine so far as this matter is concerned, if you choose."

MR. SPEAKER:—"The hon. Sri Prakasam need not try the patience of the Speaker."

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SRI T. PRAKASAM:—"I am not for creating a scene and I am expecting the Speaker to be able to follow this debate closely so that nothing would happen by way of preventing proper material being placed before the House."

MR. SPEAKER:—"It does not mean that he must take two days. The other day, the hon. Member wanted only one day and an extra hour."

SRI T. PRAKASAM:—"I modified it; in fact, I wanted if possible to finish even to-day. I am not arguing in detail and at length. I am only placing certain salient points before the House concerning this measure which is intended to protect the interests of the people. I would be the last person to rise in my place and go on wasting the time of the House by way of arguments."

MR. SPEAKER:—"The hon. Sri Prakasam can go on."

SRI T. PRAKASAM:—"Regarding ryotwari lands, what is contradicted by the Revenue Minister, I take it due to lack of memory, was admitted by him in his statement made on the 22nd February 1939, when speaking in the Assembly. This is what he said and I am appealing to you to understand the point and see whether he is in order or is entitled to brush aside the recommendations of the Marjoribanks Committee and other Committees and to fix up at the current ryotwari rates:

'Now, Sir, I come to the question of the land revenue concession with regard to ryotwari lands. The Budget last year made a provision of 75 lakhs for land revenue concession but the actual remission given was only Rs. 71,40,000. Three principles were adopted in the distribution of that remission according to the Government Order.

(1) The cancellation of percentage enhancement imposed by recent settlements on dry, wet and garden tracts in certain districts in recent years;

(2) The grant of remission of two annas in the rupee in the remaining areas of the province;

(3) Temporary reduction of water-cess from Rs. 6-4-0 to Rs. 5-12-0 in the Godavari and Kistna deltas.

I wish to submit both to the Hon. the Premier and to the Hon. the Revenue Minister that there was a percentage enhancement of the water-tax in the deltas of Godavari and Kistna when the last settlement was made and that enhancement was so high as 25 per cent. The tax was raised from Rs. 5 to Rs. 6-4-0 in 1931 per acre but the Government contemplates giving remission of only 8 annas, though there has been an enhancement of Rs. 1-4-0. While in other cases they cancelled all percentage enhancements made at the time of re-settlement, the percentage enhancement made in the case of the abovementioned water-tax was not completely cancelled.'

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This is a matter concerning his own district covering possibly his own property."

THE HON. SRI KALA VENKATA RAO:—"I have very little property."

SRI T. PRAKASAM:—"If any. Let me proceed with the quotation:

'The percentage enhancement could have been completely cancelled with the few lakhs that remained out of the Rs. 75 lakhs allotted for land revenue concession; if this had been done, the facility could have been extended to the areas above mentioned, especially in view of the fact that both the Godavari and Kistna anicut systems give Government annually 20 per cent and 18 per cent net return respectively.'

I plead for the ryots of those districts just as he pleaded for them at that time, though he has now reversed it and he wants them to pay higher rates now.

"Once more, let me proceed with his quotation:

'I plead for the ryots of those districts and request that this year the Government may be pleased to utilize this balance for this just and proper cause. In this connexion, I would also plead for the immediate legislation for ryotwari tracts. To depend upon the Board's Standing Orders in land revenue matters for the Government of this Province is a very dangerous thing to do. These orders are changed almost every morning and if you touch the four bulky volumes which comprise those orders, you will find that there are more slips pasted than there are pages. Therefore, the whole thing should be put in the form of an Act. I am confident that this will be attempted by Government ere long. The necessity for land legislation was envisaged as early as 1919 by the Joint Parliamentary Committee. Our predecessors in office practically did not find themselves fit to bring in such a legislation as this on the statute book.'

Sir, these are the words uttered by him then and I am asking this Government now to remember it. The seventy-five lakhs remission according to the Marjoribanks Committee Report was given in one year but in the second year, only Rs. 71 lakhs was spent. He made such an ardent appeal asking Government to utilize that money for relief to the ryots of Kistna and Godavari districts. Now, is it fair on the part of Government to brush it aside and think of the method proposed in the Bill? If that had been acted upon then, could he, now that he has come into office say: 'Never mind the application of Marjoribanks Committee Report or other things by Government; it is my pleasure that only thus much can be done. Here is a Government which is acting most arbitrarily claiming divine powers as it were; let there be Reports, let there be Committees and let there be their recommendations. Having deprived the zamindars of their estates and having transferred the tenants just as mere chattels from the zamindari

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character to the ryotwari character, he says: 'I have transferred you from a zamindari tenant to a ryotwari patta-holder; you should pay so much to me'. I was telling you about the Pithapuram estate, whose present income is Rs. 8 lakhs and on the ryotwari basis, the income would come to Rs. 7 lakhs when under the 1802 rate, it would be somewhere about 3 lakhs. My case all along has been that all the enhancement must be cancelled. The lancet must be applied and when they were not entitled to any enhancement, it must be cut off. Here what is it that the Hon. Revenue Minister and his Government say? They say we will fix up not at 8 lakhs which is the present income of the zamindar but at 7 lakhs, thus showing a concession of one lakh. (Interruption.) When that reform comes and when we sit to discuss it"

1-15 THE HON. SRI KALA VENKATA RAO:—"It is a matter
p.m. for the future and for the Providence to fix it."

SRI T. PRAKASAM:—"Not Providence, Sir. It is within the power of this Government; within these three months they could have done it."

THE HON. SRI KALA VENKATA RAO:—"Eight months is shorter than eleven months!"

SRI T. PRAKASAM:—"By comparison he is running a race. (Laughter.) I am not in a position to run a race with great powers. (Laughter.) I have got my own limitations. I know I have to bow before people who have the authority of power behind them."

"Sir, in the statement which I read just now, so long back as 1918, the Joint Parliamentary Committee decided or rather recommended that ryotwari legislation should be undertaken immediately. Now how many years is it since that recommendation was made? Twenty-eight or twenty-nine years; or say nearly thirty years have elapsed, and during this time no attempt has been made to legislate. I explained my position, that during the short period when I was in office a Bill was prepared by me for the revision of ryotwari rates. It was Mr. Holdsworth who happened to be the then Revenue Secretary, that drafted the Bill, after great research by him and others who worked along with him. Now it is said that the Bill is not forthcoming. I did not carry it with me when I left office. I left it with the records. All the other records are there; and perhaps the Hon. Revenue Minister will find it some time hence, when it would be too late to use it."

"I shall now refer to the pamphlet issued by the present Government entitled the 'Zamindari System in Madras'. It is a printed pamphlet and perhaps it is selling well in the market. It could have been circulated among the members of this House."

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THE HON. SRI KALA VENKATA RAO:—"It was sent to all the Members."

SRI T. PRAKASAM:—"Thank you for correcting me. In this little pamphlet you will find repeated what has been said in the Estates Land Act Inquiry Committee Report. You will see from this, the circuitous course this Government have adopted for giving relief to the tenants in the zamin estates. In the opening pages a brief account of previous history of the position and management of zamindaris before the Permanent Settlement of 1802 is given. From page 8 onwards I have marked certain portions in my copy which will show that what I have been telling all the while here have been mentioned there."

MR. SPEAKER:—"It being a Government document already circulated to the Members, the hon. Member need not read the passages *in extenso*."

SRI T. PRAKASAM:—"If I am to read these paragraphs it will take me many more days, and so I will simply draw the attention of the House to those portions. They will see that from page 8 onwards to page 12, in paragraph after paragraph, what has been said in the Estates Land Act Inquiry Committee Report is repeated. Now having done that, how can the Government reject the proposals of that report? How can they say that the 1802 rates and the present rates in the ryotwari areas are at par? In the Pithapuram Estate the old rent was three lakhs. Now it is eight lakhs. What this Government say is, 'we will remit one lakh and you pay the seven lakhs.' Now is it not cruelty on the part of Government to ask that to be paid? It was the present Revenue Minister who was crying hoarse when the committee was deliberating that there was rackrenting and how could tenants be able to pay such rent and all that. Now when he has come to power, is it because he has power he is saying all this? What would be the result, I ask? They have got the records all there, which will show the present Minister was one of the victims himself. He raised a hue and cry why four lakhs should be asked to be paid by his district when the neighbouring district is not paying so much, and he wanted it to be cancelled and it was cancelled. My hon. Friend will be able to give answers for anything. I do not dispute his capacity or the capacity of his Government either. (Laughter.) I pointed out when the Rent Reduction Bill was being debated this so-called Zamindari Abolition Bill should be introduced together with that. Now the rates of 1802 are still prevailing to-day in the southern districts. They are lower than the ryotwari rates prevailing in the southern districts. As per the proposed Bill the zamin ryots are to be asked to pay the ryotwari rates of rents; that is, their rent will be enhanced now. This is the most outrageous proposal that any reasonable Government should have thought of against the unfortunate tenants. Now

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what will be the consequence, supposing this Bill is enforced in this manner? What will be the feeling of the ryots in the northern zamin areas who had been badly treated by the zamindars during the last several years, say, fifty, sixty or seventy years? Till 1864 or 1865 there was no enhancement at all in the Northern Circars. It was only thereafter enhancement started and it reached a peak, when we thought that something should be done to remedy it."

1-30 p.m. MR. SPEAKER:—"It is now time for lunch. I wish to know from the hon. Member if he is finishing his speech now. If he is . . ."

SRI T. PRAKASAM:—"I do not think, Sir, I will be able to finish now. I have to read a very important document to show to you and to the hon. Members what the consequences will be if the legislation is proceeded with in this manner."

MR. SPEAKER:—"The discussion on supplementary demands will begin on the 9th. If possible we will continue this discussion on the 9th. If not—I deliberately use the word 'if'—we will take it up on the 10th. I now adjourn the House till 11 o'clock on the 9th."

The House adjourned to meet again at 11 a.m. on Tuesday, the 9th December 1947.

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APPENDIX I.

[Vide answer to starred question No. 549 asked by K. M. Seethi Sahib Bahadur at the meeting of the Legislative Assembly held on the 4th December 1947, page 3 supra.]

Memorandum submitted by the branch of the Hindu Mahasabha in Malabar when the Premier visited Malabar recently.

THE KERALA BRANCH OF THE ALL-INDIA HINDU MAHASABHA,
CALICUT.

The Hindu Mahasabha begs to offer its greetings to the Hon. Premier and warmly welcomes the Premier into the Province of Kerala.

On the occasion of the visit of the Premier of Madras to Calicut, the Kerala Provincial Branch of the All-India Hindu Mahasabha begs leave to avail itself of this opportunity to acquaint the Premier with a few facts and problems which come uppermost in its mind and begs to submit the following memorandum for the kind consideration of the Government of Madras and for immediate attention.

1. It is submitted that the representation of Muslims in Government services should be strictly in proportion to their population and is pointed out that the separate reservation of seats in local bodies also is calculated to engender and perpetuate communal consciousness and is highly injurious to the growth of communal confidence in the country. It is particularly stressed that the police force being responsible for peace and security should be composed only of the members of the Hindu community inasmuch as they are now living in perpetual fear of the aggressive designs of the Muslim community. It is notorious that in Malabar, Muslim outbreaks have been frequent and the Malabar Special Police has been specially designed by Government as a protection against such outbreaks. It is therefore vital that the Malabar Special Police force should be kept free from any intermixture of suspicious elements. Consequently the Hindu Mahasabha protests against the inclusion of Muslims in the police especially in the Malabar Special Police. The Sabha also wishes to point out that the appointment of Muslim officers in certain key positions is dangerous generally and particularly at the present time. But it is suggested that they can be safely appointed in areas where the non-Muslim population is in considerable majority. With particular reference to Malabar it is the painful duty of the Sabha to point out that the wanton, open and daring murder of four Hindu converts near Angadipuram is a glaring instance of the heedless and fearless violence for which the Muslims are prepared in this country and the elaborate precautions made by interested and influential persons have delayed the discovery of any clue to get at the real offenders. The view is generally entertained among Hindus that this has become

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possible by an attitude of indifference exhibited by the Government and unless stern measures are adopted that will give room to similar occurrences.

2. It is well known that arms restriction have been responsible for keeping the Hindu population in a helpless condition against the violence and aggression of hostile communities whereas it is self-evident that in disturbed areas the Muslim communities have succeeded in secretly hoarding arms of all kinds of illicit means. It is therefore urged that every citizen should have the freedom to the use and possession of arms for his personal protection. It is also suggested that compulsory military training should be introduced in schools and colleges that at least in emergency there will be no dearth for competent soldiers for protecting their homes.

3. It is the considered opinion of the Sabha that cow-slaughter should be prohibited in the country. This is urged on economic as well as religious grounds. In an agricultural country, cattle is an invaluable asset and further, the Hindu community is accustomed to regard the cow with reverence and love. To expose them to free slaughter only to accede to the wishes of a minority community is a weakness on the part of a Government who represents a majority of non-Muslim population.

4. Several instances of Muslim obstructions to religious and other processions on the public roads on the ground of vicinity to mosques are often accompanied by violence and the Government are found to interfere with processions for fear of communal clashes. This is an infringement of the rights of a free citizen and it should be declared in unequivocal terms that such hindrances will not be tolerated by the authorities.

5. The Hindus view with great alarm and regret that the Government have been and are seeking to utilize the large resource of the vast properties of the Hindu endowments for public purposes which justly ought to be profitably employed exclusively for the betterment of the conditions of the Hindu public only. It is well known that the submerged classes (Harijans) of the Hindus are in great need of ameliorative schemes. It is therefore the opinion of the Sabha that the Government will be hardly justified in diverting these funds for other and extraneous purposes instead of making them available for religious, charitable and educational purposes of the Hindus themselves.

6. While the Sabha is in perfect accord with the Congress Government in its socialistic reforms introduced for extinguishing the increasing impoverishment of the masses and for reducing the accumulation of riches in the hands of a few exploiting classes, the Sabha is of opinion that measures have still further to be introduced for the equitable distribution of the rich resources of the country by which means only beggary and slavery can be obliterated.

7. The Sabha is willing to appreciate the humane considerations underlying the proposed anti-bigamy law; but the Sabha

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is anxious that such legislation should not be confined to any special community only. A Government proposing to legislate for the entire country can hardly be justified in excluding any particular section on any ground whatever. It is regretted, therefore, that while the Government would withhold legal sanctions for bigamous marriages for the Hindus; it is not as yet contemplating the application of the legislation to the Muslim community who are still free to indulge in bigamous marriages on the ground of religious sanction.

8. Another point which the Sabha wishes to urge on the Government is that the Government are still in the dark about the incalculable harm by quack propagandists of religion and it is therefore the considered opinion of the Sabha that in the interests of Muslims themselves it is imperatively necessary that true and proper religious instructions should be imparted by learned and enlightened instructors and that their services should be called for in all public schools and colleges so that in the formative period of the minds of citizens true instructions should take the place of superstitious and dangerous religious ideas.

9. The Sabha welcomes the decision of the Government of Madras to receive and accommodate the Punjab refugees in this Province and the Sabha accords its active co-operation in the matter of rehabilitating the refugees in vacant areas available in Malabar also.

10. It is highly regretted by the Hindu Sabha that there are no evidence of adequate police precautions against aggressive designs of the Muslims who are reported to be collecting men and arms. The Hindu public are naturally apprehensive in this country also on account of alarming reports from other parts of India and it is suggested by way of prevention that the police authorities should be directed to be on the alert so as to be able to unearth any secret preparations, if any, made in the country.

11. It is the desire of the Sabha to urge upon the Government that they should be pleased to take such steps as are necessary for reserving 35 per cent of the Government appointment exclusively for the backward classes (Harijans) of Hindus in view of the fact that they have remained unprogressive all these years in the past and in the opinion of the Sabha this measure will ensure an appropriate opportunity to raise the status of the Harijans in the Hindu society.

The Sabha begs to submit the above few points for the earnest consideration of the Government and it is further submitted that the Sabha is actuated by no hostile motives, but is inspired by true feelings of love for all Hindus who are to-day in a sorry plight in this country of their own birth notwithstanding that they in accordance with their true traditions and their religion have always extended the hand of hospitality and friendship to any and every community that sought a home in this country.

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APPENDIX II.

[Vide answer to starred question No. 554 asked by Sri K. T. Kosalram at the meeting of the Legislative Assembly held on the 4th December 1947, page 1126 supra.]

I

List of road works in Tiruchendur taluk included in the Tinnevely District Board's five-year programme of improvements to village communications in the district.

Serial number. (1)	Rank approved. (2)	Name of road work. (3)	Approximate	
			Length.	Cost.
			(4) M. F.	(5) RS.
1	1-A	Forming a road from Kachanavilai to Kachanavilai railway station	1 0	10,000
2	7	Metalling Paramankurichi-Udangudi road	4 0	20,000
3	10	Forming a road from Arumuganeri to Tiruchendur	5 0	30,000
4	11	Forming a road from Mudalur to Padugapathu	6 4	40,000
5	13	Forming a road from Melapudukudi to Ammanpuram across Seenimavadi tank	0 5	10,000
6	14	Extension of Mudalur-Padugapathu road to Peria-thalai	2 4	17,000
..	20-A	Forming a road from Mudalur to Kadakshapuram	3 0	18,000
7	36	Forming a road from Athalikulam to Peikulam and thence to Karungadal	8 0	35,000
8	41	Forming a road from Veerapandiyanpatnam to Kayalpatnam	3 0	20,000
9	65	Forming a road from Athur to Punnakayal	3 2	42,400
10	84	Forming a road from road No. 4-N. to connect 4-H./4-O via Varandivel	4 0	35,000
11	87	Forming a road from Vellamadam to Udayarkulam	3 0	25,000
12	88	Forming a road from Karungadal to Meerankulam	5 0	30,000
13	89	Forming a road from Puliyanikulam to Arutalaseri	3 0	15,000

II

List of road works in Tiruchendur taluk sanctioned for execution by the Tinnevely District Board in 1947-48 under Grant-in-aid—Post-war Reconstruction.

Serial num- ber.	Item number in the five- year pro- gramme.	Name of work.	Approximate			
			Length.	Cost of work.	Expendi- ture in 1947-48.	
(1)	(2)	(3)				
<i>Formation of new roads.</i>						
1	65	Athur-Punnakayal road (O.D.R.)	M. F.	RS.	RS.	
2	65	Thisayanvilai-Udangudi road	3 2	42,400	21,000	
3	14	Padugapathu-Periakhalai road (village road).	14 0	45,000	22,500	
4	43	Veerapandiyanpatnam to Kayalpatnam	2 4	17,000	8,500	
			3 0	20,000	10,000	

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III

List of road works in Tiruchendur taluk taken up for execution by Tinnevely District Board in 1947-48 from other grants.

Serial number. (1)	Item number in the five-year programme. (2)	Name of work. (3)	Approximate		
			Length.	Cost of work.	Expenditure for 1947-48.
			(4) M. F.	(5) RS.	(6) RS.
1	10	Forming a road from Arumuganeri to Tiruchendur	5 0	30,000	15,000
2	1-A	Forming a road from Kachinavilai to Kachinavilai railway station	1 0	10,000	8,000
3	..	Forming a road from Megnanapuram to Udangudi	4 0	15,000	10,000
4	13	Forming a road from Melapudukudi to Ammanpuram across Seenimavadi tank	0 5	10,000	3,000
5	38	Forming a road from Athalikulam to Peikulam and thence to Karungadal	8 0	35,000	10,000
6	..	Up-grading works in Athur-Arumuganeri road	2 5	15,000	15,000
7	..	Up-grading works in Tiruchendur-Kulasekarapatnam-Udangudi road	12 0	15,000	15,000
8	..	Reconstructing the dilapidated bridge at 2/5 of Nallur-Kayalpatnam road	..	25,000	25,000
9	43	Metalling Kayalpatnam-Veerapandiyanpatnam road	3 0	20,000	20,000 *

* Included in post-war road development for 1947-48.

APPENDIX III.

[Vide answer to unstarred question No. 69 asked by Sri S. A. Devanayaga Iyah at the meeting of the Legislative Assembly held on the 4th December 1947, page 1133 supra.]

Clause (a)—Whether the Government have received any representation from the ryots of the South Arcot requesting the Government to supply electricity for pumping water to the lands, and if so, what action has been taken in the matter.

(a) Yes. The representations received and the action taken on them in the area served by the South Arcot Electricity Distribution Company, Limited, are as follows:—

Serial number and nature of reference.

Action taken and remarks.

1. Extract of proceedings dated 16th September 1946 from Hanumanthapuram Village Food Committee—S. S. to be put up between Kidar and Kandachipuram. The South Arcot Electricity Distribution Company reported that a length of 11.5 miles of line is necessary and due to the shortage of line materials they regretted that the extension is not possible. Government, Electricity Departmental supply is being investigated. Superintending Engineer, Mettur Electricity System's report is awaited.

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- | Serial number and nature of reference. | Action taken and remarks. |
|--|---|
| 2. Petition, dated 17th May 1947, from Sri-mathi Muthukrish-nammal, Pondi-cherry, to the Chief Engineer (Electricity). Supply to Endiyur Perumak-kal and other villages. | The South Arcot Electricity Distribution Company in letter, dated 28th June 1947 stated that about 25 miles of H.T. line are involved and regretted their inability to supply as there is shortage of all line materials. They had no objection to the Government Electricity Department extending supply to the villages. The matter is under correspondence with the General Superintendent, Operating Systems. |
| 3. Petition from the ryots of Srimush-nam firka. | The licensee submitted their inability to carry out the extension owing to lack of materials but promised to investigate as soon as the works actually on hand were completed. The Chief Engineer (Electricity) has informed that the Superintending Engineer, Mettur Electricity System, has been addressed to investigate into the possibility of Government effecting supply from the Vriddhachalam-Kattumannar-koil line to be constructed. The petitioners were informed to keep in touch with the licensee. |
| 4. Petition, dated 24th May, 1947 from the residents, Salai Agaram village, Vil-lupuram taluk. | The licensee regretted inability to supply due to non-availability of poles, pipes, meters, copper, etc. They have agreed to investigate into it in the latter half of the year and then advise the consumers as to when supply may be expected. |
| 5. Supply for agricultural purposes to Ala-graman, Tindiva-nam. | The licensee submitted their difficulty even to complete the schemes already sanctioned by Government. They agreed to investigate, but regretted inability to supply due to shortage of materials. The petitioner was informed that the investigation will be taken up early next year when supply position of materials was expected to improve. |

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- | Serial number and nature of reference. | Action taken and remarks. |
|--|--|
| 6. Petition, dated 1st April 1947, from ryots of Mettu-palayam and other villages. | The licensee reported inability to extend the supply to these villages due to want of materials. The petitioners were informed that the licensee would investigate in 1948, but supply cannot be promised. |
| 7. Extension of supply to Chinnanerku-nam, Alagramam and Rettana vil-lages. | Licensee reported inability to carry out the extension owing to the shortage of materials. The peti-tioners were informed that the feasibility of extension will be examined as early as possible. |
| 8. Petition, dated 7th March 1947, from ryots for supply to Ayyankovilpattu and Ayyur Agaram, South Arcot dis-trict. | The licensee reported that an exten-sion of 13 miles of H.T. lines will be necessary. The petitioners were informed that the licensee will take up the scheme when the position of materials improves. |
| 9. Supply for agricul-tural purposes at Erumanantangal vil-lage. | The Government were informed of the licensee's difficulty to carry out the extension due to lack of the necessary line materials. The petitioner was informed that the matter will be taken up when the supply position of materials improves. |
| 10. Letter R.O.C. No. B. 7-7592/47 from the Collector, South Arcot, to the Chief Engineer (Electricity), Supply to Shatiatope Anicut area. | The licensee reported their difficulty regarding line materials and said that they would not be able to take it up till the supply position improves. Government Electric-ity Department investigated this extension and found that the voltage regulation will be wor-sened thereby. Chief Engineer (Electricity) informed the Collec-tor in letter, dated 11th June 1947, of the difficulty of extension at present. |

Several applications have been and are being received from the ryots of the South Arcot district both in the licensee's area and in areas served by the Government Electricity Department. Some of them have been investigated, and some are being investigated by the field officers in the order of priority. Out of the applications investigated, supply wherever feasible is sanctioned. Service connexion is given depending upon power position and availability of materials.

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Clause (b).—Whether it is a fact that the South Arcot Electricity Distribution Company refuse to supply electricity saying that they have not the necessary materials on hand?

(b) It is not known whether the licensee have been refusing to receive application from the ryots on this ground. But they have expressed their inability to investigate new schemes, due to the bad position regarding materials and in cases where the extension is not feasible at present the concerned ryots have been informed of the difficulties.

Clause (c).—What steps the Government propose to take to supply them with the materials at an early date so that the ryots may be relieved from the troubles?

(c) The licensee have recently sent in an application to the Electrical Commissioner with the Government of India through the Chief Engineer (Electricity) for a permit to acquire iron and steel materials for his agricultural projects and extensions. They have also asked for 1,000 rails from the consignment of 40,000 rails that is being imported by the Chief Engineer (Electricity). As regards other materials like copper, etc., the licensee will be able to get these in open market and the scarcity of meters cannot now be put forth as cause to refuse supply in view of the scheme recently sanctioned by the Government for giving unmetered supply. It is expected that the progress of the licensee will be more rapid after the 1,000 rail poles are obtained.

APPENDIX IV.

[Vide answer to unstarred question No. 70 asked by Dr. D. S. Ramachandra Rao at the meeting of the Legislative Assembly held on the 4th December 1947, page 1133 supra.]

Circular.

To all Health Officers.

[*Subject.*—Preparation and sale of foodstuffs—Inspection and control.]

During my recent inspections, it has been observed that Health Officers, Health Inspectors and Sanitary Inspectors are not devoting sufficient care and attention in regard to the sanitary upkeep and maintenance of coffee and meals hotels, restaurants, sweetmeat bazaars, aerated water factories, bakeries and other places where articles of food are prepared or are exposed for sale to the public. The importance of ensuring the hygiene and sanitation of these places for safeguarding the public health cannot be over-emphasized. Although such premises are licensed under section 249 of the Madras District Municipalities Act and section 193 of the Local Boards Act, effective steps are not often taken to maintain them in a clean and sanitary condition. It should be impressed on the sanitary staff that frequent inspection of these places to ensure that the prescribed sanitary requirements are kept up to the standard, is one of their primary duties

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and that they should strictly enforce the by-laws issued in respect of them. Where no by-laws have been framed for the control of these trades, licence should be granted only when all the sanitary conditions are satisfied and legal action should be taken against those concerned for infringement of the conditions of the licence whenever such infringements occur.

2. Exposure of food and drink on road and street margins for sale should be prevented. Contamination of food by dust and flies is a great danger to health, as it is one of the most common causes for the spread of bowel infections. Articles of food, which are unfit for human consumption, should be seized as provided for by law and destroyed.

3. It is well known that a considerable amount of adulteration of foodstuffs is being practised by unscrupulous traders and vendors with the result that the public do not get sufficient value for their money. This also affects the nutritional condition of the people. In administering the provisions of the Madras Prevention of Adulteration Act, Health Officers should ensure judicious selection of samples for analysis with a view to put down such mal-practices. Large-scale profiteers from adulteration should be brought to book more often than petty vendors.

4. It is hoped that all Health Officers would impress on their subordinate sanitary staff, the importance of this branch of public health work and by frequent and systematic inspections, they should ensure the strict enforcement of the legal provisions in regard to the preparation and sale of food and foodstuffs in their areas. Every Sanitary Inspector should be made to inspect as a routine all eating places in his ward or division, at least once a week. During such inspections, he should see that the flooring and drains are in good order, the latrine is clean, scalding arrangements for the sterilization of used cups, etc., are functioning properly, wholesome drinking water is provided in the premises, the eatables are kept in glass cases or otherwise protected from dust and flies, and there is a receptacle in an easy accessible place for the deposit of all refuse matter. Periodical re-washing of the premises should also be ensured.

June 1947.

R. M. MATHEW,
Director of Public Health.

Copy to Nutrition, Vaccination and Epidemic sections.

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