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MADRAS LEGISLATIVE COUNCIL
DEBATES

OFFICIAL REPORT

THURSDAY 25TH NOVEMBER
1948

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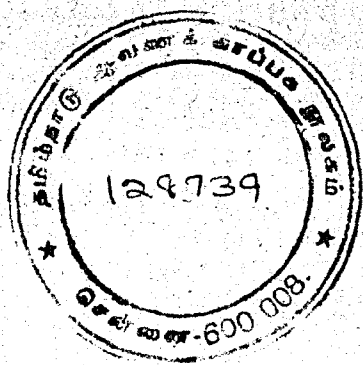
OFFICIAL REPORT

THURSDAY, 25TH NOVEMBER 1948

VOLUME XIX—No. 7

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Thursday, the 25th November 1948.

I.—QUESTIONS AND ANSWERS.

Wholesale dealers in cloth in Bellary district.

THE HON. SRI H. SITARAMA REDDI:—“The selection of the following wholesale dealers in cloth for the Bellary district has been approved by the Government:—

Bellary taluk—

2 Ginka Venkataswami.

Rayadrug taluk—

Sri G. Venkatarāmanappa & Brothers.

Alur taluk—

H. Sanjeeva Reddi.

Adoni taluk—

G. K. Ratchotappa & Brothers.

Hadagalli taluk—

Hastimal Parsoji.

Kudligi taluk—

Ukkada Siddaramappa of Hospet for Kottur Town.

Exclusively for cloth of B. & C. Mills.

1 K. M. Yusuf and Sons, Bellary.

2 R. Sivappa Sanjeevarayudu, Adoni.

3 G. R. Hanumantha Rao & Sons, Adoni.

Exclusively for cloth of Mettur Industries.

1 Ganesmal Pratapmal, Bellary.

2 P. Subbaramayya, Adoni.

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3 T. G. Lakshmiiah Setty, Adoni.

4 Manaji Premchand, Adoni.

5 Kalyanji Vittaldoss, Adoni.

6 J. Gadilingappa Jambanna, Bellary.

“Proposals from the Collector for the selection of five more wholesale dealers for mill cloth other than B. & C. cloth one for Siruguppa taluk, one more for Adoni taluk, two for Hospet taluk and one for Harpanahalli taluk are awaited.”

SRI R. SURYANARAYANA RAO:—“May I know what these rules and regulations are under which these dealers have been given licence?”

THE HON. SRI H. SITARAMA REDDI:—“Certain instructions were issued to the Collectors of the districts under which dealers whose record has been good may be given first priority and then second priority, third priority and fourth. Then Members of the Legislature may be consulted in the matter of selection, and after selection, as per instruction of Government certain names are sent up which are examined by the Provincial Textile Commissioner, and they come for approval to Government.”

SRI R. SURYANARAYANA RAO:—“So those are only instructions and not rules.”

THE HON. SRI H. SITARAMA REDDI:—“Yes, Sir.”

Auditing the accounts of the Hindu Religious Endowments Board.

* 132 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether any change has been made in the system of auditing the accounts of the Hindu Religious Endowments Board;

(b) if so, what the changes are; and

(c) the reasons for the change?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—“(a) No.

“(b) & (c) Do not arise.”

Amount of bonus granted by the Central Government.

* 133 Q.—SRI K. MANATHUNAINATHA DESIGAR: Will the Hon. the Minister for Food be pleased to state—

(a) the amount of bonus granted by the Central Government;

(b) the conditions mentioned in the Government of India, Ministry of Food, Press Communiqué, dated 8th December 1947, regarding the utilization of the bonus amount granted by them, in the present Khariff year;

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(c) how the bonus amount granted by the Central Government in the present Khariff year was spent by the Madras Government;

(d) whether the producers were supplied with manures and other commodities essential for food production, at concessional rates; and

(e) if not, why the Government have not utilized the Government of India bonus amount towards the above purpose, i.e., mentioned in (d)?

THE HON. DR. T. S. S. RAJAN:—“(b) The condition governing the grant of food bonus is that it should be utilized either for meeting the losses, if any, on distribution of foodgrains procured in India or for supplying manures, fertilizers and other commodities essential for production of foodgrains to the producers of such grains at concessional prices.

“(a), (c), (d) & (e) The attention of the hon. Member is invited to the reply to starred question No. 3 which was answered in this House on 22nd July 1948. The final amount to be claimed from the Government of India and the manner in which this amount should be distributed are still under consideration of this Government in consultation with the Board of Revenue (Civil Supplies) and the Director of Agriculture, Madras.”

SRI K. MANATHUNAINATHA DESIGAR:—“Are Government aware that the supply of manure by Government as bonus has helped to produce more food in the Province to a great extent?”

THE HON. DR. T. S. S. RAJAN:—“It was certainly meant to be an incentive for the producers to produce more, but how much more it has done to help Government procurement, it is very difficult to assess now.”

SRI K. MANATHUNAINATHA DESIGAR:—“If so, will they adopt the advice of the Central Government to utilize the bonus to supply manures, etc., at concessional rates?”

THE HON. DR. T. S. S. RAJAN:—“It has been given to the people at concessional rates. But the difficulty of Government is they have not at their disposal sufficient stock necessary. So we have suggested that we will pay cash where manures are not available.”

SRI K. MANATHUNAINATHA DESIGAR:—“May I enquire, Sir, whether for the Khariff year of 1947-48 the Government will utilize the bonus amount for supplying manure to the ryots at concessional rates?”

THE HON. DR. T. S. S. RAJAN:—“It all depends upon the availability of manure in the hands of the Government.”

SRI K. MANATHUNAINATHA DESIGAR:—“I mean, whatever manure is available to be sold through Government agency, will they be sold to the people at concessional rates?”

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THE HON. DR. T. S. S. RAJAN :—" The Government have no objection in giving it provided they have the necessary quantity of manure at their disposal."

MR. PRESIDENT :—" He stresses on concessional rates."

THE HON. DR. T. S. S. RAJAN :—" Even, as it is, Government are afraid they will not be able to give the manure for the coupons they have already issued, and we do not know what we are going to get this year."

SRI C. N. MUTHURANGA MUDALIYAR :—" May I know whether there is any bonus at all for this year? "

THE HON. DR. T. S. S. RAJAN :—" The bonus given is for the year 1947-48."

SRI K. MANATHUNAINATHA DESIGAR :—" We do not know for which year the bonus was given, beyond the fact that it was issued for one Khariff year; I do not know whether it is for 1947-48. I am not referring to the current year. I do not know what a year means."

THE HON. DR. T. S. S. RAJAN :—" I am not concerned with what a 'year' means. A year means twelve months; and the hon. Member knows that it means nothing more and nothing less. We do not know what we are going to get from the Government of India. As soon as a decision is reached it will be communicated to us."

Duties of the Assistant Commercial Tax Officers.

* 134 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have issued any instructions to the Assistant Commercial Tax Officers with regard to their duties and functions when they inspect shops and factories within the area of their jurisdiction, and if so, whether the Government intend to lay the instructions on the table of the House;

(b) whether the said officers have been passing over the defects without issuing any warnings in order to assess the

THE HON. SRI B. GOPALA REDDI :—" (a) No. (b) No specific instances of the kind have been brought to the notice of the Government. (c) Does not arise."

SRI B. BHIMA RAO :—" Are Government aware that the Assistant Commercial Tax Officers, when they visit villages, fine merchants for defects, and they do not issue any warning to the people concerned."

regarding the
in the present Khariff

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THE HON. SRI B. GOPALA REDDI :—" The Assistant Commercial Tax Officers cannot be running schools for the merchants."

SRI B. BHIMA RAO :—" Not running schools, Sir. If they find any defect in the maintenance of accounts, is it not their duty to give them proper instructions first, instead of inflicting fines and penalties? "

THE HON. SRI B. GOPALA REDDI :—" People who come forward to do business should conform to rules under the Sales Tax Act. If they do not do so they are subject to penalties, and it is not the duty of the officers to give them warning."

SRI B. BHIMA RAO :—" Is the Hon. Minister aware that the rules are not published in the regional language, Telugu and Kannada so far as the districts of Bellary and Anantapur are concerned, and we have to purchase the rules in English and translate them to the merchants in the local vernacular."

THE HON. SRI B. GOPALA REDDI :—" I will take the suggestion of the hon. Member. If they are not available in Telugu and Kannada, they will be made available, Sir."

SRI B. BHIMA RAO :—" Will the Hon. Minister enquire whether the rules are available in Telugu and Kannada? "

THE HON. SRI B. GOPALA REDDI :—" My information is they are available in the regional language. If they are not available they will be published in the regional language and made available to the merchants."

Action to be taken against merchants who go against rules.

* 135 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government have issued any instructions to the Commercial Tax Officers to levy sales tax on merchants who have not strictly complied with the rules with regard to the date of submission of their returns or applications for the issue of necessary licences;

(b) whether the Government have made provision for the imposition of a nominal penalty in such cases; and

(c) if not, whether they propose to make such a provision in future?

THE HON. SRI B. GOPALA REDDI :—" (a) Where an exemption is granted subject to the condition that a licence is obtained or that a particular return is filed within the dates prescribed in the Act or in the rules, the assessing authority will be within his powers to levy sales tax if the returns or applications for licence are not filed within the dates prescribed. No instructions have been issued by the Government in the matter."

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“(b) & (c) A licence is not ordinarily granted or renewed with effect from a date prior to the date of receipt of the application and will expire on the 31st day of March of the year in respect of which it is granted, or renewed. Under the proviso to rule 6 (3) of the Madras General Sales Tax Rules, 1939, the Commercial Tax Officer may, in any deserving case, direct the licensing authority to accept an application for the grant or renewal of a licence received after the prescribed date and issue the licence with retrospective effect on the applicant's paying as penalty a sum not exceeding the limits prescribed in that proviso.”

SRI B. BHIMA RAO :—“ Is the Hon. Minister aware that if the monthly returns did not reach the officers by the first of every month, and say, there is a delay of a day or two, sales tax is levied. In such cases would the Hon. Minister consider the desirability of levying only a nominal penalty; say, if there is a delay of a day or two or three.”

THE HON. SRI B. GOPALA REDDI :—“ I think the discretion is already there vested in the officers.”

SRI B. BHIMA RAO :—“ From the rules I see no discretion is vested in them. Even if the returns do not reach the officer with a slight delay of two or three days, will the Hon. Minister see that the merchants are not subjected to payment of sales tax.”

THE HON. SRI B. GOPALA REDDI :—“ If it is a widespread thing, if all the officers are acting like that, we shall think of issuing some general instructions.”

SRI B. BHIMA RAO :—“ May I request the Minister to see such instructions are issued? ”

THE HON. SRI K. MADHAVA MENON :—“ It is not a question.”

THE HON. SRI B. GOPALA REDDI :—“ With regard to money matters we cannot be too lenient.” (Laughter.)

Proposal to take over petrol companies by the Government.

* 136 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR : Will the Hon. the Minister for Finance be pleased to state whether, in view of the scheme of nationalization of motor transport in the whole Province, the Government have under consideration any proposal to take over petrol companies as well?

THE HON. SRI B. GOPALA REDDI :—“ The answer is in the negative.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ In view of the scheme of nationalization of motor transport in the whole Province, will it not be advantageous to the Government to take over petrol companies, as it will augment the resources? ”

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THE HON. SRI B. GOPALA REDDI :—“ We are highly thankful to the hon. Member for his suggestion. We shall consider it in due course.”

SRI S. B. ADITYAN :—“ The question refers to the scheme of nationalization of motor transport in the whole Province. May I know whether there is any such scheme? ”

THE HON. SRI B. GOPALA REDDI :—“ We did have a scheme to nationalize motor transport throughout the Province in five years. But later on we deferred it due to several difficulties. We shall resume the consideration of it very soon.”

SRI S. B. ADITYAN :—“ May I know whether it will not be better for the Government to invest their funds on new industries instead of on the taking over of existing industries? ”

THE HON. SRI B. GOPALA REDDI :—“ That also is being done.”

Assistant Panchayat Officers.

* 137 Q.—SRI A. GOVINDACHARYULU : Will the Hon. the Minister for Local Administration be pleased to state whether it is a fact that the designation of Assistant Panchayat Officers has been changed into Deputy Panchayat Officers and if so, why?

THE HON. SRI K. CHANDRAMOULI :—“ No. It is not a fact that the designation of Assistant Panchayat Officers has been changed. The cadre of Assistant Panchayat Officers was abolished and a new cadre of officers called Deputy Panchayat Officers on a higher scale of pay was created, in order to secure a better type of officers for the supervision of Panchayats.”

SRI R. SURYANARAYANA RAO :—“ May I know whether the Deputy Panchayat Officers are paid by district boards as was the case with Assistant Panchayat Officers? ”

THE HON. SRI K. CHANDRAMOULI :—“ Yes, Sir, they are paid by district boards.”

SRI R. SURYANARAYANA RAO :—“ May I know who the appointing authority is, the district board or the Government? ”

THE HON. SRI K. CHANDRAMOULI :—“ The Government have appointed a selection committee and that committee prepares a list. The district board appoints persons from the list.”

SRI R. SURYANARAYANA RAO :—“ May I take it that an officer is not forced on a district board against its will and that the district board is competent to choose an officer from the list? ”

THE HON. SRI K. CHANDRAMOULI :—“ Yes, Sir, the district board is competent.”

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Rules for admission into the Engineering Colleges.

* 138 Q.—SRI R. SURYANARAYANA RAO : With reference to the statement made by the Hon. the Minister for Education in answering question No. 45 (18) on the 14th August 1948 will the Hon. the Minister for Education be pleased to state—

(a) whether the Government of India of their own accord or on representation made by any one else called for the explanation of the Government of Madras in regard to rules governing the admission into the Engineering Colleges;

(b) what the nature of the communication of the Government of India was; and

(c) whether the Government intend to place the whole correspondence on the table of the House?

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

“(a) & (b) With reference to certain allegations in the Central Assembly by Srimathi Durga Bai, the Government of India asked for information regarding the procedure adopted in making admissions to colleges in this Province and that was supplied to them.

“(c) The hon. Member is referred to unstarred question No. 3 answered on 13th August 1948.”

SRI R. SURYANARAYANA RAO :—“With reference to clause (c), the answer given previously was that the correspondence could not be placed on the table of the House.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“Yes, Sir, that was the answer.”

SRI B. BHIMA RAO :—“May I know whether the Madras Government represented to the Government of India that complaints about the communal rule governing admission into the Engineering Colleges were received mainly from Brahmans?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
“Yes, Sir.”

SRI B. BHIMA RAO :—“Is it not a fact that the Indian Christian Community also is for the abolition of the communal Government Order and that the hon. Dr. John, in a broadcast speech made in April, said that it must be scrapped?”

MR. PRESIDENT :—“I think the reference is to complaints received by the Government and not to any broadcast speech.”

SRI B. BHIMA RAO :—“Have not any other community than the Brahman community made any complaints?”

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

“It is evident from the interest that the hon. Member shows in the matter.”

SRI R. SURYANARAYANA RAO :—“In view of the fact that the allegations were made in the Constituent Assembly and

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and the attention of the public has been pointedly drawn, is it not desirable to place the correspondence on the table?”

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

“Usually correspondence between Governments is treated as confidential.”

MR. PRESIDENT :—“I remember to have read some time back in the papers a communiqué or note by the Government of India.”

SRI B. BHIMA RAO :—“I sent a copy of the reply that I received from the Government of India to all the papers in Madras. But ‘Swatantra’ alone published it about two weeks ago. The matter is important and that is why I am asking the Hon. Minister about it.”

MR. PRESIDENT :—“The hon. Member may put the question.”

SRI B. BHIMA RAO :—“May I know if this Government have said that the general instructions given by Sri C. Rajagopalachariar in 1938, when he was the Prime Minister, are being followed by this Government?”

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

“The Government Colleges are of two kinds. One is the professional college and the other is the Arts College. With regard to admission to Arts Colleges, the instructions issued at the time when Sri C. Rajagopalachariar was the Prime Minister are being followed.”

SRI B. BHIMA RAO :—“The question is with regard to admission to professional colleges.”

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

“The Government have not said to anybody or anywhere that admission to professional colleges are governed by rules issued by the Government in 1938 or 1939.”

SRI S. A. S. RM. RAMANATHAN CHETTIYAR :—“இதுவரையில் இஞ்சினியரிங் காலேஜில் பிராமணர்கள் அதிகமாக படித்திருக்கிறார்களா அல்லது பிராமணரல்லாதார்கள் அதிகமாக படித்திருக்கிறார்களா?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—“இது சம்பந்தமாக எந்த வருஷத்தில் என்று குறிப்பாக சொல்லாவிட்டால் இதற்கு பதில் சொல்வது கஷ்டமாக இருக்கும்.”

SRI S. A. S. RM. RAMANATHAN CHETTIYAR :—“நடைமுறையில் விருக்கும் வருஷத்தில் கணக்கு என்ன என்று கேட்கிறேன்.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—“எந்த வருஷத்திலிருந்து எந்த வருஷம் வரையில் என்று சொல்வது எண்ணிக்கையைப் பார்த்தால் தான் சொல்வமுடியும் மொத்தமாக பல பேர்கள் படித்திருக்கிறார்கள். குறிப்பாக எண்ணிக்கை என்ன என்று சொல்வது கஷ்டமாக இருக்கும்.”

SRI S. A. S. RM. RAMANATHAN CHETTIYAR :—“Majority-யாக பிராமணர்கள்தானே படித்திருக்கிறார்கள் . . .”

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SRI B. BHIMA RAO:—“Has not the Hon. Minister given figures for the years 1943, 1944 and 1945 in reply to a question put by Mr. M. Muhammad Ismail Sahib, Leader of the Opposition, in the Assembly on 24th February 1946?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“What has that to do with this? Quite possible. I have answered many questions on this subject.”

SRI B. BHIMA RAO:—“According to those figures, have not the Muslims and Harijans secured almost cent per cent admission in those years?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I have not got those figures before me. It is difficult to answer such a question without proper notice.”

SRI B. BHIMA RAO:—“Does not the Communal Government Order adversely affect the interests of Muslims?”

MR. PRESIDENT:—“It does not arise from this question. This question asks whether any representation was made to the Government of India and what their reply was. What is it that the hon. Member wants to know?”

SRI B. BHIMA RAO:—“The Muslim League Members in the Assembly wanted the abolition of admission on merit and introduce the communal rule. Therefore does not that rule adversely affect the interests of the Muslims?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member may put a separate question.”

Rules governing admission to Medical Colleges.

* 139 Q.—SRI R. SURYANARAYANA RAO: With reference to the statement made by the Hon. Minister for Education in answering question No. 45 (18) on the 14th August 1948 will the Hon. the Minister for Education be pleased to state—

(a) whether the Government of India of their own accord or on representation made by any one else called for the explanation of the Government of Madras in regard to rules governing the admission into the Medical Colleges;

(b) what the nature of the communication of the Government of India was; and

(c) whether the Government intend to place the whole correspondence on the table of the House?

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

“(a), (b) & (c) The attention of the Hon'ble Member is invited to the answer given to previous question.”

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Communication of the Central Government regarding the principles of educational policy.

* 140 Q.—SRI B. BHIMA RAO: Will the Hon. the Minister for Education be pleased to lay on the table of the House—

(a) the communication addressed by the Government of Dominion of India with regard to the principles of educational policy to be adopted throughout the Dominion of India;

(b) the reply sent thereto by the Government of Madras;

(c) the further reply sent by the Dominion Government to the Government of Madras; and

(d) whether the attention of the Government has been drawn to the communication sent by the Private Secretary to the Prime Minister of India to “Swatantra” which was published on page 12 of the issue, dated 28th August 1948, to the effect that he is opposed to all kinds of communalism, Brahman, Non-Brahman or any other?

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

“(a), (b) & (c) The attention of the hon. Member is invited to unstarred question No. 3, answered on 13th August 1948.

“(d) Yes.”

SRI B. BHIMA RAO:—“What is the reaction of the Hon. Minister to the communication referred to in clause (d)?”

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

“This Government entirely agree that there should not be any sort of communalism, Brahman, Non-Brahman or any other.”

SRI B. BHIMA RAO:—“Does the Hon. Minister implement this in the policy that he pursues?”

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

“Yes, Sir, we do accept the policy that there should not be communalism. But we also want that there must be communal justice and that all people should have sufficient opportunities for getting education.”

Deposits of phosphatic nodules in Tiruchirappalli district.

* 141 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government are aware of the presence of phosphatic nodules in sufficient quantity in Tiruchirappalli district;

(b) whether an analysis has shown that these nodules are rich in phosphatic content;

(c) whether a survey of the deposits of phosphatic nodules has been carried out; and if so, what the results of the survey are;

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(d) whether Government have at any time examined the economic exploitation of these phosphatic nodules;

(e) whether at the instance of the Government successful experiments were carried out in the Indian Institute of Science, Bangalore, to produce calcined phosphate; and

(f) if the answer to (e) is in the affirmative, what further steps the Government propose to take to produce the much needed super-phosphates using what is known as "Bangalore Method"?

THE HON. SRI H. SITARAMA REDDI :—“(a), (b) & (c).—

The Government are aware of the occurrence of phosphatic nodules in Tiruchirappalli district. This was revealed in a survey of the mineral substances of the Tiruchirappalli district carried out by the Geological Survey of India in 1940. It was reported that the area containing the nodules is between 11 and 12 square miles and the reserves of the mineral up to a depth of 50 feet were estimated at 2,000,000 tons; but no pronouncement has so far been made by any analyst that the nodules are rich in phosphatic content.

“(d) The Government have examined the question of utilization of the phosphatic nodules occurring in the Tiruchirappalli district for the production of super-phosphate. Three methods have been suggested for converting the Tiruchirappalli nodules into phosphatic manure and they are—

(1) Conversion of the ground nodules into super-phosphate by treatment with sulphuric acid;

(2) Calcination of the ground nodules with felspar, quartz and magnesite in a rotary kiln to yield a sintered product in which part of the phosphate in the original mineral is converted into a citric soluble variety; and

(3) Fusion of the nodules with silica and magnesia in an electric furnace to yield a product in which all the phosphate in the mineral is converted into a soluble form.

“(e) & (f) In July 1944, the Indian Institute of Science, Bangalore, claimed to have evolved a process by which phosphatic fertilizer could be manufactured from the phosphatic nodules. This process is the second of the three processes mentioned in the answer to clause (d). The product of the Bangalore Institute process was tried in experiments conducted in 1946 in the agricultural farm at Aduthurai. The results of the experiments were not considered adequate for any inference. It was later found that the Bangalore process which was tried by the T.V.A. in America had to be abandoned on account of certain disadvantages. It is stated that experiments for the production of phosphatic fertilizer were carried out by the T.V.A. employing an electrical furnace to fuse mineral rock phosphate with magnesite and silica as fluxes and that actual farming experiments conducted in America with the resulting fertilizer showed that the fertilizer

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obtained by this process was even superior to that obtained by the Rotary Kiln process. This process, it appears, promises to be the most economic way of utilizing the Tiruchirappalli nodules at less than half the cost of super-phosphate made by the acid process. Recently a private company has been floated for the manufacture of fused phosphate employing the process described above.”

SRI R. SURYANARAYANA RAO :—“Has this private company started functioning and has it been given permission to float the necessary capital?”

THE HON. SRI H. SITARAMA REDDI :—“From the information available, I understand that one of the promoters has gone or is about to go to America to secure plants and finalize technical details.”

SRI S. B. ADITYAN :—“May I know why this Government should not undertake the manufacture of phosphatic manure?”

THE HON. SRI H. SITARAMA REDDI :—“When there are people who are prepared to undertake the manufacture, we allow them.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“Why not nationalize?”

THE HON. SRI H. SITARAMA REDDI :—“This is not one of the industries that is proposed to be nationalized.”

MR. PRESIDENT :—“I will be glad to know if the hon. Member has understood the terms used in the answer like ‘rotary kiln’, ‘fusion with silica and magnesia’ etc.”

SRI R. SURYANARAYANA RAO :—“In the deliberations of the Industrial Planning Committee, we became familiar with those terms.”

MR. PRESIDENT :—“I suppose the Hon. Minister understands them.”

THE HON. SRI H. SITARAMA REDDI :—“I am supposed to.”

The dispute between the mirasdars and kisans in the Tanjore district.

* 142 Q.—SRI K. MANATHUNAINATHA DESIGAR : Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that he visited Tanjore district on the 23rd October 1948; and

(b) whether it is a fact that the Joint Secretary, Development Department, also visited Tanjore district on the 23rd October and announced the decisions of the Government of Madras in the dispute between the mirasdars and kisans regarding wages, etc.?

THE HON. SRI H. SITARAMA REDDI :—“(a) & (b) Yes, Sir.”

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SRI K. MANATHUNAINATHA DESIGAR :—" Sir, on what previous occasions were Secretaries to Government sent out for purposes of this kind? "

THE HON. SRI H. SITARAMA REDDI :—" Sir, I should like to have notice. But for the information of the hon. Member, I may tell him that it has always been the practice of Government that Government Orders are always conveyed to the parties by the Secretaries to Government."

SRI K. MANATHUNAINATHA DESIGAR :—" May I know, Sir, whether the established convention of confining the functions to Government within the four walls of the Secretariat is being followed? "

THE HON. SRI H. SITARAMA REDDI :—" No violation of that convention has taken place, Sir. Perhaps the hon. Member is not aware of the practice."

SRI K. MANATHUNAINATHA DESIGAR :—" Is it not advisable that the Hon. Ministers themselves attend to matters of this kind, Sir? "

MR. PRESIDENT :—" By restricting themselves within the four walls of the Secretariat! " (Laughter.)

THE HON. SRI H. SITARAMA REDDI :—" Sir, it does not seem to be a question addressed to a particular Minister. It seems that the hon. Member is expressing his own personal opinion."

Clemency shown to Pichai Ammal of Tirunelveli.

* 143 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Agriculture be pleased to state whether the Government exercised their powers of clemency in the case of one Pichai Ammal convicted under section 302, I.P.C., by the Sessions Judge, Tirunelveli, and, if so, the grounds therefor?

THE HON. SRI K. MADHAVA MENON :—" No. The Government are awaiting the result of the appeal which the prisoner is reported to have filed."

SRI K. MANATHUNAINATHA DESIGAR :—" May I know Sir, what are the charges in this case? "

THE HON. SRI K. MADHAVA MENON :—" Sir, in this case the woman was charged with having murdered her three children and then attempting to commit suicide herself."

SRI S. B. ADITYAN :—" Was it not mentioned in the judgment of the Sessions Judge that the reason which induced the woman to attempt to commit suicide was acute poverty? "

THE HON. SRI K. MADHAVA MENON :—" That was the plea that was put forward by the woman in her appeal, that owing to starvation she found it impossible to maintain her children, because her husband deserted her and therefore she put to death her children and wanted to commit suicide."

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SRI R. SURYANARAYANA RAO :—" Are the Government quite sure that she is going to appeal? "

THE HON. SRI K. MADHAVA MENON :—" She has already appealed, Sir."

Registration of births and deaths.

* 144 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether registration of births and deaths is compulsory;

(b) how many cases of unregistered births and deaths were detected during the last five years (yearwar);

(c) the reasons for defective registration; and

(d) the steps taken to tighten up the procedure for registration?

THE HON. SRI A. B. SHETTY :—" (a) Yes.

" (b) The number of unregistered births and deaths detected during the years 1943 to 1947 were as follows:—

Year.			Number of unregistered births detected.	Number of unregistered deaths detected.
1943	..	..	34,512	14,515
1944	..	..	25,742	15,315
1945	..	..	25,054	12,634
1946	..	..	22,629	7,108
1947	..	..	42,895	10,859

" (c) Failure on the part of the public who are responsible for reporting births and deaths to report all births and deaths without omissions.

" (d) The officers of the Revenue and Public Health Departments, during their tours, scrutinize birth and death registers, detect the unregistered births and deaths and cause the same to be registered, as part of their routine duties."

SRI S. B. ADITYAN :—" May I know, Sir, what is the reason for the great increase in the number of unregistered births, as observed from the figures of 25,000 to 42,000 from the year 1943 to 1947? "

THE HON. SRI A. B. SHETTY :—" That is due to the failure on the part of the people to report. Registration work is done by the village headmen and the village headmen, as we all know, are saddled with many duties at present."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" How are the officers able to detect these omissions, Sir? "

THE HON. SRI A. B. SHETTY :—" When they go to the villages, they are able to detect many cases which are not registered."

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know what action is taken against people who do not report births and deaths? ”

THE HON. SRI A. B. SHETTY :—“ Action is taken against defaulters, Sir.”

SRI S. B. ADITYAN :—“ Who are the officers who are charged with the duty of registration of births and deaths in municipal towns? ”

THE HON. SRI A. B. SHETTY :—“ There are Births and Deaths Registrars, Sir, employed in municipal towns.”

SRI S. B. ADITYAN :—“ Is not insufficiency of staff, Sir, one of the reasons for these unregistered births? ”

THE HON. SRI A. B. SHETTY :—“ Yes, Sir. The number of Health Inspectors is too small and their jurisdiction is too large and therefore it becomes difficult for them to detect cases. They have to deal with a large number of people in a wide area.”

SRI R. SURYANARAYANA RAO :—“ Is there any proposal to increase the Health staff in order not only to see to the proper registration of births and deaths, but also to carry out their other duties? ”

THE HON. SRI A. B. SHETTY :—“ There have been proposals under consideration, but the difficulty is one of finance.”

*Termination of the services of Srimathi M. Saguna Bai,
M.B.B.S.*

* 145 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the services of Srimathi M. Saguna Bai, M.B.B.S., were dispensed with; and

(b) whether the Government can give the reason therefor?

THE HON. SRI A. B. SHETTY :—“ (a) Yes.

“ (b) It was done in public interest.”

SRI B. BHIMA RAO :—“ What is meant by public interest, Sir? ”

THE HON. SRI A. B. SHETTY :—“ She was reported to have Communist sympathies, Sir.”

SRI B. BHIMA RAO :—“ May I know, Sir, what is meant by Communist sympathies in the case of a Lady Assistant Surgeon? Really to give one bad name and hang him, is a very serious matter, Sir. What are the activities which the police suspect of this Lady Assistant Surgeon to have committed in Kurnool? ”

THE HON. SRI A. B. SHETTY :—“ I do not think that I should disclose the matter in the open House, Sir. If the hon. Member comes to me, I will lay the case before him.”

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ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Were her services dispensed with on the report of the C.I.D., and if so, was any responsible officer asked to verify whether the report of the C.I.D. was correct or not? ”

THE HON. SRI A. B. SHETTY :—“ Responsible police officers have conducted investigation and it was on the report of the police, who said that she should not be kept in service, that her services were dispensed with. It will be prejudicial, Sir, to the public interest to place the full facts before the House.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Will the Government consider the desirability of enquiring into the matter once again apart from the police report? ”

THE HON. SRI A. B. SHETTY :—“ I do not think it is necessary, Sir.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Is it not desirable and necessary in the public interest to find out whether the Lady Assistant Surgeon occupying such a responsible position was really guilty or not? Is it proper to act merely on the strength of the C.I.D.'s report, without verifying whether it is correct or not? ”

THE HON. SRI A. B. SHETTY :—“ She was only a temporary Assistant Surgeon not holding any permanent post, Sir. This is not a matter for any departmental enquiry.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Whether she was holding a temporary post or permanent post, I may mention that she was holding a responsible appointment. In such a case, is it not necessary on the part of the Government to institute a departmental enquiry whether she was really guilty or not, and can the Government simply depend on the police report and act upon it? ”

THE HON. SRI A. B. SHETTY :—“ A proper enquiry has been made into the matter, Sir, and I do not think it is necessary to go into it in detail at present.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ May I know what sort of enquiry was conducted apart from the police enquiry? ”

THE HON. SRI A. B. SHETTY :—“ I am not prepared to disclose those facts here, Sir.”

SRI R. SURYANARAYANA RAO :—“ May I know, Sir, whether explanation was called for from the doctor and if so, what explanation has she offered before these orders were passed? ”

THE HON. SRI A. B. SHETTY :—“ She made a representation to the Government, giving her explanation, but the Government were not satisfied with the explanation given.”

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ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“ Will the Government be pleased to appoint an enquiry committee consisting of officials and non-officials to go into the matter again to find out whether she was actually guilty or not? ”

THE HON. SRI A. B. SHETTY:—“ No, Sir, it is not necessary to have any such committee.”

SRI R. SURYANARAYANA RAO:—“ Was there any departmental enquiry after the report of the police? ”

THE HON. SRI A. B. SHETTY:—“ No, Sir.”

SRI R. SURYANARAYANA RAO:—“ Sir, as she was a servant of the Government working under the Surgeon-General with the Government of Madras, was it not proper that the departmental head should have been consulted, before action was taken on the police report? ”

THE HON. SRI A. B. SHETTY:—“ It is not necessary to have departmental enquiry in such cases.”

SRI R. SURYANARAYANA RAO:—“ Then there is no safety for the Government officials, Sir.”

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

The Government Co-operative Housing Scheme.

*146 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Firka Development be pleased to state—

(a) whether any, and what changes, have been made in the Government Co-operative Housing Scheme formulated by the former Minister for Housing; and

(b) whether the Government have placed any restriction on building A and B classes of houses, and, if so, the reasons therefor?

THE HON. DR. S. GURUBATHAM:—“ (a) So far no change has been made in the Co-operative Housing Schemes sponsored by Government.

“ (b) No restriction has yet been placed on the construction of A and B class houses. The Government are however considering the question of encouraging construction of smaller types of houses by co-operative societies in preference to the bigger and costlier types.”

SRI S. B. ADITYAN:—“ May I know, Sir, whether orders have been issued by the Government stating that they would not accord sanction to co-operative house-building societies for constructing A and B class houses? ”

THE HON. DR. S. GURUBATHAM:—“ No, Sir, no such orders have been issued.”

SRI R. SURYANARAYANA RAO:—“ May I know, Sir, when the Government hope to come to a decision on this matter, as meanwhile a number of house-building societies are constructing A and B class houses? ”

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THE HON. DR. S. GURUBATHAM:—“ All societies are not constructing A and B class houses, Sir. They are constructing C class houses also and I see that the proportion is not so great as between A, B and C class houses.”

MR. PRESIDENT:—“ Questions over. The debate on the Zamindari Abolition Bill will now continue.”

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

GOVERNMENT BILLS.

II.—(1) THE MADRAS ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1947 (L.A. BILL No. 37 OF 1947)—*cont.*

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—“ Mr. President, in view of the attitude that we have taken yesterday with regard to an amendment, we are following the same attitude to-day also and we do not propose to take any further part in these discussions, on this Bill.”

MR. PRESIDENT:—“ I think in the interests of the proper and smooth working of this House, we ought not to allow this tension to prevail. I wish that the hon. Deputy Leader of the Opposition will please get into touch with the Government and come to some sort of understanding, so that we may get on as amicably as before. I make this suggestion both to the Government and to the Opposition.”

SRI P. VEERABHADRASWAMI:—“ Mr. President, Sir, this is a very important legislation which the Provincial Government have undertaken since the year 1937. The Prakasam Committee went into the whole question, made a lot of investigations and inquiries and produced voluminous reports. From that time onwards, the zamindari ryots have been expecting legislation on this important question and after many years the Government are now able to bring forward this important legislation which stands to the credit of the present Government and also to the credit of the present Legislature. When the full effects of the present legislation will be known after a few years, people will realise what great achievements we are able to make. This legislation will help to bring about a uniform system of land tenure and the tax burden on the lakhs of zamindari tenants will be greatly lightened and there will be no evictions of tenants from land and we can expect more food crops to be produced and there will be an end to the lot of litigations that have been going on in the zamindari areas.

“ Sir, it has been suggested in certain quarters that in the near future there will be fresh elections and that another party may come into power and that some of the important pieces of legislation passed by the present Government may be repealed or annulled. With all due respect to people holding such views, I may be permitted to say that the Congress will remain in power at least for a decade to come. People in the country are not

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enamoured of the methods that are being adopted by the Communists and other parties and they will never give room for such parties to come into power. It is the Indian National Congress that has brought Swaraj or political freedom in this country and I am sure it will also bring economic Swaraj to the people of this country ere long. Important legislative measures will be introduced in the future that will bring about economic equalization. Capitalism and landlordism will have to undergo very serious changes and there will be plenty of food and clothing for the poor and the needy and we can expect that not only in the national sphere but also in the international sphere, our country will occupy a very important position. So, Sir, I congratulate not only the present Government, but also the present Legislature for putting this important legislation on the statute book."

11-45 a.m. * SRI S. B. ADITYAN :—" Mr. President, Sir, the abolition of the zamindari system was thought of as a small affair in the beginning but looking back upon the history of this legislation one feels that it has been indeed a very difficult matter. Looking at the history of this Bill which is now passing through the third reading I feel that it is no exaggeration to say that, never was a Bill so strenuously and so persistently opposed and never was a measure so bitterly fought at every stage, as this Bill. That this Bill has been brought to this stage, speaks volumes to the tenacity of purpose and the faith in the Congress' Programme, of the Hon. the Revenue Minister. So far as I can see, we have not yet seen the end of the Opposition. It will still be fought in the remaining stages. Representations will be made that the assent should be withheld and even after that, the validity of this Act would be questioned in a court of law. But I believe that the Bill will be held valid in due course and it will achieve the purpose for which it is intended.

" Sir, this is the first step in the abolition of the intermediaries between the cultivator and the State. One feels that it is one of the outstanding achievements of the present Ministry. If one goes to the public for any decision at a later stage this Act will redound to the credit of the Ministry. If the common man asks: 'What has your Ministry done for the public?', then one can rightly and proudly point to this legislation and claim credit for having done something worth the while.

" Sir, while congratulating the Hon. the Revenue Minister on the success with which he has piloted this Bill I would ask him also to bring the rest of his proposed legislation as early as possible. He has already indicated that he proposes to bring a Bill to codify the land tenure and to define by statute the relation between the tenant and the landholder and to bring about certain other land tenure reforms. I would ask the Hon. Minister, Sir, not to rest on his oars but to go ahead and bring all those other welcome reforms so that the land tenure system might be a credit to this Province and to the whole of our country."

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SRI S. A. S. RM. RAMANATHAN CHETTIAR :—" தலைவர் அவர்களே, இப்பொழுது மூன்றாவது கட்டத்திற்கு வந்திருக்கிறோம். ஆகையால் நான் அதிக நேரம் பேசப்போவது இல்லை. ஆனால் இரண்டு பொரு விஷயங்களை மட்டில் பேசுவதற்கு முன் வந்தேன். அதைப்பற்றி கனம் மந்திரி அவர்களிடம் ஏற்கனவே சொல்லி இருக்கிறேன். அதாவது சேர்க்கக்கூடாத சில இனங்களைச் சேர்த்து சில ஜனங்களுக்கு கஷ்டத்தை உண்டு பண்ணாமல் சேர்க்கக்கூடியது என்ன சேர்க்கக்கூடாதது என்ன என்பதை கனம் மந்திரியவர்கள் பார்த்து அதைச் செய்ய வேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்.

" முக்யமாக தஞ்சாவூர் ஜில்லாவில் Palace இனங்கள் இருக்கின்றன. அரண்மனைக்குச் சொந்தமான பல சத்திரங்கள் Palace தேவஸ்தானம் வகையராகக் கண்டேட்டுகள் இருக்கின்றன. அவைகள் எல்லாம் 1936-ம் இடத்திற்கு பிற்திய இனமாக நடவடிக்கையில் இருக்கின்றன என்று நான் நினைக்கிறேன். அந்தமாதிரி இனங்களை கனம் மந்திரியவர்கள் தெரிந்து கொண்டு அவைகளுக்கு வேண்டிய சட்டத்திருத்தத்தைச் செய்வார்கள் என்று நான் நம்புகிறேன். அத்துடன் கூட கோர்ட்டில் இது விஷயமாக அநேகம் கேஸ்கள் pending-ஆக இருக்கின்றன. Suit-கள் நடந்து decree-கள் pending-ல் இருக்கின்றன. அவைகளெல்லாம் பழைய சட்டம் சம்பந்தமானவைகள். அவைகளை பாக்கியில் வைக்காமல் சீக்கிரத்தில் பைசல் செய்ய வேண்டுமென்று ஆர்டர் அனுப்ப கேட்டுக்கொள்கிறேன். வாயதா போட்டுக்கொண்டே இருக்கிறார்கள். சாதாரணமாக கோர்ட்டில் எவ்வளவு கஷ்டங்கள் இருக்கிறது என்பது கோர்ட்டு அனுப்ப முன்னவர்களுக்குத்தான் தெரியும். மற்றவர்களுக்கு அதனுடைய கஷ்டம் தெரியாது. அதைக்காட்டிலும் பெரிய கஷ்டம் மனிதருக்கு வேறு ஒன்று மில்லை. ஆயிரம் நாளைப் படைத்த ஆதி சேஷனாலும் சொல்ல முடியாது. ஆகையால் ஜனங்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள். அவர்களுடைய சிரமத்தைக் continue பண்ணாமல் சீக்கிரத்தில் கோர்ட்டில் pending ஆக இருக்கும் கேஸ்களை சீக்கிரத்தில் முடிக்கும்படி செய்யவேண்டும் என்று கேட்டுக் கொள்ளுகிறேன்.

" தவிர இப்பொழுது இந்த சட்டத்தைக்கொண்டு வந்ததற்கு கனம் ரிவினியூ மந்திரியவர்களை நான் மனமாற வாழ்த்துகிறேன்."

* THE HON. SRI KALA VENKATA RAO :—" I am very thankful, Sir, to the hon. Members of the House for all that they have said during the last one week both in the general discussion and later on when the clauses were considered. It was a real surprise to me, Sir, yesterday, when the hon. the Leader of the Opposition declared that he would not further partake in the passage of this Bill. It would have been very helpful if his attitude had been different. Especially when he was getting into that mood, Sir, I tried to explain to him very clearly and even gave him an assurance regarding the matter which he raised with reference to clause 40. But he was not to be satisfied. I think there is more of politics in his refusal to partake in the debate than the attitude of the Government in not accepting an amendment. This is not the only Bill, Sir, where amendments were not accepted. In this Legislature many Bills were passed for which amendments were not accepted. We discussed this in the Select Committee, Sir, and hon. Members of the House were represented there. This point was thrashed out there. It was there for four months and hon. Members like Dr. Lakshmanaswami Mudaliyar took pains to scrutinize every clause, comma and fullstop. In reply to a later

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question by Mr. Adityan I said: Whether the gentlemen will taking action to circumvent the coming law, it is but right that we co-operate or non-co-operate the Government will stand by their promise. make some provisions with reference to their retrospective and retractive actions. After all what is the retrospective effect we have given? The Congress Election Manifesto was published on 1st November 1945 or thereabouts and we fixed the date at 1st July 1945, only four months before that. It is because the accounts are kept for faslis in revenue matters from July we fixed the date as 1st July 1945. As I told you yesterday, a zamindar getting Rs. 15 lakhs was selling away one of his thānas. A zamindar was assigning a large portion of his lands, about which he had some doubts as to whether they would be classed private lands or not to members of his own family. All these things have to be prevented. It is only with that very good purpose in mind, Sir, that retrospective effect has been put in the Bill, and it cannot be seriously protested against by anyone.

"Leaving that aspect of the question, Sir, the hon. Dr. Lakshmanaswami Mudaliyar who spoke about the Bill in *extenso* yesterday—I think that he practically came to the end of his speech—raised two important points. One was about the retrospective effect and the other was about values. Answering the second question first, we cannot say that the values in this world can remain static for all time to come. They have really been shaken on account of two great world wars. After the two world wars certain values have been shaken and no particular Government or no particular country can be blamed for it. To-day the ideas of social justice have very much developed. Even a country like England has changed from the laissez-faire policy to one of State interference. The State has long ago ceased to be a police State and it has become a positive state. It is incumbent and it is the duty of the State to attend to the needs of the common man not leaving him to mercies of certain interests in the country. So when the State brings in a legislation so as to help him in his various spheres of life, we cannot be charged that we have shaken values. As a matter of fact I may claim with all pride that if there was any single individual in the history of the world in recent years it was our Great Gandhiji, the Father of the Nation, who attached a great value to the so-called values which were in the mind of Sir Lakshmanaswami Mudaliyar. He stood like a rock and prevented people from developing into certain by-ways which would have led them to destruction. Of all these things which were held sacred in this world, his preachings about moral value have impressed not only India but the whole world, as one could have seen the tributes paid to Gandhiji. Therefore, if at all there is one party in this country it is the Congress Party that holds to the values, moral, religious, economic, etc., that were advocated by no less a person than Gandhiji. Therefore, Sir, Dr. Lakshmanaswami Mudaliyar need not get perturbed over that aspect of the question.

"The other important point that he wanted to make in his speech was about retrospective effect. Giving retrospective effect to a legislation is not confined to this Bill alone. I wanted to give a list of all the enactments both here and in England where retrospective effect was given to a number of statutes. Unfortunately my notes were mislaid and I could not bring the list which I read in the Assembly and which was some time ago published in the newspapers. There cannot but be retrospective effect when you want a legislation of this type. As I explained, Sir, there are men who are prepared to make hay while sun shines. People are shrewd enough and when they know what type of legislation is coming, they use their intelligence and they take advice and do things to circumvent the coming Bills. In order to prevent this premonition or whatever you call it on their side, because they are

"Sir, the hon. Members, Mr. Bhinna Rao and Mr. Ramathan Chettiar, have pleaded again the cause of the inamdars. As I have explained earlier, as in the case of Tanjore where there are rulings by Courts, etc., we are bound to honour those rulings and we will honour them.

"With reference to the question of the quantum of compensation and the rest, Sir, we will be as liberal as is humanly possible and we will do our best to do justice and pay everyone concerned his due.

"Sir, the hon. Member, Mr. Adityan, has mentioned about the need for taking further steps to complete the picture. As I have already explained the Government have got the peasant in their heart and they will do all that they can to ameliorate his present depressed condition by legislation and by administration.

"I must nonetheless say, Sir, that the search for justice is of course slow and fumbling and men's ideas of what is just do not always agree. Can any sane politician now support Mr. Bagehot when he said: 'that a permanent combination of the working classes would be an evil of the first magnitude'? He was against trade unions in the 1800s and 1850s. Can any politician now support him? His standard of justice was that labour could not get themselves organised into trade unions. Can we agree with his remark that 'our system could only be maintained (that is the system in England could be maintained) by the elections selecting one or two wealthy men to carry out the schemes of the State?' Sir, time has destroyed all these things and our present ideas are different. That was justice to Mr. Bagehot, a well known English politician. If we go to the people now and say 'You should not have trade unions or you should only elect the Rajah of so and so to be your Prime Minister.' I do not think we will be satisfying anybody. Sir, standards of justice have changed and they have to fall in line with other things.

"There was also another picture that was presented. It was stated: 'you may go away and you do not know what may happen to-morrow. The Communists may upset all your arrangements' 12 noon.

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about retrospective effect and other things.' Sir, I say, the Communists do not think in terms of legislation at all. They want to proceed irrespective of legislation. Their ideal is the complete eradication of the present principles of economic background in the whole country. But, Sir, a politician will not lose courage or allow himself to believe that his search for right is a mere will of the wisp, and that the riddle of social justice is not only unsolved but insoluble. Only one should take guard against formulæ that express a fixed or static state of things. I have read somewhere, there are two words in medicine that you must never use. They are 'always' and 'never' and the same applies to politics.

"Sir, last night, while reading the Political Quarterly, I came across a good passage. It says:

'An eloquent picture of the subjection of Government to the bombardment of group interests is drawn in the grain-growers guide for Western Canada of 1913, under the heading of "don'ts for grain growers".—"Don't agitate for lower tariff duties because you will offend the Canadian Manufacturers' Association. Don't agitate for lower freight rates, because you will offend our three great railway companies. Don't agitate for cheaper money, because you will offend the Banker's Association. Don't complain about the higher price of lumber, because you will offend the lumbermen's associations. Don't complain about the high rate of interest you pay on mortgages, because you will offend the loan and mortgages companies. Don't advocate co-operative stores because you will offend the retail merchants' association."

Then, what are we to do in this world? That is the question that I have to face. Gandhiji was faced with the same opposition throughout his life because his whole programme was against vested interests. If he wanted to introduce khadi, the mill-owners were against it. If he wanted to remove untouchability, the Sanatanists were against it. Similarly, there were so many hundreds of things which Gandhiji had to fight for and therefore, I say, unless you are prepared to move forward and not care for those vested interests in the face of the bombardment, you will not be able to make your country prosper. Sir, one great important thing that Gandhiji has taught us is to do what we feel right and not simply fold our hands and sit exasperated. That is what we are trying to do. This Government which represent the ideals of such a man as Gandhiji cannot sit quiet, because that would be doing an injustice not only to our country, not only to our own people but to the great soul which guided us in the cause of the country's freedom. Therefore, I do not think that we can sit tight. We have to change the trend of things. That task is of course very difficult but we have to shoulder it and carry it to its logical end so that justice may be done to the common man.

"Sir, one question has now been sent about the arrears of rent. This question was much discussed. While in the Northern India Bills, provision is made that Government should collect the rent *in toto* and that fifty per cent of it should be paid to the zamindar after deducting the collection charges, etc., and the

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remainder should be taken over by the Government, we have been advised that this kind of provision will be subject to objection and therefore we deeply considered this question and we decided that the arrears of rent should be reduced in the same way as current rent and we provided for the payment of the reduced rent for faslis 1356 and 1357 and the rest of the outstanding arrears will be wiped out under the present Bill. We have also provided that it is open to the tenant to clear the outstanding arrears within two years from the time of the notification. I know that a number of landholders are misusing the money collected for the current year by rent and then it is being credited for old arrears. There are certain people doing like that and also certain people, because of the law of limitation, are forced to go to the court of law. I will once again examine all these aspects and will take such steps as will be necessary. I now move that the Bill be passed into law."

MR. PRESIDENT:—"The question is—

'that the Madras Estates (Abolition and Conversion into Ryotwari) Bill, 1947 (L.A. Bill No. 37 of 1947) as passed by the Assembly be passed into law'."

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

(2) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL)
AMENDMENT BILL, 1948 (L.A. BILL NO. 24 OF 1948).

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

'that this House concurs in setting up a Joint Select Committee of the two Houses consisting of 21 members (14 members from the Assembly and 7 members from the Council) to consider the Madras Buildings (Lease and Rent Control) Amendment Bill, 1948 (L.A. Bill No. 24 of 1948).'"

MR. PRESIDENT:—"Does the Hon. Minister want to explain the objects or the provisions of the Bill?"

THE HON. DR. S. GURUBATHAM:—"Sir, we are only appointing a Select Committee to go into the whole question. The Bill was published in April and though we did not call for any criticism from the public, we have received a number of representations. Quite a big number of voluminous representations have come to us and they have to be considered. I do not want to go into the details of the Bill at this stage and after the report of the Select Committee is received, I will go into the details. I only move the motion that seven members be nominated from this House."

MR. PRESIDENT:—"The question is that this House concurs in setting up a Joint Select Committee of the two Houses consisting of 21 members (14 members from the Assembly and 7 members from the Council) to consider the Madras Buildings (Lease and Rent Control) Amendment Bill, 1948 (L.A. Bill No. 24 of 1948)."

The motion was carried.

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SRI R. SURYANARAYANA RAO :—" Are we at liberty to discuss the principles? "

MR. PRESIDENT :—" Whether the hon. Members agree with the Bill or not, they can say."

THE HON. DR. S. GURUBATHAM :—" I now move—

' that the following members of this House be nominated to the said Joint Select Committee :—

The Hon. Dr. S. Gurubatham.

The Hon. Sri K. Madhava Menon.

Sri S. B. Adityan.

Dr. Syed Tajuddin Sahib Bahadur.

Sri K. Natarajan.

Dr. Sir A. Lakshmanaswami Mudaliyar.

Sri S. Jayarama Reddi.' "

MR. PRESIDENT :—" The question is—

' that the following members of this House be nominated to the said Joint Select Committee :—

The Hon. Dr. S. Gurubatham.

The Hon. Sri K. Madhava Menon.

Sri S. B. Adityan.

Dr. Syed Tajuddin Sahib Bahadur.

Sri K. Natarajan.

Dr. Sir A. Lakshmanaswami Mudaliyar.

Sri S. Jayarama Reddi.' "

The motion was carried.

(3) THE LAND ACQUISITION (MADRAS AMENDMENT) BILL, 1948
(L.A. BILL No. 26 OF 1948).

THE HON. SRI KALA VENKATA RAO :—" I beg to move—

' that the Land Acquisition (Madras Amendment) Bill, 1948 (L.A. Bill No. 26 of 1948), as passed by the Assembly be taken into consideration at once.'

Sir, this is a short Bill intended to give power to the Government to take emergent procedure so that for certain public purposes, the land can be acquired under the Land Acquisition Act now in vogue. There are two types of acquisition, the emergency acquisition as well as the normal acquisition. Now that we have become a Positive State, we have to do many things. We have to acquire certain lands and give them to the Harijans for constructing houses and if the normal procedure is to be followed, the proposals made in 1942 will not be executed even in 1948 because a long procedure has to be gone through in this matter. Therefore, Sir, we have thought it necessary to amend the Act. Under clause 2, certain lands can be acquired by means of a swifter process. I think there would be no objection to take such a step because it will be

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useful to the public; it will be for a public purpose, for the purpose of any library or educational institution or for the construction, extension or improvement of any building or other structure in any village for the common use of its inhabitants or for any godown for any society registered or deemed to be registered under the Madras Co-operative Societies Act, 1932, or any dwelling house for the poor or any well, irrigation tank, irrigation or drainage channel or any road. These are all public purposes for which the land may be required. I, therefore, request the House to pass the Bill."

MR. PRESIDENT :—" The question is—

' that the Bill further to amend the Land Acquisition Act, 1894, in its application to the Province of Madras be taken into consideration at once.' "

The motion was carried.

Clause 2.

MR. PRESIDENT :—" The question is—

' that clause 2 do stand part of the Bill'.

There are no amendments."

Clause 2 was carried.

Clause 1.

MR. PRESIDENT :—" The question is—

' that clause 1 do stand part of the Bill.' "

Clause 1 was carried.

Preamble.

MR. PRESIDENT :—" The question is—

' that the preamble do stand part of the Bill'. "

The preamble was carried.

THE HON. SRI KALA VENKATA RAO :—" I now move—

' that the Bill be passed into law'. "

MR. PRESIDENT :—" The question is—

' that the Bill further to amend the Land Acquisition Act, 1894, in its application to the Province of Madras be passed into law'. "

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

(4) THE MADRAS PROHIBITION (SECOND AMENDMENT) BILL, 1948
(L.A. BILL No. 27 OF 1948).

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

' that the Madras Prohibition (Second Amendment) Bill, 1948 (L.A. Bill No. 27 of 1948), as passed by the Madras Legislative Assembly, be taken into consideration at once.'

" Sir, this is purely a permissive Bill. Since total Prohibition has been introduced in the Presidency, the old Madras Abkari Act

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goes out of force. There are moreover a few omissions in the original Act, which we would like to rectify. The Madras Prohibition Act empowers the Provincial Government to levy an excise duty similar to that levied on local intoxicating drugs under the Madras Abkari Act. Clause 1 is a formal one. Clause 2 contains the main provision of the Bill. The Madras Prohibition Act empowers the Provincial Government to exempt any specific liquor or intoxicating drugs from the provisions of the Act, and also to issue a licence for the manufacture, import, sales, etc., of any liquor or drug required for bona fide medicinal, scientific, industrial or like purposes. Under the above provision of the Act, the Government have exempted medicinal preparations containing spirit, subject to certain conditions. Licences have also been issued for the manufacture of rectified or methylated spirit, etc. In addition under section 20 of the Prohibition Act, permits are issued to Europeans above 21 years of age, for the consumption of foreign liquor or Indian-made foreign spirits; liquor imported from overseas will be liable only to a customs duty, and it is necessary to make a specific provision to levy a duty on liquor and drugs manufactured in this Province or imported from other Provinces. The Madras Abkari Act contained a provision for the levy of an excise duty or a countervailing duty on all excisable articles. This Act, however, ceases to be in force in the ordinary areas of this Province, with effect from the date on which Prohibition was introduced. We, therefore, considered it necessary to introduce a similar provision in the Madras Prohibition Act. And clause 2 provides for this. Clause 3 is intended to empower the Government to prescribe the rates at which the duty may be levied. The whole measure is, as I already stated, a simple one. And I, therefore, request the House, through you, Sir, to accept my motion.

"Before I resume my seat, I would like to mention in this connexion, that this Bill has nothing to do with the wine used for religious purposes. The Bill before us is purely a permissive Bill, which empowers the Government to levy a duty on rectified spirit, methylated spirit and things like that, especially methylated spirit which is now being used for industrial purposes, and medicinal preparations.

"I move Sir—

'that the Bill be taken into consideration'."

The motion was put and carried.

Clauses 2, 3, 1 and the Preamble were put and carried.

THE HON. DR. S. GURUBATHAM :—"Sir, 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 COTTON GINNING AND PRESSING FACTORIES (MADRAS AMENDMENT) BILL, 1948 (L.A. BILL NO. 28 OF 1948).

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

'that the Cotton, Ginning and Pressing Factories (Madras Amendment) Bill, 1948 (L.A. Bill No. 28 of 1948), as passed by the Legislative Assembly, be taken into consideration at once.'

"This is a short and non-controversial Bill. We have got the Cotton Ginning and Pressing Factories Act of 1925, according to which these factories were required to maintain certain registers and keep some records of the quantity of cotton ginned and pressed, the system of marking, etc., and also to send on some weekly reports, etc. It was one of the recommendations of the Indian Central Cotton Committee that the present Cotton Ginning and Pressing Factories Act does not contain any provision which empowers the Government to check malpractices, such as watering, and trying to mix different varieties of cotton, false packing, and non-removal of foreign matter, etc., or to penalize the use of faulty scales and weights, so much so, it affects the vital reputation of our cotton in commercial circles, if these malpractices are not checked. Moreover, the original Act does not contain a provision to deal with these. This Bill was prepared long ago, but for some reason or other, it has had a chequered career. The Advisers' regime thought that the Bill ought to be deferred till after the end of the war, for some reasons which I do not know. I may say, that it was practically during the war-time, that the corruption was rampant very much, in the areas of Tirunelveli, Coimbatore and Tiruppur. And on the 8th of October 1942, the Advisers' regime decided that this Bill should be deferred. Now that the war is over, we have taken it, because we thought it necessary to have sufficient powers to prevent these malpractices in ginning and pressing factories. So, the original Bill is now sought to be amended suitably, and I believe the sections embodying the amendments have been printed and circulated to the hon. Members of this House, and they could easily see what the purpose of these amendments are."

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

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 1 and the Preamble were put one by one and carried.

THE HON. SRI K. MADHAVA MENON :—"Sir, 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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(6) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1948
(L.A. BILL No. 4 OF 1948).

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

' that the Madras Agriculturists' Relief (Amendment) Bill, 1948 (L.A. Bill No. 4 of 1948), as passed by the Legislative Assembly, be taken into consideration at once.'

" Sir, I introduced this Bill originally at the first stage, in this House, when I requested this House to concur with the Legislative Assembly, in the matter of the appointment of a Joint Select Committee to report on this Bill. The original Agriculturists' Relief Act was passed in 1938, with the consent of the Governor and published in the Gazette in that year. Thereafter, various defects in the working of the Act were pointed out by courts, and particularly the High Court suggested various amendments to the Act. And these amendments were in their making during the Advisers' regime, which made some memoranda or suggestions for certain amendments, but deferred them during the war, saying that it is a matter to be taken up by a popular Ministry. Then, after the Congress Government came to office, my hon. Friend, Mr. P. S. Kumaraswami Raja, took up the question, and collected data that were necessary for making the necessary amendments in the original Act. So, I do not claim complete originality for all the amendments that are before you now. It is a legacy, not a bad legacy as was suggested by my hon. Friend, Mr. Karanth, in the Lower House, but really a good legacy. The object of the original Act was to reduce the heavy burden of debts which before the passing thereof, remained at about Rs. 263 to Rs. 267 crores. Even after the passing of that Act, the amount is still stationary at nearly the same level, and we have been able to reduce it by only about Rs. 9 to Rs. 10 crores. Even under the Bill now before you, I do not think much could be done by way of relief to the agriculturist. What is sought to be done in this Bill is only to remove some ambiguities that were pointed out in the original Bill by the courts. Some other doubts arose later, and also certain decisions were made, which showed that there was something against the intention of the Legislature, in the working of the Act. For, the courts could not but consider the Act, as it stood, and according to their own light. So, all these amendments were felt to be a necessity, to carry out the original intention of the Legislature. All the amendments except the amendment which seeks to insert a new section 9-A, relate to debts which were in existence prior to 1938, and still subsist, and not to any debts which were created subsequent to 1938. Of course, in all legislations, involving dates, there will be some hardship to a few persons who have lent money, but our attempt has been to reduce the hardship as much as possible, and give some relief to agricultural debtors.

" Originally, the cases of the usufructuary mortgagees who were in possession of the property, were beyond the scope of the Act, when no rate of interest had been stipulated. The present amendment makes it possible to bring these mortgages also within the purview of this Bill. And the Joint Select Committee sat for

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days together on the subject, and arrived at the present amendment finally. Somehow, in the Assembly, this clause was debated upon, for some days. So, the Bill has been so sufficiently well thrashed that it has become so good that this House can easily give its assent to this Bill. Moreover, no hon. Member of this House has even thought of an amendment to any of the suggestions made by the Legislative Assembly. So, I need not labour upon the point any further than point out merely the salient features of the Bill, as it emerged from the Select Committee.

" The original Bill with notes on clauses and an annexure giving a comparative view of the existing sections and the sections embodying the proposed amendments and the report of the Select Committee have been circulated to the Members. Therefore, I do not want to traverse the whole ground once again. I will only refer to the salient changes made by the Joint Select Committee. 12.30 p.m.

" *Section 3 of the Act.*—(1) According to the existing proviso (A) to section 3 (ii) (d) of the Act, a person shall not be deemed to be an agriculturist if he has in *either of the two financial years* ending 31st March 1938 been assessed to income-tax. With reference to the suggestion of the Select Committee, an agriculturist who has been assessed to income-tax in *both the financial years* should be exempted from the provisions of the Act. The object of the Select Committee was to widen the scope of the Act so as to give relief to more agriculturist debtors.

" (2) Under proviso (B) to section 3 (ii) (d) of the Act, a person who has *within the two years* immediately preceding 1st October 1937 been assessed to profession tax on a half-yearly income of more than Rs. 300 (this limit has been raised to Rs. 600) shall not be deemed to be an agriculturist. According to the suggestion of the Select Committee, proviso (B) should apply only to a person who has been assessed to profession tax in *all the four half-years* immediately preceding 1st October 1937. If an agriculturist had been assessed to profession tax even for one half-year within the two years, he was not deemed to be an agriculturist and therefore he did not get the relief. The Select Committee has provided that, unless a person has been assessed to profession tax in all the four half-years, he will be deemed to be an agriculturist and therefore will get relief.

" (3) Under proviso (C) to section 3 (ii) (d) of the Act, a person who has *within the two years* immediately preceding the 1st October 1937 been assessed to property or house tax shall not be deemed to be an agriculturist. The Select Committee decided that the proviso should apply only to a person who has in *all the four half-years* immediately preceding the 31st October 1937 been assessed to property or house tax.

" (4) A new definition of interest has been introduced in the original Bill. According to this definition, payments in kind made in excess of the borrowing will also come within its scope. An Explanation has also been inserted that in the case of usufructuary mortgages the rent and profits will constitute the interest, and in case where the property is leased back to the mortgagor the

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rent due to the usufructuary mortgagee under the lease will be regarded as the interest on the mortgage debt. This explanation regarding usufructuary mortgages has been omitted by the Select Committee, as it has been embodied in section 9-A.

"Sir, the necessity for it arose in this way. There were many cases of usufructuary mortgages where no interest was stipulated. The High Court held that the rent of the land was not interest under the Transfer of Property Act. The object of the Act that where interest is provided, it should apply was defeated because of the interpretation that rent did not constitute interest when a land was mortgaged. The object of the amendment is to give effect to the intention of the Legislature.

"Clause 6 (new section 9-A).—Sir, the existing section 10 (2) (i) of the Act exempts usufructuary mortgages where no rate of interest is stipulated from the operation of the provisions of sections 8 and 9 of the Act relating to the scaling down of debts. I was a member of the Select Committee which considered the Bill of 1938. The Select Committee then excluded usufructuary mortgages where no rate of interest was fixed on the ground that it was most difficult, if not impossible to find out the amount of interest that has been paid to the mortgagee by his being in possession of the property. It was difficult to apply the principle of *dandupat* in those cases. To avoid the difficulty of calculation in the case of properties which have been mortgaged for thirty or forty years, usufructuary mortgages were left out of the Act of 1938. Now the Joint Select Committee has decided that if a usufructuary mortgage has been in existence for thirty years, the mortgage should be deemed to be fully satisfied and discharged. The value of the income from immovable property especially during the last six or seven years has been so high that not only the principal would have been paid twice over but half a dozen times over in the course of the last 25 years when the mortgagee has been in possession of the property.

"The Select Committee discussed the matter and has changed the original proposal almost beyond recognition by hedging it with a number of provisos. Usufructuary mortgages where no interest was provided were considered to be safe investments and after the Act of 1938 several transactions have taken place in the belief that they are safe transactions. Several partitions have taken place in families on that basis and shares set apart consist of usufructuary mortgages. If the rule of thirty years is applied to these things, these people will be penalized. To obviate such difficulties, we have made the necessary provisos hedging in this provision. Usufructuary mortgages in respect of property in South Kanara and certain taluks of North Malabar have been exempted from the above provisions.

"Sir, I have been receiving a lot of abuse as well as compliments for exempting the usufructuary mortgages in respect of property situated in the South Kanara district and in certain taluks of the Malabar district. The criticism has been that I and the Select Committee were ignorant of, and absolutely callous to, the

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condition of agriculturist debtors in those parts. Very recently, the Bar Associations in Mangalore and Kasaragod have written to me letters in which they say that in providing for the exemption, the Select Committee has done the wisest thing.

"The position is this. If the Bill is made applicable to South Kanara district and the taluks of Malabar, the party to be benefited will be the landlords and not the tenants. There is a sort of tenancy there, particularly in North Malabar, which has been described by the High Court as usufructuary mortgages. It is not the kanam tenancy of South Malabar. The tenant advances large amounts to the landlord and the landlord gives the property to the tenant as a sort of tenancy. If the debt is wiped off, the benefit will go to the landlord and not to the tenant. There may be a few cases both in South Kanara and North Malabar of usufructuary mortgages which are not exactly like this tenancy. When we consider the question as a whole and see who will derive greater benefit, we find that it is the landlords. The tenants will stand to lose, but the intention of the Act is to protect the tenant. So the Select Committee thought that by providing for exemption they will be protecting a large percentage of agriculturists, even though a few agriculturists may be deprived of the relief afforded by the Act.

"Besides, according to the law of inheritance prevailing in Malabar and South Kanara, which is known as Marumakkattayam law and Aliyasanthana law, respectively, the sale of property could not be effected by the manager without the consent of all the members of the family. So the managers of families used to raise money on property by means of what is known as *aricar* which does not require the consent of all the members. More harm than good will be done to the agriculturist debtors of Malabar and South Kanara by bringing those portions within the scope of this Bill. That is the reason why the Select Committee provided for the exemption.

"Exemption is also given to the property where during the period after 30th September 1937 and before 30th September 1947 the equity of redemption has devolved either wholly or in part on a person or through a transfer *inter vivos* either from the original mortgagor or from a person deriving title from or through such mortgagor otherwise than by a transfer *inter vivos*. Exemption is also provided for in the case where the equity of redemption in the property belonged to or devolved on two or more persons and where any one of them has redeemed the entire mortgage during the period between 30th September 1937 and 30th September 1947, and also in certain other cases.

"Clause 8 of the Bill—Section 13.—The amendments suggested by the Select Committee are consequential on the amendments suggested to provisos (B) and (C) to section 3 (ii) (d).

"Clause 12 of the Bill—New section 23-A.—In order to give the full benefits of the amendments made in favour of agriculturist debtors by the amending Act it is considered necessary to have a

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provision on the lines of section 23 of the existing Act for the setting aside of sales or foreclosures of immovable property shortly ordered before the Bill becomes law. According to the original Bill the benefit will apply only in cases of the sales or foreclosures before the commencement of the Amendment Act and which had not been confirmed before such commencement or ninety days had not elapsed from the confirmation of the sale or from the foreclosure at such commencement. The Select Committee has, however, suggested the application of the provisions in the section to sales or foreclosures effected on or after the 30th September 1947, because that was the date on which the Bill was published in the *Fort St. George Gazette*.

" Clause 14 of the Bill—New section 24-A.—According to the Bill the new section 24-A enables the court to *reject in toto* claims based on documents which have been executed with a view to evade the provisions of the Act. The Select Committee has, however, suggested that the court should *disallow the costs only*.

" Clause 16 of the Bill.—According to sub-clause (ii) of clause 11 of the original Bill the proposed amendment should apply to, among others, all suits and proceedings in which the decree or order passed has *not been executed in full* before the commencement of the Amendment Act. The Select Committee has suggested that the amendments should also apply to all suits and proceedings in which the decree or order passed has not been *satisfied in full*.

" Sir, these are the only amendments made by the Select Committee. They are in fact only attempts made by the Select Committee to reduce the hardships as much as possible to the agriculturists.

" There are not very many changes and I do not think that much objection will be taken by this House. My hon. Friend, Mr. Govindachari, suggested certain amendments which will certainly widen the scope of the Bill in favour of the agriculturists. I had great difficulty in the other House even with regard to the limited scope of the Bill. Though I would like to make the scope wider as suggested by him, I am afraid, it will not be possible to accept the amendments suggested by him and increase the scope of the Act. The Bill has been before the House for a long time. I would request the House that it may be taken into consideration."

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MR. PRESIDENT:—" Just one point. I suppose, before section 9-A, relating to usufructuary mortgage is made to apply, you must be an agriculturist."

* THE HON. SRI K. MADHAVA MENON:—" Yes, Sir."

MR. PRESIDENT:—" In the case of usufructuary mortgages pure and simple usually there is no time fixed for redemption."

* THE HON. SRI K. MADHAVA MENON:—" It is only in Malabar and South Kanara that a time is fixed."

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MR. PRESIDENT:—" But according to the Limitation Act, sixty years is the period fixed, and beyond that there can be no redemption."

* THE HON. SRI K. MADHAVA MENON:—" Of course there is no remedy for the mortgagor; because the claim will be barred by limitation."

MR. PRESIDENT:—" I just want to know whether Government's attention was drawn to this point and what their idea was in this connexion."

* THE HON. SRI K. MADHAVA MENON:—" We had to consider that point specifically because the hon. Mr. Bhashyam moved an amendment that instead of thirty, fifty years be substituted."

MR. PRESIDENT:—" Then the remedy for redemption is lost. There are certain cases where villages are put in possession of another man. A puts B in possession under these conditions: you will enjoy the village for a period of 120 years in full discharge of both principal and interest. At the end of 120 years, give it back free from encumbrances."

* THE HON. SRI K. MADHAVA MENON:—" That is a common thing in certain portions of the Tamil Nad and Malabar also; they are called 'otthi'. The property is given in lieu of interest and also portions of the principal. After thirty years, if principal and interest are paid, it will go back; but automatically at the end of 120 years, the property will revert back to the mortgagor. The idea of the Government is that such mortgages will certainly come under section 9-A and become discharged. The expression 'in spite of a contract to the contrary' is not in section 9-A. Whether that will make a contract get out of the provisions of the Act, I cannot say now; that was not my intention anyhow."

MR. PRESIDENT:—" Have you defined 'usufructuary mortgage' here? "

* THE HON. SRI K. MADHAVA MENON:—" Yes."

MR. PRESIDENT:—" I find it is not defined; the words 'usufructuary mortgage' are not used in the Act at all. The words used are 'Where the mortgagee is in possession of the property' both in the original Act and also here. Very well; we shall leave it to the courts and the lawyers.

" The question now is—

'that the Bill further to amend the Madras Agriculturists' Relief Act, 1938, as passed by the Assembly (Bill No. 4 of 1948) be taken into consideration at once'."

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* THE HON. SRI K. MADHAVA MENON :—" Let me point out, Sir, at page 4, bottom, in the explanation to section 9-A, it is stated :

" Usufructuary mortgage " in this section means any mortgage by virtue of which the mortgagee is in possession of the property mortgaged, where no rate of interest is stipulated as due to the mortgagee. "

SRI K. NATARAJAN :—" I would draw your attention, Sir, to the Bill as amended by the Select Committee which was circulated to us. In clause 2, sub-clause (iii), this is what you find :

' (iii) in the same clause, for proviso (d), the following proviso shall be substituted, namely :—

(D) is a landholder of an estate under the Madras Estates Land Act, 1908, or of a share or portion thereof, whether separately registered or not, in respect of which estate, share or portion any sum exceeding five hundred rupees is payable as peshkash, or any sum exceeding one hundred rupees is payable under one or more of the following heads, namely, quit-rent, jodi, kattubadi, poruppu or other due of a like nature, or is a jannmi . . . etc. '

The Estates Land Act has been repealed to a very great extent and the Bill has been passed into law just now. I want to know whether this clause must not be properly modified to suit it. Under the Act as passed, many estates have gone and no question of peshkash arises in their case."

MR. PRESIDENT :—" Do you think it is necessary that the Estates Land Act must be in force? "

SRI K. NATARAJAN :—" It is not in that view I say it. The effect of the Act as now passed is to retain what are called the 1936 inams. In those cases, quit-rent may be a term which is not obsolete. Similarly, jodi is a term which is not obsolete; but so far as estates which have been abolished are concerned, those terms will be obsolete. In section 3 (ii) of the original Act, ' agriculturist ' is defined as a person who (a), (b), (c), (d) . . . with these provisos :

' Provided that a person shall not be deemed to be an agriculturist if he—

(D) is a landholder of an estate under the Madras Estates Land Act, 1908, or of a share or portion thereof in respect of which estate, share or portion any sum exceeding Rs. 500 is paid as peshkash or any sum exceeding Rs. 100 is paid as quit-rent, jodi, kattubadi, poruppu or the like, etc. '

So, such a person will be exempted. Now, we have abolished a large category of such people, and who all remain are the persons holding inams under what may be called the 1936 inams. In the case of other ryotwari landholders, assessment is imposed; and so

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in the case of these people, there must be some assessment hereafter as a consequence of the new Act. First of all, it has got to be notified and then assessment is to be imposed. Therefore, I suggest some alteration has to be made in this Bill in order to suit the position which has arisen as a result of the other Bill being passed to-day. This clause may, therefore, remain as it is, or it may be suitably amended in the course of a fortnight or so, subject to the other Act being sanctioned by the higher authorities. This Bill may lie over till that time. It is a patent defect, although it is not a serious objection. Having made the suggestion, I leave it to the Hon. Minister who is in charge to consider the suggestion, and find out what suitable amendment should be made. This ' peshkash ' occurs everywhere."

MR. PRESIDENT :—" But the new Act now passed does not become law until notification is made; it does not apply to a particular estate until notification is made. And till then, all these things are supposed to be there."

SRI K. NATARAJAN :—" If this Bill is passed in the form in which it has come from the Assembly, it may not be quite in order in this sense. We have not taken cognizance of the Act that has been passed to-day. There are certain enactments which say ' in spite of this law or any other law which may alter, cancel or modify, . . . etc. ' and they provide for such alterations to be made. There is no such provision here. It is not as if this Bill should be passed to-day; it may wait for even two weeks until a logical amendment can be framed and a good Bill is presented before this House. The Bill need not be first passed in the Legislative Assembly; it may be introduced in the Council here and afterwards the Assembly may accept it.

" Secondly, Sir, so far as usufructuary mortgages are concerned, I was not able to understand. Mr. Madhava Menon said that no term is fixed in usufructuary mortgages; I do not know if that is so in Malabar; but in Tamil Nad, it is called ' otthi '. In such cases, the wording used to be ' the interest being equivalent to the income from the property. ' And even there, option is given to the mortgagor to pay the amount at the end of two, five or six years as the case may be. Where the sum is large, they put in a longer period and where the sum is small, they fix a smaller period. And sixty years will be the period fixed for redemption."

MR. PRESIDENT :—" But under the Transfer of Property Act in usufructuary mortgages pure and simple no stipulation for repayment is made. Whatever it is, my point is : suppose a man has been in possession for sixty years and the right of redemption is gone, what will happen? "

SRI K. NATARAJAN :—" There is no chance of redemption of the property. The person will become the absolute owner of the property. Such cases also must be considered by the Hon. Minister. The President made a reference to certain mortgages. They are

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called *arakattu* mortgages in the Tanjore district and in their case, both the interest and a portion of the capital are reduced by enjoyment of the property."

1 p.m. MR. PRESIDENT:—"Such detailed stipulations may be there or they may say the total amount due is so much. They may enjoy the property for thirty years in lieu of both the capital and the interest. At the end of that period, the mortgagor will be entitled to get back the property."

SRI K. NATARAJAN:—"If both the principal and the interest are wiped out then the mortgagor will be entitled to get back the property."

MR. PRESIDENT:—"What I am saying is, the period fixed was 100 years. The man is in possession for fifty years. The present Bill which we are going to pass says that if he is in possession of the property for thirty years, the property must be given back to him. Does the provision apply to cases where it is stipulated that a man must be in possession of the property for 100 years so that the principal and the interest can be wiped out?"

SRI K. NATARAJAN:—"Sir, if this Bill is passed, it would seriously interfere with all such mortgages."

MR. PRESIDENT:—"Will the present Bill apply?"

SRI K. NATARAJAN:—"Sir, the Bill as it is will apply to such cases, and it will be a serious thing for the Hon. Minister to consider them."

"As regards the period of thirty years, I must say that originally it was 25 years. It was extended to thirty years by the Select Committee and the Hon. Minister has been pleased to adopt it. There is one other thing which is to be considered in that connexion, viz., the date 1st October 1937 when the Agriculturists' Relief Act came into existence and whether it should be taken as the starting point. Both under sections 8 and 10 of the Agriculturists' Act, certain calculations have been made. Now, suppose after 1st October 1937 an usufructuary mortgage is created, what are you going to do with it? There is that lacunae."

MR. PRESIDENT:—"I do not think it will apply to such cases which arose after 1st October 1937."

SRI K. NATARAJAN:—"There is no such provision, Sir."

MR. PRESIDENT:—"It is in the old Act."

SRI K. NATARAJAN:—"That is not there."

MR. PRESIDENT:—"What I am saying is that if you remove that clause in the old Act, then it will apply to usufructuary mortgages."

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SRI K. NATARAJAN:—"Sir, if that clause is removed, the present Bill will serve no purpose. Suppose a usufructuary mortgage is created after 1st October 1937. What are you going to do with it? To what extent it is going to affect it? What provision you have made for it?"

MR. PRESIDENT:—"At any rate, there must be some comprehensive provision."

SRI K. NATARAJAN:—"Anyhow, it must not be left to the varying decisions of the courts."

"With these few remarks, I close my speech."

MR. PRESIDENT:—"This is only an academic discussion. Is Mr. Narayana Menon going to speak?"

SRI M. NARAYANA MENON:—"Yes, Sir."

MR. PRESIDENT:—"The unfortunate thing is that we are lawyers. We are trying to understand everything."

DR. V. K. JOHN:—"Being a lawyer is it a trouble, Sir?"

MR. PRESIDENT:—"I would not have felt it, had I not been a lawyer."

SRI M. NARAYANA MENON:—"Sir, clause 9-A (1) says:

'Where a usufructuary mortgage was executed at any time before the 30th September 1947 and the mortgagee is in possession of the property mortgaged to him, the mortgagor shall be entitled to redeem the property, notwithstanding that the time, if any, fixed for redeeming the mortgage has not arrived.'

There is that provision. So that provision will apply to usufructuary mortgage created before the 30th September 1947. I do not know how far the point raised by my hon. Friend, Mr. Natarajan, can be considered. It is better to leave it to the courts.

"Another point was raised. I do not think it is absolutely correct. In clause 2 (D) there is the definition of the word 'Agriculturist'. The agriculturist 'is a landholder of an estate under the Madras Estates Land Act, 1908, or of a share or portion thereof, whether separately registered or not, in respect of which estate, share or portion any sum exceeding five hundred rupees is payable as *peshkash* . . .' Sir, I am speaking about that. That definition is necessary and should be retained. It cannot be altered in any manner as the hon. Member has said. We have to apply the Act of 1937 to debts which were in existence prior to 1937 and also the right to scale down debts. This is all I want to say."

THE HON. SRI K. MADHAVA MENON:—"Is Dr. John going to speak?"

MR. PRESIDENT:—"I am sure Dr. John is not going to be guided by the wish of the Hon. Minister."

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* DR. V. K. JOHN :—" Sir, this Bill was passed by the Assembly and the attitude of the Government is that we should not have any amendments passed by this House. Therefore, there is not much advantage in discussing even the general principles of the Bill."

THE HON. SRI K. MADHAVA MENON :—" No amendment has been given."

DR. V. K. JOHN :—" Sir, what is the use of giving amendments when we know for certainty that they will not get through. The Government are not prepared to refer any of our amendments to the Assembly. That is the reason for our not giving any amendment."

MR. PRESIDENT :—" We always live in hope. Who knows better times will not come? "

DR. V. K. JOHN :—" Sir, this is a question which affects the dignity of this House. After all, we are spending our very valuable time here. The attitude of the Government makes me feel that the time I spent here can be spent very usefully elsewhere. And one should not feel that after all the time spent here is a waste. That is the impression sometimes created in the mind of every member on this side. We are perhaps hoping against hope thinking that the Government also will feel our position. After all, a statute has created this House and this House has to function. I do not intend to say this because the Hon. Minister is perhaps surprised that I should stand up and speak on this Bill. Anyway, as you said, let us hope that something better is in store for the future and let us co-operate with the Government not only in this Bill but also in other Bills unless a very serious situation arises.

" Sir, this Bill contains various provisions, some of which are very, very objectionable. By saying this, I do not mean any ill-will towards the agriculturists. On the other hand, the Opposition is more anxious than the Government to help the poor agriculturists and if any relief can be given to them, it should be given to them. And if we had the power to vote money, we would have certainly spent more money on agriculturists either to relieve them of their debts or to assist them in cultivating their lands. After all, the back bone of this Province and the back bone of the country is the agricultural industry, which is very much neglected. Now, Sir, the question should be looked at from the point of view of an agriculturist . . .

" Sir, I am disturbed by Mr. Muthuranga Mudaliyar's conversation and unless he finishes it, I am not going to proceed any further."

MR. PRESIDENT :—" The hon. Member says that Mr. Muthuranga Mudaliyar is disturbing him."

DR. V. K. JOHN :—" Sir, when this Bill was passed in 1938, people who were very sympathetic with the agriculturists felt or

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apprehended that the credit of the agriculturists might go up because the Bill provided that the agriculturist need not pay his just debts. If only the Bill provided that usurious interests need not be paid, it would have been a different matter altogether. The Bill also provided that, debts which under the ordinary law of the land should be repaid, need not be paid at all and the result was, nobody was willing to lend any money to the agriculturists and they were injured by the loss to their credit. That was the dangerous thing because at that time we did not even help the agriculturists by organizing co-operative societies. Sir, when you take away the credit from this important section of the public, viz., the agriculturists who till the land, it is but necessary to provide other sources of credit for them. One way to provide credit is to organize co-operative societies all over the province, provide them with sufficient funds and ask them to lend to agriculturists monies for improving and cultivating their lands and marketing the produce. Nothing or very little has been done so far. Even to-day very little is done by co-operative societies to help agriculturists. Most of them are helping artisans—weavers and others. I must pay a complement to the Registrar of Co-operative Societies who is doing his very best to organize and assist co-operative societies. But up to this time he has not succeeded in organizing and popularising co-operative societies among agriculturists. They have lost their credit facilities from the public and they have no other source from which to obtain credit.

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p.m.

" Clause 6 of the Bill introduces a new section 9-A in the Madras Agriculturists' Relief Act, 1938. Sub-section (2) of that section says that a mortgagor shall pay to the mortgagee the difference between the principal amount and an amount bearing to the principal amount the same proportion as the period during which the mortgagee has been in possession bears to thirty years. If a property is mortgaged for Rs. 30,000 and 29 years have elapsed, mortgagor need pay only Rs. 1,000 to redeem his property. Sub-section (3) provides that if a mortgagee has been in possession of a mortgaged property for thirty years, the debt shall be deemed to have been discharged. Due to unavoidable reasons I could not be present when the Hon. Minister made a speech in introducing the Bill. But I asked my friend sitting near me whether he explained in detail the number of usufructuary mortgages to which this Bill would apply, the number of mortgages in each district, the amount involved, the term normally outstanding, and the circumstances under which a large majority of the mortgages were executed. I am told he did not give any information on these matters. I can say from experience gained in my profession that a large majority of usufructuary mortgages are executed and lease-backs obtained due to the kindness and sympathy of the creditor."

MR. PRESIDENT :—" The hon. Member says that the predominant idea of a creditor in accepting a usufructuary mortgage is to help the debtor. But my experience is entirely different."

* DR. V. K. JOHN :—" Agriculturists need money but they do not want to sell away their property. The creditors lend them on

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usufructuary mortgage, as simple mortgage has its own drawbacks. In a majority of cases there is a lease-back. From whom does the agriculturist borrow? He does not go to a sowcar, money-lender or banker, and bankers very rarely help agriculturists. He goes to a friend, a man in the village or near the village and asks him to lend. At times he even puts pressure through friends. The loan may be for performing his daughter's marriage, for assisting another man with a loan or for some other purpose. Generally the amount is Rs. 500, 1,000 or 2,000 and not many many thousands. The friend lends out of sympathy. After some time the money is repaid. I can assure the House that the morality of the agriculturist is very much higher than that of the trader. The agriculturist is anxious to repay his debt. Ordinarily he keeps his word. Even if there is no pro-note or document, he will keep his word and maintain his honour. In a village, if one utters a lie, he will be the target of ridicule. In a court of law the debtor may cheat the creditor as the judge acts on artificial evidence but the villagers know the truth. After some time if an unsecured debt is not repaid, the borrower executes an usufructuary mortgage instead of an outright sale, and the lender executes a lease-back. A hard-hearted creditor can go to a court, file a suit and recover the amount. But a sympathetic creditor takes an usufructuary mortgage and gives a lease-back. What does this Bill provide for? The draftsman of the 1938 Act knew the existence of usufructuary mortgages."

MR. PRESIDENT :—" I may just inform the hon. Member what the Hon. Minister said in this connexion. Usufructuary mortgages also would have been included in the 1938 Act but for the difficulty in finding out the rate of interest. In some usufructuary mortgages, the rate of interest was not stipulated. So it was not possible to find out how much had been paid to the mortgagee. Even in such cases the Hon. Minister thinks that the thirty-year period provided in the Bill is so ample that within that period the mortgagee could have realized double the mortgage amount from the income derived from the property. This follows more or less the *Dandupat* principle adumbrated in the 1938 Act."

DR. V. K. JOHN :—" I am obliged to you, Sir. But all this is thinking in the air. Have statistics been collected? Are the Government who are spending thirty crores on Government servants unable to get statistics for them to act upon? Could they not have made an investigation of usufructuary mortgages at least in one thousand or one hundred villages and placed the result on the table of this House? The Collectors should be able to collect all instances of usufructuary mortgages among agriculturists. The Minister thinks that he will win a lot of popularity by bringing in a measure of this sort. He does not know how much unpopularity such a measure creates. But I am not on the question of popularity or unpopularity; it is the concern of the Government. But I am on this point. The Government are proceeding on

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pure imagination, without any basis or statistics whatsoever. They destroy the credit of the agriculturists without providing alternative sources of credit. I want the Government to be more sympathetic to the agriculturists. When they are spending 17 crores on intermediaries like the zamindars, why should they not spend at least 5 crores to relieve agricultural indebtedness? Provide co-operative societies with sufficient funds even on the assumption that the money is lost and ask them to assist agriculturists. After all, the money is not lost. It is spent on poor and deserving agriculturists. After these two pieces of legislation, one in 1938 and the other in 1948 for reducing debt in some cases and wiping it out in other cases, does the Hon. Minister think that any one in this province will hereafter lend to agriculturists? What is the idea in applying one rule to everybody? There may be a kind man who has taken an usufructuary mortgage at a very low rate of interest . . ."

MR. PRESIDENT :—" Is the Hon. Member likely to finish in a few minutes? "

DR. V. K. JOHN :—" I would require more than a few minutes."

MR. PRESIDENT :—" The hon. Member can continue after lunch."

(After lunch—2-30 p.m.)

* DR. V. K. JOHN :—" Mr. President, before we adjourned for lunch, I was on the question whether co-operative credit societies have been organized and whether they are functioning properly in the villages which will be affected by this Bill and if the Government have not done that, they will be doing a very great injury to the agriculturists. What now happens is, this Bill takes away the right of the creditor to collect his debt from the agriculturist who is a debtor and whose credit will be lost. But still he must get on and he will have to go and borrow where he can get credit. Sir, you have some idea of the way in which money-lenders lend money in villages. The interest is taken in advance. Usurious interest is charged and very often double bonds are also taken, so that if you want Rs. 50, you will have to execute a bond for Rs. 100, and what you will get, Sir, will be capital *minus* interest taken in advance for a year or two or even three years in accordance with the whims and fancies of these money-lenders.

" Now, Sir, the effect of this legislation will be that the agricultural population who are always in need of money will be driven into the hands of these village money-lenders. This is a Bill which gives every encouragement to the money-lender and every discouragement to the agriculturist, whom, *prima facie* it seeks to assist.

" Sir, it is this aspect of the question that has been entirely lost sight of by the Government who have brought forward this

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Bill, of course, with the laudable object of assisting the agriculturists. I submit, Sir, that a definite result of this measure will be that it will not assist the agriculturist, but on the other hand it will only drag him into the hands of the money-lender who will take everything in advance, and nothing will remain and he will also take away his movables as his security. If the wife of the agriculturist has any jewels on her person, or any utensils in her house, those too will go to the money-lender, because the agriculturist has been left with no other credit, and therefore he will necessarily have to pledge these things and raise money to meet his demands. We have touched his bonds by the original Act and now we are trying to touch his security on immovable properties by means of this legislation. What else will remain? If, as I said, there are any ornaments in the person of the women in his house, those will also be pledged, if he wants a little money and they will also be lost. Sir, has the Hon. Minister for Agriculture considered for one moment what the effect of this legislation would be on the agricultural population who are always in need and who are always indebted? Sir, that is one aspect of the effect of this measure. This Bill defeats its very purpose.

"Sir, the other aspect is this. It destroys the village economy. After all the villagers know how to manage their affairs very much better than we lawyers and Ministers in towns and cities. (The Hon. Sri K. Madhava Menon: 'hear, hear.') Left to themselves, they can manage their affairs much better. If they mortgage certain properties on usufructuary mortgage, they will do in accordance with the custom and usage prevailing in the village and after consulting the opinion of the villagers. It is only the money-lender who goes into the village that will create a lot of havoc and destroy the village economy, but villagers, if they transact between themselves, will not ruin their neighbours because that will be against the healthy public opinion in the village. Now what about the man who lends money on a usufructuary mortgage and who depends for his income from the usufruct? What will he do for meeting his own expenses, and the expenses of his family? How is he to meet the expenditure for the education of his children? He might entirely depend upon the rent from the lease of the property which he has taken under usufructuary mortgage. Now the Hon. Minister says, 'Let no man receive any more rent from the lease and let the whole capital on the usufructuary mortgage be wiped out.' Now I say that this Bill will destroy the village economy to an extent that we in this House cannot imagine. That would be the direct result of this Bill. (Interruption.)

"Then Sir, I want to say that after this Government came into power, they have by various acts and by various pieces of hasty legislation put into disruption various industries in this Province by their policy of nationalization. They have frightened individuals and frightened private investors who employ a large number of people, by threat of expropriation of their property. For sometime they wisely did not do anything to disturb the agricultural industry and agricultural economy in this Province. But

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now they have brought forward two Bills affecting the agriculturists even. One is the Zamindari Abolition Bill and the other, the Agriculturists' Debt Relief (Amendment) Bill, both of which are going to destroy village economy. Sir, the more these Bills are rushed through the Legislature, the more they will destroy the agricultural economy of the Province and ruin tens of thousands of people who have lent money, not on usurious rate of interest but on very moderate and reasonable rate of interest on usufructuary mortgages and who live on the rent received from the lease of the property. This is a Bill which no popular Ministry should have introduced. What should they do, if they really want to help the agriculturists and to extricate them from the clutches of the money-lenders? I submit, Sir, that instead of bringing forward a measure like this, they should make some provision in law, whereby the agriculturist debtor who has given his property under a usufructuary mortgage could petition to the court to investigate the circumstances attending the mortgage and have the interest reduced if it was more than 5 per cent, and the interest paid in excess without limitation of time adjusted towards the principal. If that were done—and it is a very simple thing indeed—nobody would have suffered, except people who have advanced money at more than 5 per cent interest and that is an investigation which any court of law can be asked to make. It would not touch the poor people who lent money at a moderate and reasonable rate of interest to a friend, and whose budget depends upon their income from the property under the usufructuary mortgage. How many persons will be ruined by this measure? The Hon. Minister has not taken the trouble to estimate the amount involved, nor has he supplied this House or the other House with any figures or statistics in respect of the property or the number of cases affected by this measure.

"Now Sir, under the old Agriculturists Debt Relief Act, courts are asked to make various investigations, not on a suit, but merely on a petition. The courts will have to enquire whether a person claiming to be an agriculturist comes within the definition of the term agriculturist, because he alone is protected under that Act. Then they have to enquire into the question of the rate of interest. They are asked to make many inquiries and these inquiries have been made in terms of thousands of cases on mere petitions. Now Sir, is it difficult to provide for another inquiry like that to be made by the court on the usufructuary mortgages, where the interest charged is more than 5 per cent? In cases where the rate of interest is not mentioned, they can take into account the rent which is provided for under the lease deed and calculate on that basis, and if there is any overpayment, the excess may be taken in reduction of the principal, without limitation of time. Cannot such a simple thing be done instead of making this cumbersome provision in a separate amending Bill like this? Is it just and reasonable that a legislature sitting at Madras should upset the village economy by measures of this type? Sir, this is a thoughtless Bill, brought forward by the Ministry and they are seeking to pass

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this measure, with the majority they have behind them. They have nobody to advise them on these technical matters and they do not know what consequences would follow therefrom. We know from experience that there are many instances where usufructuary mortgages have been entered into, wherein both the principal and interest are paid in the course of years—sometimes for 40 and 50 years. Even such cases will be affected by this Bill. All cases, whether good, bad or indifferent are being treated in the same way and no distinction is made between day and night, between a good mortgagee and a bad mortgagee, between a man who charges a reasonable interest and a man who charges usurious rate of interest. No difference is made between all these cases. The Government want to treat all cases alike and to them every man is the same, whether he is a good agriculturist or whether he is a blood-sucker or a usurious money-lender. I say, Sir, that this Bill seeks to ruin thousands of people who have been helping these agriculturists and ryots from the clutches of the usurious money-lenders.

2-45
p.m.

“Will anybody help them hereafter except on the security of gold which is in the possession of the ladies of the House and on usurious interest? What are the Government doing? I say, Sir, that this is a thoughtless piece of legislation which the Hon. Minister without thinking of his prestige must take back. At least as regards the usufructuary mortgages he must not have this legislation pass through this House. There cannot be any question of prestige when the agricultural economy of this province is concerned. I do not want to speak anything more, Sir, because these criticisms even on general principles are not received as honest criticisms coming from somebody who takes a different point of view. I must however say this, Sir. This is a matter where we are depending upon your good offices. I take the full responsibility, Sir, when I say this. After what happened yesterday when we decided not to take further part in the discussion of the Abolition of the Zamindaris' Bill, until a Bill is brought in to amend the Bill in order to keep up the prestige of this House as it was promised by the Hon. Minister, the Opposition will not even discuss the general principles of any Bill; not only they will not bring in amendments but they will not even discuss the general principles of Bills. We shall wait for a reasonable time. These Bills are supposed to have been carried through the other House and they are brought in here to be carried without any amendments so that they may appear to have been passed. To-day I take part in discussing the general principles of this Bill, but after that period is passed, you will see that no Bill will even be touched by the Opposition either for amendments or for general discussion. I give this warning, Sir, and I want your good offices because I am feeling on that . . .”

Mr. PRESIDENT :—“I am sure the hon. Member would have had my good offices if he had said it yesterday. The Hon. Minister said, I believe, that the only reason was that the Bill would be delayed.”

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Dr. V. K. JOHN :—“It shows, Sir, that one cannot move any amendment at all here.”

Mr. PRESIDENT :—“I understood the Hon. Minister to say that he did not like the major portion of the work to be delayed just for the sake of this and that he would bring in an amending Bill as soon as convenient. That should have put the humour back.”

Dr. V. K. JOHN :—“I would have waited for that Bill. But that was a point, Sir, on which we felt and we still feel very much and sincerely. The Government should understand that. It may be that they would like to have no opposition at all so that their Bills might be passed in this House without any amendment and in one minute. There will then be no difficulty at all for them. After all, you must know, Sir, with what painful feeling we decided yesterday not to have anything more to do with that Bill. It was because we felt that no amendment could pass through. If that is the situation, Sir, these Bills will never be touched. I have tried to assist the Government with criticisms which I have sincerely offered and I have given these criticisms in all earnestness and in the interests of the agricultural population of this Province.”

* THE HON. DR. T. S. S. RAJAN :—“Sir, I would like to know whether the Hon. Leader of the Opposition would always insist on our accepting all his amendments or propositions. This is a House of Legislature, Sir, in which we go by a majority vote and get our Bills passed if we have a majority. The Leader of the Opposition cannot justly complain over this. In fact what was done yesterday was nothing unusual. I believe, Sir, the Hon. Minister for Revenue went out of his way in promising to bring in a Bill in order to placate the Opposition. It is not our desire, Sir, to carry out things against the Opposition. We just want time to consider the matter. We accept their criticism and give them the best consideration possible. It is only on these grounds the Hon. Minister made that statement and if it does not please the Leader of the Opposition we cannot help it. Therefore we proceeded with the Bill. Whether it is a threat not at all to co-operate or to non-co-operate or to compel the Government to do what they like, it is out of the question because this is a House of the Legislature where we go by voice. As long as the votes are in favour of our proposition the Leader of the Opposition cannot justly complain. They have had time to say what they had to say and the Leader of the Opposition had his supporters to say what they wanted and they also voted. All these things have been gone through properly and regularly and I do not see where all this grouse comes from.”

Dr. V. K. JOHN :—“There is no grouse.”

Mr. PRESIDENT :—“All these discussions are not germane to the subject under discussion.”

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* THE HON. SRI K. MADHAVA MENON :—"Certainly, Sir, these are not germane to the subject under discussion. But there are some things which Dr. John said which require an answer. Dr. John was rather angry and impatient and when a person gets impatient and angry he does certain things . . ."

MR. PRESIDENT :—"I may just tell this to the Government. Perhaps what was in the mind of the Opposition was this. Yesterday's amendment was in the nature of an amendment trying to keep the powers of this House. In fact the House was forced to vote on the amendment that this House shall have certain powers to approve the rules. The net result of the voting was that the House voted saying that this House need not have that power. That is a point which deserves consideration by the Government. Dr. John also took me by surprise after the voting when he stated that they were not going to co-operate. If that was his attitude he might have given me some information about it in advance and my views also might have been there to prevent such a contingency. I think this is a matter which need not be discussed further. The Hon. Minister may go on."

* THE HON. SRI K. MADHAVA MENON :—"I will not discuss it further Sir, but it is hard for you to ask me not to refer to it at all because I want to refer to certain things and I shall . . ."

MR. PRESIDENT :—"I will certainly not be in your way . . ."

* THE HON. SRI K. MADHAVA MENON :—"I do not want to cause any bitterness of feeling. If Dr. John will excuse me, Sir, I shall say this. When some mud is slung something sticks to our cloth unless we wash it away. Like that if something is said which is not true I must try in the best way possible to wash the things that have been said. So I shall try, Sir, not to be irrelevant . . ."

MR. PRESIDENT :—"The Hon. Minister should try to be as non-provocative as possible."

* THE HON. SRI K. MADHAVA MENON :—"Dr. John was rather impatient to-day, Sir. It was not that I was not attending. I was whispering a word to Dr. Rajan. Dr. John for the moment lost his temper and that is why this outburst, Sir, if I may use that word. He charges us saying that this Bill is a thoughtless Bill and that it was thoughtlessly done. I must say that what he did was a little thoughtless. He was indulging in giving us a warning that this is going to be the end and asked us to beware of our fate. All these things were the result of a little impatience on the part of Dr. John. You also remarked, Sir, yesterday that the House might adopt the rules by a resolution and that was the last straw on which the Opposition wanted, if I may say so, to show their protest. I want to quote the exact words used by the Hon. the Revenue Minister, Sir. He said : 'I shall undertake that

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no rule under this section shall be passed or brought into force by the other House without being brought to this House. 'This Bill may not be kept pending because of that.' Was that want of respect, Sir? Only in order to meet certain exigencies, Sir, he suggested this. If Dr. John had the patience he would not have done like this. Dr. John says, Sir, that he has not moved any amendment to this Bill, which was here for days together. It was sent to them long ago and it was here much before the incident took place. Evidently Dr. John did not then go through the Bill at all or he did not want to say anything. I shall now address myself to the general discussion that we had about this Bill, Sir.

If I understand Dr. John correctly, Sir, he is accusing me for the original sin and not for the present sin, namely, the 1938 Act. If I have understood his arguments correctly, he says that it has completely shattered the credit of the agriculturists and that when we are amending that Act, we are shattering the credit of the agriculturist worse. The charge is against the original sin and not against the present. Dr. John was asking me for statistics, Sir. May I suggest to Dr. John, Sir, to read Dr. B. V. Narayanaswami Naidu's Report, which is a published report, made after the Agriculturists' Relief Act was in existence for over ten years? To find out as to how far the agriculturists did not get loans after the last Act was passed, I leave it to him to read Dr. Narayanaswami Naidu's report. The facts and statistics are there. As usual Dr. John began with the uselessness and impotency of this House and that no amendments will be accepted and stated that was why they were not moving any amendment. When Dr. John says that, I am not surprised, Sir. I can only say that I shall not be surprised at anything that Dr. John does in the House, after my experience of yesterday. As Leader of the Opposition, Sir, I have found him expressing opinions which are just the reverse of those of other Members of his Party. He has been expressing opinions here just contradicting what he perhaps said in statements in the Press. (Interruption.) If he is not surprised with what the Government do, the Government are not surprised with what Dr. John does. It is my only answer to him. What he says about this Bill is this. I don't know whether I have correctly noted. (Interruption.) That was exactly what the Leader of the Opposition did. He did not speak about the Bill. He spoke about other things which I have to answer. That is my unfortunate position. He said : 'The Opposition is most anxious—I am quoting him, Sir—to support the poor agriculturists. The only anxiety of the Opposition is that the credit of the agriculturist was not lost.' You will see the wonderful sympathy for the poor agriculturists, Sir, of the Opposition party. The Leader of the United Democratic Party has shown his sympathy in his speech. He says that the agriculturists are given loans by the creditors out of sympathy and love, not because they want to earn interest on their capital. And therefore he is saying that we must have more sympathy to the creditors. The Opposition's idea of the agriculturists and their creditors is that the creditor is having an overflowing love to the debtor and he is advancing money to the debtor

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out of his overflowing love. Woe to that country and to the Opposition and the Party whose sympathy for the agriculturists is like that. I am sure, Sir, the agriculturists will not thank the Opposition for this sort of sympathy."

DR. V. K. JOHN :—" I never said anything like that. That is why I said the Minister was not attentive. I only said in some cases . . ."

THE HON. SRI K. MADHAVA MENON :—" I am not yielding, Sir. I have noted what my Friend stated. He said: The creditor feeling sympathy with the debtor preferred a mortgage instead of a sale and gave it back to him. These are the exact words, Sir, that Dr. John used. I have noted them down when he was speaking about these usufructuary mortgages . . ."

MR. PRESIDENT :—" That shows you were not at all inattentive."

THE HON. SRI K. MADHAVA MENON :—" I leave it to you, Sir, and to others to judge whether I have been inattentive."

MR. PRESIDENT :—" He probably meant some creditors."

3 p.m. THE HON. SRI K. MADHAVA MENON :—" Sir, you were kind enough to help him with the word 'some'."

MR. PRESIDENT :—" He says now that he said only 'some'. I think he said something like that."

* THE HON. SRI K. MADHAVA MENON :—" I want to clear away the misunderstanding. A sort of security for usufructuary mortgages is provided in the old Act of 1937 also. But, Sir, Dr. John said that we are doing all this in an inefficient manner and wanted us to take his advice. Sir, I am obliged for his very efficient advice. He said that in the original Act, it was not provided for. But, Sir, I say it is a very big mistake. Usufructuary mortgages were included in the original Act. Only one class of usufructuary mortgages were not included. May I remind him about section 10 of that Act? I am reading section 10 of the old Act which was much commented upon."

MR. PRESIDENT :—" I do not think the Leader of the Opposition denies."

* THE HON. SRI K. MADHAVA MENON :—" He was not aware of it. Otherwise he would not have made those remarks."

DR. V. K. JOHN :—" If it is so, why this amendment? I was only speaking of the amendment of the Act."

* THE HON. SRI K. MADHAVA MENON :—" Now, Sir, section 10 of the old Act says: 'The provisions of sections 8 and 9 shall not apply to any person who, though an agriculturist as defined in section 3 (ii), did not on the 1st October 1937, hold an interest in, or a lease or sub-lease of, any land as specified in that section.' Again, it says, 'Nothing contained in sections 8 and 9 shall affect any mortgage by virtue of which the mortgagee is in possession of

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the property mortgaged, where no rate of interest is stipulated as due to the mortgagee.' Sir, there are hundreds and thousands of usufructuary mortgages going on in this Presidency. Perhaps some of them have come to the notice of my hon. Friend also, where the interest has been provided in the usufructuary mortgage so that he may understand that there is no particular sanctity about usufructuary mortgages. As I said, where the interest was not provided, there was the practical difficulty of finding out whether double the amount has been paid by way of interest or not. But, Sir, it was given to the hon. the Leader of the Opposition to give us the advice. He said, take this advice; anything paid over 5 per cent should go towards the principal. That is what the Leader of the Opposition has advised. Sir, it is a very valuable advice! Of course it will give a great benefit to the man who has taken money on usufructuary mortgages. But, Sir, suppose there is a usufructuary mortgage for thirty years. Suppose, Sir, the property is a coconut garden. Whether it was 5 per cent or even less, you have to take what the price of coconut was 33 years ago, and then at the rate of 5 per cent of the interest, you have to work it up. If you do so, you will find that the suggestion proves to be an impossibility. Therefore, Sir, according to the suggestion of Dr. John, the remedy is much worse than the disease. If my Bill can be considered a disease, the remedy is much worse. If the authors of this Bill have been thoughtless and the suggestion of the Hon. the Leader of the Opposition is that they have not bestowed sufficient thought—I can say they have not been so thoughtless as the person who has made such a suggestion.

"Again, Sir, Dr. John said, you are going against all standards of morality; you ask the man who has taken money not to pay; you are acting against all standards of morality. Sir, to some extent, it is true to say that he is not paying the money. But, only under certain conditions, he need not pay the amount. Even in international obligations, under certain conditions, the debts are not repaid. For instance, according to the Lausanne Treaty, England, France and other countries who have borrowed from America did not pay the debts because according to the Lausanne Treaty, there was a general agreement. The result was 'Cash and carry' policy had to be followed later on. So, Sir, in these matters, international precedents are there. Under certain drastic conditions, we have said, take this much and not more. That is what has been done in this amending Bill.

"Sir, arguments have been advanced against me about the standards of morality. Sir, we have only said, you should not take unduly and that you should take only a reasonable amount. Then, Sir, Dr. John said that the Minister was thinking in the air. When he said that, I was really thinking on facts and not in the air. On the other hand, his talk was more in the air.

"Then, Sir, he said that the Minister cannot gain popularity because, no man will pay money to the agriculturist hereafter. That is another charge, Sir, which he made. Sir, after all, if I can

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gain any popularity, it should be by passing a measure which people like. Why should he grudge it if I get a little bit of popularity on that account? Sir, I can gain popularity only if the measure does good to the people and not by a speech in the House. I think this measure will be certainly popular; otherwise, there is no meaning in charging that I want to gain popularity. The other argument was that nobody will pay any money to the agriculturist hereafter. If only my hon. Friend will read Dr. B. V. Narayana-swami Nayudu's report published two years ago, he will understand that the agriculturist debt has increased subsequent to the Act and there is no dearth of money for the agriculturist for getting a loan. As I said before, Sir, except in section 9-A, in almost all other sections, there are only corrections of certain mistakes that have crept in owing to a different interpretation of the original Act. For instance, in 53 Law Weekly, M.L.J., there was a mistake pointed out. A father got a promissory note executed in the name of the son and after the passing of this Act, for the interest on the promissory note, another promissory note was prepared in the name of the son. The High Court says that under the said Act, it must be in the name of the same creditor and not a different creditor. Otherwise, it is not part of the interest which could be adjusted towards interest. That was the mistake pointed out and we have corrected that mistake in the present Bill. Therefore, except in section 9-A, in all other sections, the amendments are corrections to the previous Act and these amendments are brought simply to make the intention more clear. Therefore, Sir, these amendments are not such as would kill all sorts of agricultural credit in this Province. The hon. Member said that hereafter there will be no agriculture in this country. There need be no such fear because the Act is intended to help the poor agriculturists.

"Then, Sir, the hon. the Leader of the Opposition asked whether there are any statistics prepared with regard to the agricultural credit in this Province and the persons who will be affected by this Bill. Sir, I will put a similar question to him in return whether he can furnish statistics of persons who will be benefited by this Bill. Here is a Bill which is welcomed in every quarter and especially by the poor man. I am sure the Hon. the Leader of the Opposition, Dr. John, cannot understand it because he must have never been a borrower. It is only the borrower that can understand the difficulty of being a debtor. The same thing will apply here.

"Sir, the other thing he said was that this Bill will drive the agriculturists to money-lenders and so on. Another thing which he said was that the villagers know better than lawyers. I entirely agree with him that the villagers know much better than lawyers. They understood the necessity of this amendment in spite of the fact that lawyers have been opposing it tooth and nail saying that it is all against principles of sanctity of contract. Sir, we have studied the conditions of the agriculturists and we feel that most certainly on this amending Bill, the villagers know better than the lawyers."

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DR. V. K. JOHN :—"I said lawyers and Ministers."

* THE HON. SRI K. MADHAVA MENON :—"I accept the amendment, Sir, that villagers know better than the lawyers and even the Ministers. That is why the Ministers have taken up this legislation even though lawyers, however eminent they may be, were opposing such a beneficial measure.

"Then, Sir, another criticism was that after this Government came, they have frightened the industry and he gave as an instance, the nationalization of transport and the Zamindari Abolition Bill, though they are not germane to the present Bill. Sir, whether we have frightened industry or not, the industry has now frightened the Hon. the Leader of the Opposition because a nationalized industry is not to his liking. He does not like nationalization of transport; he does not like nationalization of anything because he is having a sort of obsession. If I dislike I think everybody else also should dislike. It is a sort of obsession which I am liable to. Sir, the Leader of the Opposition is suffering under an obsession. I have got an obsession that this Act will benefit the poor agriculturist because the debt which he is groaning under is too much for him. Therefore, Sir, there is this difference in outlook which cannot be helped.

"Lastly, Sir, Dr. John said that a popular Minister should not have done this thing because in the original Act itself it is said that it will not apply to usufructuary mortgages. But, Sir, I can show a dozen cases of such mortgages where interest has been specifically fixed as 10 or 11 or 12 per cent. Then there are cases of usufructuary mortgages where the property is leased and the rent is paid for the interest. In such a case, this Act must apply. What is wrong in applying this Act to such cases? Therefore, Sir, it is wrong to say that it is opposed to the original Act. If there is anything wrong even with the original Act, then I cannot help it.

"Then, Sir, Dr. John said that the Minister does not seem to recognize the distinction between day and night. Sir, I say sometimes people lose their temper and they do not really understand the distinction between a day and a night. I have nothing more to say except to state that nothing was mentioned about any of the sections of this Bill except section 9-A. There was only a general attack and a general criticism not pertaining to the present Act. Finally, I may again remind my hon. Friend that usufructuary mortgages were dealt with in the original Act and it was a mistake on the part of my hon. Friend to have said that they were absolutely excluded. I hope he will realize that it is not so. With these words, Sir, I move that the Bill be taken into consideration at once."

MR. PRESIDENT :—"The question is—

'that a Bill further to amend the Madras Agriculturists' Relief Act, 1938 (L.A. Bill No. 4 of 1948) as passed by the Assembly be taken into consideration at once.'"

The motion was put and carried.

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3-15 p.m. Clauses 2 to 16 and 1, and the Preamble were put one by one and carried.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I move that the Bill be passed into law. I do not wish to say much now. I must thank the House for the kindness with which it has . . ."

DR. V. K. JOHN :—" Wait and see."

* THE HON. SRI K. MADHAVA MENON :—" My hon. friend says, let us wait and see. So I shall wait and see."

DR. V. K. JOHN :—" Sir, I take this opportunity, in the third reading stage of the Bill, to say a few words. The Hon. Minister stated that there was no serious amendment in this Bill, except clause 9-A. I criticized only that amendment, but did not touch others. Two points I have already made, and these I want the Hon. Minister and the Government to remember.

" The first point I made was that the agriculturists must be supplied enough credit through co-operative credit societies, which it is the duty of the Government to establish, in order to help the ryots, whose credit might be shaken, by a Bill of this nature.

" The next point I made was this. Why should all mortgages be considered on the same footing? The Hon. Minister stated that there are about thousands and thousands of mortgages. Could not the Government find out a formula which would not do injustice to a very large number of mortgagees who possess lands under usufructuary mortgages? I suggested a formula myself. Mortgagees who did not charge too much by way of interest or rent, when they give back the land, need not at all be brought within the scope of this legislation. Only persons who charged a rate of interest more than is reasonable need be touched. Why not give an opportunity to a Court of Law to investigate the circumstances of a particular case on its own merits? I suggested, Sir, that each case might be examined on its own merits.

" The Hon. Minister did not reply to any of these points, but chose to introduce personalities into the discussion, and thus brought down the level of the discussion. On the other hand, I kept the discussion at a very high level, and talked only about the Bill, and made my criticisms of the same, whereas the Minister has not cared to do so. I do not want to go into the same controversy once again, but shall choose to keep the level of the discussion high, and so shall content myself with offering these suggestions."

SRI B. NARAYANASWAMI NAYUDU :—" Mr. President, Sir, a reference has been made to international matters, and it is that which has prompted me to speak on this occasion. The Hon. Minister stated something about the Lausanne agreement. That was the first agreement under which money was lent by America to Mr. Baldwin at a high rate of per cent (at about 5 per cent). The effect of that arrangement was that during the second world war, the creditor said : ' During the first world war I gave the money; and you didn't repay. So, I won't give you

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any goods, unless there is to be followed the policy of " cash and carry " . The Hon. Minister stated some things, either without knowing them, or with a view intentionally to mislead the House. America stated ' cash and carry ', and that is exactly what the Leader of the Opposition stated. When the second world war developed, the creditor said : ' I shall give you loan, but only on the policy of " lease and lend. " ' . If international standards are to be any guide for us here, the highest morality has to prevail with regard to these usufructuary mortgages. Are the obligations under these usufructuary mortgages to be wiped off, according to these international standards? I submit, Sir, they ought to be honoured, and the Government should have said that the best will be done with regard to these obligations. The rates of interest should not have been cut, because the money market would become closed. I have risen on this occasion to speak on the subject because there is no use of referring slyly and darkly to international things, as though they happened in a quite different way. If international morality were to prevail here, then the Bill before us ought to go away.

" Sir, a plain question was put to the Hon. Minister to give some statistics regarding the number of mortgages that will come within the scope of this Bill, the rates of interest involved, the relief sought to be given, etc. The Hon. Minister took some half an hour, but yet did not give us any figures at all. He only made some allegations, counter-allegations, and imported some prejudices and counter-prejudices into his speech. I ask, Sir, are we in a polling booth or in a Legislature? I do not mind whether the amendments are carried or not. But what I want is that the Government should at least for the sake of courtesy own the correctness of something which is true, though they may not care to accept any of our amendments. The Government have not even cared to see and go into the amendments which the Opposition has tabled. I submit, that good things should not be thrown out. We cannot function as an Opposition unless we have what may be called a sincere hope that if the Hon. Minister feels that what is being stated is correct he will have the courage to say that it is correct, whether that is carried or not. Sir, when I address the hon. Members of this House, I feel I am not addressing the members of the Treasury Benches at all. The Hon. Minister and the members of the Treasury Benches seem to think that it is their privilege to differ and heckle in all these things. It is nothing short of arrogance. My only submission therefore is this. If any Hon. Minister feels that a certain thing is right, let him please have the courtesy at least to own it, whether it is passed or not."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Mr. President, Sir, no more speeches are wanted now. But I would only like to elucidate certain facts from the Hon. Minister. The question raised by the Leader of the Opposition and my hon. friend Mr. Narayanaswami Naidu is that no statistics have been given by the Hon. Minister."

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MR. PRESIDENT :—" The hon. Member need not repeat those points now. "

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" Sir, I would only like to stress that point. "

MR. PRESIDENT :—" That point has been stressed sufficiently. If the hon. Member has any other point, let him speak by all means. "

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—" I do not want to stress any other point, Sir, but only this, namely, that no statistics have been given by the Hon. Minister. "

* THE HON. SRI K. MADHAVA MENON :—" I am sorry, Sir, that my hon. friend Mr. Narayanaswami Naidu who made a very vehement speech just now, is not here to hear what I have to say. Dr. John stated that we are taking away all standards of morality by asking people not to pay. I only said that that has been done in certain emergencies, as in the case of the Lausanne agreement. I did not hide the fact that the consequence of it later on was that America said: 'cash and carry'. So, exactly what Mr. Narayanaswami Naidu stated, I stated myself. It was therefore very wrong on his part to have said that I have hidden something and tried to insinuate something else. Really it is very unfair to accuse me of trying to insinuate things, because I have openly said what the result was. "

3-30 P.M. " Sir, this Bill came here for the first reading when a motion was moved for the appointment of a Joint Select Committee. The Hon. the Leader of the Opposition and Mr. Narayanaswami Naidu were here. They could have pointed out the defects in the Bill and all those points would have been considered by the Select Committee. That was the time for a discussion of the general principles of the Bill. But nothing was mentioned. "

DR. V. K. JOHN :—" On a point of order. When the Bill is in the lower House the resolution for a Joint Select Committee is made here. We have to discuss the general principles only when the Bill comes up here after it has been passed by the lower House. We need not discuss the general principles at the time when we nominate members for the Joint Select Committee. "

MR. PRESIDENT :—" It is open to the hon. Members to discuss the general principles at the time of the appointment of members to the Joint Select Committee. The Hon. Minister says that if that had been done, the Select Committee would have considered the points. "

* THE HON. SRI K. MADHAVA MENON :—" Sir, the resolution that was moved was that this House concurs in the appointment of a Joint Select Committee for the purpose of considering the Agriculturists' Relief (Amendment) Bill. That was the time when the Bill should have been considered by this House and necessary instructions given to the Joint Select Committee. "

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MR. PRESIDENT :—" I do not think you will go so far as to say that the House ought not to discuss the general principles now. "

* THE HON. SRI K. MADHAVA MENON :—" Not at all, Sir. But they are now asking for figures. They cannot ask me for figures at this stage. Sir, my hon. Friend said that he has lost hope in this House. I say, Sir, I have lost hope in him. Dr. John said that it was beneath his dignity. I also feel that it is beneath my dignity to reply to some of these things. "

DR. V. K. JOHN :—" What about rule 105? "

MR. PRESIDENT :—" When the motion for the appointment of a Joint Select Committee is before the House, is it not open to the House to say that they do not agree with the general principles of the Bill and therefore would not agree to appoint members to the Joint Select Committee? "

DR. V. K. JOHN :—" No Sir. The general principles are not to be discussed at that stage. The stage at which the general principles can be discussed is after the Bill has been passed by the other House and introduced in this House. "

MR. PRESIDENT :—" The only point which the Hon. Minister has raised is that if the Opposition had made these points clear at the time when the motion for the appointment of a Joint Select Committee was made, it would have helped the discussions in the Select Committee. There is no question of anybody being prohibited from discussing the general principles at this stage. When the motion for the appointment of a Joint Select Committee is made, I do not think anybody is prevented from saying, 'I do not agree with the general principles of the Bill and a Select Committee need not be appointed at all.' I do not agree with the view that the House cannot say that at that stage. "

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

(7) THE MADRAS PUBLIC LIBRARIES BILL, 1947
(L.A. BILL NO. 9 OF 1948).

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

'That the Madras Public Libraries Bill, 1947 (L.A. Bill No. 9 of 1948) as passed by the Legislative Assembly be taken into consideration.'

" It is unnecessary for me to expatiate upon the need for the establishment of a good library system throughout the Province. The libraries are the single biggest agency for adult education in any country in the world. Libraries are of various kinds. They may be of the ordinary sort which serve the ordinary man and woman. They may be also of a highly technical nature serving the specialized profession like engineers and medical men. Apart

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from the libraries in the schools, it is necessary that we should have a network of libraries throughout the Province which will help people to educate themselves further after they have left schools and colleges. In fact the high level of intelligence and knowledge in a country depends upon a wise provision of a library system to meet the needs of the people of the various places.

" Till now the growth of libraries in the Province has been haphazard. There has not been a central direction and there has not been even a proper guidance. Individuals and associations felt the need for books and have sought to meet them by establishing libraries of a sort in their own places. Many of them are not equipped with modern books and many of them do not have the finances to do so and many of them even when they have the finances do not have the guidance to organize them properly. In 1947 the number of libraries was 1,544 of which 1,159 were managed by district boards and panchayats, 102 by municipalities, 47 by co-operative societies and 235 by private managements. In the same year the amount spent for the libraries was Rs. 76,000 from Provincial funds, Rs. 1,22,000 from Local Board funds and Rs. 6,28,000 from private funds.

" The matter of library legislation has been before the Government for nearly a quarter of a century. I am glad it has been possible for me to introduce this legislation before the Madras Legislature. The original Bill as introduced in the Assembly provided for the constitution of a Provincial Library Committee to advise Government in all matters relating to libraries. It also provided for the appointment of a Director to supervise the libraries throughout the Province. There will be a central library in the Province which will be managed by the Director. Provision has also been made for the free supply to this library of four copies of every new book printed in this Province by suitable amendments to the Press and Registration of Books Act, 1867.

" The original Bill provided for the Corporation of Madras, district municipalities and panchayats to be the local library authorities for their respective areas and also provided that a library committee may be constituted in all these places to assist the local library authority except the panchayat. Each local library authority will have separate library funds. Local library authorities, other than district boards, are required to levy a library cess in the form of a surcharge on the property tax or house-tax levied by them, at the rate of three pies for every whole rupee in the tax levied. There was a provision in the Bill that the rate of this cess may be increased by the Government or with their sanction. Power has also been given to all library authorities (including district boards) to levy other library cesses with the previous sanction of the Government. The Government will also have power to compel such authorities to levy such cesses, where necessary. In all cases, the provisions of the City Municipal Act, the District

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Municipalities Act or the Local Boards Act, as the case may be, will apply to the recovery of library cesses, subject to any modifications and restrictions which may be found necessary by Government.

" When the Bill was referred to the Select Committee, it made certain changes. The main changes made in the Select Committee were:—

' (1) *Clause 5.*—The constitution of the local library authorities was changed. Instead of making the district boards and the municipalities and the panchayats and the Corporation of Madras the local library authorities, a separate constitution has been provided apart from these bodies for bringing into existence the local library authorities. The reason for bringing in these separate bodies has been to make it more or less an expert body with representation for the local boards concerned and also representation for the libraries as well as educational institutions. Secondly, if different library authorities are there separately for each municipality, panchayat and the district board, there will not be proper co-ordination between these authorities. In view of the meagre finances that will be at the disposal of these libraries, unless there is a proper co-ordination of these libraries under a single library authority, it was felt that the library movement may not be built up in a proper co-ordinated manner throughout the district. It is necessary that there must be something like a central library in each district so that, if necessary, it will stock rare books and lend out to other libraries and this will be possible only when you will have a co-ordinated single library authority for the whole district.

' The third change made in the Select Committee has been the enhancement of the rate of the cess from three pies to six pies. It is expected that by this increase the money available for libraries will be increased from Rs. 1,50,000 to Rs. 3,00,000. The income will be doubled.

' The next important change made by the Select Committee is in clause 13 (3). The Provincial Government shall contribute to the library fund maintained by every local library authority other than the local library authority for the City of Madras, a sum not less than the cess collected under section 12, sub-section (2).

' This is by way of helping the library movement from provincial funds. I need not say that it has been widely welcomed by all people who are interested in the growth of libraries.

' These are in the main the changes made by the Select Committee. When the Bill came before the Assembly, the House unanimously accepted the report of the Select Committee. A few verbal changes have been made about which I need not mention here."

MR. PRESIDENT:—"Some panchayats are maintaining libraries."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"They will continue to exist."

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"Sir, the Bill has been warmly welcomed by all, especially the provision that the Government should contribute an equal sum. I hope, Sir, that this will inaugurate a new era in which all the library authorities will work in a co-ordinated manner and every district will be equipped as time goes on with a number of libraries so that adult education of the proper type may be provided to the men and women of our Province."

MR. PRESIDENT :—"What is the surcharge? Is it on land cess?"

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—"It is on house-tax, Sir."

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p.m.

* DR. V. K. JOHN :—"Mr. President, Sir, I must congratulate and compliment the Hon. Minister on introducing this Bill particularly I must congratulate him on the statistics and the explanations he has given. If one had not read either the original Bill or the one as passed by the Select Committee or the one as passed by the Assembly, one would have understood the Bill very well from the way the Minister has explained in detail the important provisions of the Bill. Particularly I am obliged to him for the figures he has given. Sir, libraries play a very useful function in the Province particularly when so many are uneducated and so many cannot afford to keep private libraries of their own. This is a new experiment and I must congratulate the Hon. Minister on bringing a Bill to put libraries on a statutory basis."

"Now, Sir, personally speaking, I would have myself preferred to keep the original Bill without constituting a local library authority; it is not essential for the efficient functioning of libraries in various parts of the Province to have a central authority or local library authorities. But there is nothing wrong in it, and I would not take very serious objection to it, although my preference would have been for what was provided in the original Bill without amendment by the Select Committee."

MR. PRESIDENT :—"What was the original provision?"

DR. V. K. JOHN :—"The original provision was that local bodies should run them. The original provision had some meaning because under clause 12 every local library authority shall levy in its area a library cess in the form of a surcharge on property tax or house-tax levied in such area and it is the Corporation and the municipalities which have to collect and hand over the amount to these authorities. It might be said 'why owners of properties alone should make the major contribution to this public fund for libraries'. After all, the Government have to find out some place where it is certain they can find some money. The income-tax is not within our jurisdiction, and therefore I think it is quite proper they put their hands on something from which they can always take some money. The Hon. Minister drew special attention to the fact that the Government are bound to contribute a particular amount under this Bill. I am quite sure that so long as the Hon.

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Minister who is so much interested in libraries continues to be the Education Minister, the Government will not only contribute what the Government are liable to contribute under the statute but will contribute something more, because after all libraries do a very useful function in the education of the people."

"Now, Sir, whatever may be the criticism here and there—there can always be differences of opinion on a Bill like this—I think this Bill ought to be accepted and the Bill must have our blessings. I congratulate the Hon. Minister once again and I hope that his name will be associated with this Bill which will be found to be more and more useful as years go on. This has a very wide scope if only the public, the local bodies and the Government would co-operate. There is no politics in this; it is only the education of the public. I appeal not only to the Government and to the local bodies, but also to public-spirited men and women in the Province to assist in the establishment of these libraries and to see that the libraries established under this Bill function very well and year by year they go from strength to strength."

SRI N. RANGA REDDI :—"Mr. President, Sir, while I support the important provisions of the Bill, I should like to make one or two observations with regard to the provision relating to the payment of grants by the Government. As the Hon. Minister for Education has explained in his speech, this Bill is intended to establish public libraries in the Province and to organize a system of urban and rural libraries. That object is to be achieved by the levy of a cess of half an anna on house-tax or property tax. According to section 13, a like amount is to be paid by the Government. My submission to the House is this: if this principle is to be accepted, is it possible that in the whole Province the same uniform effective service can be maintained by the realization of amounts from the various districts? What I want to make clear is this: unfortunately, the districts in this Province, all of them, are not rich; the taxation from various districts, the disparity in the method of collection and the disparity in the realization are so great that the disparity in the amount of contributions by Government will also be great and inequalities will be great. If the idea of the Government is to see that illiteracy is liquidated, they should have some other provision by which grants are to be distributed to the districts on a different basis. They should not be made to depend on the amounts that are collected from the particular districts. If that is not to be the principle, then I submit the poorer districts and the backward districts can never hope to function or advance effectively along with the richer districts. I know even in previous years, grants for roads and bridges have been distributed on the basis of voluntary payment of an equal amount by the local bodies. The result was that local bodies which were poor were never able to claim that large amount that was claimed by the richer local bodies in the Province, so much so that the poorer districts were suffering; their roads and bridges went to rack and ruin; they were not constructing many roads or bridges. Probably there was some justification for it when it was left to local bodies

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to say 'We want this thing and that thing, we are paying so much and the Government should pay whatever we are paying'. But so far as these libraries are concerned, the Government themselves recognize the need for urban and rural libraries. When that need has been recognized, is it not the duty of the Government irrespective of the fact whether any amount is forthcoming from the local bodies or not, to distribute this amount equally? That is my point. Otherwise, Sir, the poorer districts can never hope to advance alongside the richer districts. Even the Draft Constitution has provided that it is the duty of the State—it is one of the directives—to provide compulsory elementary education for all children below fourteen years of age, and they want to provide for the education of the public. If the duty of the State is to provide education, how can they make any invidious distinction between the richer and poorer districts? I want that the Provincial Government should not tie itself to the provision in clause 13 of the Bill which says that so much amount alone can be drawn from the Provincial Government. They may overstep and should pay much more than what any district is entitled to on the basis of the tax collected by it."

MR. PRESIDENT:—"Do the provisions prevent such a thing?"

SRI N. RANGA REDDI:—"They do not; but what I say is the obligation of the Government under the Bill is to pay only so much amount."

MR. PRESIDENT:—"If there is obligation to that extent, the Government may exceed it?"

SRI N. RANGA REDDI:—"That is my submission. As a member myself of the Rural Water-supply and Drainage Committee, I had this principle enunciated and also accepted by the Committee. This is not a new thing. While Mr. C. Rajagopalachariar was the Premier here in 1937, he also recognized this policy, that is to say, with regard to the provision for rural water-supply, the need is the criterion and not whether any local body was willing to pay any amount for the construction work or not. This Government having accepted the need for making the people literate, and having said that it is very necessary to establish libraries throughout the Province, should also arrange to organize libraries in all rural places irrespective of whether any amount is forthcoming from the local bodies or not. In that way the Government should be more liberal in giving grants to the backward districts. I know even in the matter of giving grants for elementary school buildings, the principle seems to be to distribute grants on a population basis. Unfortunately, Sir, some districts are thinly populated and others are thickly populated; what happens is: some districts are thickly populated because nature has provided them with good rivers always flowing and plenty of wet crops, while in other districts there is no irrigation, no wet lands and so, people there are not able to eke out their livelihood even. I, therefore, submit

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that this principle of 'if you pay so much, I will pay so much' should be given up, and the sooner it is given up the better. It used to be said that the man who pays the piper should have the right to call the tune. The Government should have realized it by now. Even in districts where you are establishing these libraries, does not the man who does not pay for the libraries get the benefit from them? There are also those who do not get the benefit of these libraries, but they are not prevented from having access to the libraries. The point is not whether anybody is or is not paying. The more important point is: should you not provide facilities for people who are not paying also? Therefore I submit that in regard to the poorer districts, this principle should not be applied. They should have more grants given to them. Sir, I support the provisions of the Bill."

* SRI R. SURYANARAYANA RAO:—"Mr. President, Sir, I am very glad the Hon. Minister for Education has been emphasizing the importance of the library movement as a step towards the fulfilment of the ideal of adult education. But what I am not able to understand is why the Select Committee suggested and he agreed with the Select Committee, that there should be separate local library authorities. Sir, in England, every town and village has its own local authority to which representatives are elected by popular vote. As the hon. Members of this House are aware, each local authority raises local taxes, known as rates. The council is divided into committees, each with a specialized function, and one of those committees, is constituted as a library committee. This committee has invariably the right to co-opt outsiders possessing specialized knowledge of literature or education. Even the head-masters or headmistresses of schools are invited to serve on this committee. Therefore I do not know why we should create a number of committees when we have not got enough men to serve on the committees and societies we are already having? I do not know whether the Hon. Minister for Local Administration was consulted and whether he agreed his local bodies to abdicate their functions in favour of these library authorities. Sir, it is the function of every local body to provide this amenity and if they have not been able to do so, up to now, it is because they had no funds.

"Sir, if this provision relating to the collection of cess is introduced in the Local Boards and Municipalities Act, certainly, Sir, every municipality and local board will be glad to collect this cess and promote the library movement. 4 p.m.

"Sir, what is the composition of these library committees. Elections are to be held for constituting these committees. We have had a number of elections already and we know what factional spirit these elections generate. After all, the district board or municipality can elect its library committee and it may be given the option to co-opt members who are interested in the library movement. I do not think the Hon. Minister for Education was wise in accepting the suggestions made in the Select Committee. He ought to have stuck to his original Bill.

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"Then, Sir, there is the question of cess. Hon. Members of this House know that we are greatly exercised over the attitude of the Madras Government towards the contribution for elementary education. The Advisers' Government brought an Act in 1941 by which they had disclaimed their responsibility to pay an amount equal to that raised by the local boards and municipalities by means of an education cess. That primary responsibility of improving and spreading elementary education, they were not able to fulfil and discharge. Now, the State comes forward and takes upon itself the responsibility of paying equal to the amount raised by the library authorities by means of a cess. What I am saying is that if the State can do it, let it do it by all means. I offer my co-operation in this matter. But I am afraid the State is undertaking a responsibility which it has disclaimed in regard to elementary education. In this connexion I also sent a note to the Hon. Minister for Education stating that we were dissatisfied with his attitude towards the Corporation of Madras in refusing to pay the amount equal to that raised by them by way of an education cess. That is the position with regard to the elementary education. Well, the Government may say that they have not got enough money to provide for this purpose in the Budget. But I hope the Hon. Minister for Education will do something for the spread of elementary education. Mine may be a pious wish.

"Sir, my hon. Friend, Mr. Ranga Reddi, has raised a very pertinent point. During the Advisers' Regime special grants were made for the backward districts in this Province for the spread of elementary education. As soon as the Hon. Minister for Education took charge, he threatened to withdraw and we had to approach him. Then I think the order was modified promising continuance of grants for schools, started but refusing aid for further expansion. I hope the position remains the same. As Mr. Ranga Reddi has pointed out, if you base your contribution on the amount to be raised by means of a cess in backward districts like ours, there may not be much scope for the progress of the library movement. In these districts there has been no progress in elementary education compared with other districts. Therefore, Sir, as you suggested there is a method by which if the Government are pleased, they can increase their contribution."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR —
"It is provided in the Bill."

* SRI R. SURYANARAYANA RAO:—"Sir, I plead with the Hon. Minister for Education that in making contributions, he will remember this and not stick to the principle that the Government would pay only the amount equal to that raised by the local boards. I hope he will take into account the needs of each district in this matter. I feel the Hon. Minister has started a big movement. I wish him all success. But I also like him to see that in these elections to the various bodies, no action is created as far as possible so that the library movement may prosper and be useful to all."

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MR. PRESIDENT:—"Will the Aliasantana Bill take a long time?"

* THE HON. SRI K. MADHAVA MENON:—"Personally, I think it will not take much time."

MR. PRESIDENT:—"But there are some amendments."

THE HON. SRI K. MADHAVA MENON:—"They are only formal amendments."

MR. PRESIDENT:—"I think the whole thing can be finished by 4-30 p.m."

* MRS. MONA HENSMAN:—"Mr. President, I do not wish to take much time of the House with a long speech. But I cannot allow this Bill to be passed into law, as I think it will be in a few minutes—without expressing great pleasure on behalf of the women whom I have the honour to represent here in this House, that libraries are going to be increased and spread abroad so as to be within the reach of women as well as men in this country."

MR. PRESIDENT:—"Is there anything like that in the Bill?"

* MRS. MONA HENSMAN:—"Yes, Sir, a clear interpretation but I will come to that in a moment, for if and wherever there are Library Committees such as the Hon. Minister for Education has visualized, I feel sure that he will put women also on these library committees."

MR. PRESIDENT:—"This is the answer to Mr. Suryanarayana Rao."

* MRS. MONA HENSMAN:—"Sir, I have had experience of libraries, in this Province, because I have long been connected with the University Library and I am helping a voluntary library started in Madras in memory of the late Mr. Daniel Thomas. I know how difficult it is even to collect books and it is still more difficult to preserve them. I feel, Mr. President, that if one or two women are included in the committee, it would help the library movement as they will collect books from their friends and they will preserve good and rare books and will look very carefully after the budget. I am quite sure, the Hon. Minister for Education would also include women members in these committees. I do not think that the Hon. Minister has included only men members simply because they are going to pay cess and are more efficient than women. The men pay the cess because they happen to be in possession of the property."

MR. PRESIDENT:—"There cannot be two opinions on the matter that in some respects women are more efficient than men."

DR. V. K. JOHN:—"The real danger is that the Hon. Education Minister may prefer ladies to men." (Laughter.)

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* MRS. MONA HENSMAN :—" Sir, I should like to say that if we want to have a collection of books for the library, the idea of a central library seems to me to be the best solution. The hon. Member who spoke just before me referred to the need for a central source of supply—and he well knows about national health propaganda films. But I feel that people will have to look at the picture from two points of view, that of the subscriber and that of the reader. Both should be considered. Be that as it may, rare and good books and also reference books cannot be purchased out of the single funds of local libraries. A central library alone will serve this purpose of lending books as well as supplying new books and this will surely be a great benefit to this Province.

" Sir, I just wish to ask the Hon. Education Minister one question, and I know he will answer it very satisfactorily as he has done with regard to other problems. When it comes to the question of libraries in rural areas, I presume he will lay emphasis on the regional language of that area so that the adult and the average person who has been made literate, will be able to profit by these libraries. We have done nothing for the growth of adult education in the past. Therefore, I trust that in these local libraries, great stress will be laid on the fact that books pertaining to ordinary life and rural life and books interesting to the adult, will also be included so that adult literacy and adult education may grow. The adult literate will not be content with the exercise books and small story books of children. Having seen life, they want better things. May I congratulate most heartily the Hon. Education Minister for bringing this Bill, and trust he will implement the policy he has promulgated by the allotment of sufficient funds for the same."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Sir, I am grateful . . ."

MR. PRESIDENT :—" Not only grateful but you are fortunate."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Sir, I am very grateful and I wish to declare myself very fortunate for having got the unanimous support of this House to this Bill."

THE HON. SRI K. MADHAVA MENON :—" It is very rare."

DR. V. K. JOHN :—" All good measures, we will support."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Sir, I just want to say one or two matters. Separate Library Authorities are created for this reason. The taxes are all levied not in the rural areas but in the municipalities and district boards. To-day, we do not levy a great tax for the library movement. We are first seeking to levy a small tax on house property. We cannot entrust this job to the panchayat as there is no machinery to collect this tax on property in the rural areas. Therefore a separate Library Authority is created."

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MR. PRESIDENT :—" Surely we have got an agency in the panchayat areas."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" The panchayat areas are very few and small."

SRI R. SURYANARAYANA RAO :—" There are a large number of panchayats of which my Hon. Friend Mr. Chandramouli is in charge."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Sir, compared to the non-panchayat area, the panchayat area is small."

" Secondly, if you want to have a co-ordinated growth of the library movement in this province, there must be a Central Library to co-ordinate the work of various libraries. Also it will stock valuable books and distribute them to various places within their jurisdiction. If we do not have a Central Library it would be difficult to establish this co-ordination. This and other considerations were considered by the Select Committee and they went in for a Library Authority in each district as envisaged in the Bill."

MR. PRESIDENT :—" I thought that there will soon come a time when there will be a panchayat for every village."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" Then it will be time to make a small amendment."

" About the contribution, there is a good deal of force in what my hon. Friend Mr. Ranga Reddi said. But we are living in rather bad times. I am hoping for a better time and let us await that. 4-15 p.m."

" As regards the suggestion made by the hon. Lady Member, certainly rural libraries will be stocked with suitable books. We propose to take the help of the Madras Libraries Association which has done a great deal of work in this direction and of Mr. S. R. Ranganathan who has distinguished himself in this field in framing rules and other matters."

MRS. MONA HENSMAN :—" Will the Hon. Minister give an assurance that the help of ladies also will be taken? "

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" That is the very reason why it is provided in clause 5 (2) (b) (ii) that two shall be headmasters or headmistresses. . . ."

DR. V. K. JOHN :—" May I ask for an assurance that the help of men also will be taken? " (Laughter.)

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—" I may assure that the help of both men as well as women will be taken."

[Sri T. S. Avinashilingam Chettiyar] [25th November 1948]

"I am very grateful for the suggestions made and the support given."

The motion was put and carried.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 14-A, 15, 16, 17, 18 and 1 and the Preamble were put one by one and carried.

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR :—
"Sir, I move that the Bill be passed into law."

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

(8) THE MADRAS ALIYASANTANA BILL, 1947 (L.C. BILL NO. 1 OF 1948).

* THE HON. SRI K. MADHAVA MENON :—"Sir, I present the report of the Joint Select Committee on the Madras Aliyasantana Bill, 1947 (L.C. Bill No. 1 of 1948) and move that the Bill as reported by the Joint Select Committee be taken into consideration.

"I hope that the contagion of the good fortune of my Hon. Colleague will spread to me with reference to this Bill. (Laughter.) When I moved a motion in this House for constituting a Joint Select Committee on this Bill, I gave the reason why the Government took up this legislation. It has been suggested that it is expedient to define and amend in certain respects the law relating to marriage, maintenance, guardianship, intestate succession, family management and partition applicable to persons governed by the Aliyasantana Law of Inheritance. This Bill is more or less based on the Malabar Marumakkattayam Act passed by the Madras Legislature in 1933. There was no law relating to marriage, intestate succession or partition and it has worked much havoc. Marriages in the community are not held strictly valid in law. So the community has been asking for some sort of legislation. At the same time, there is a bit of conservatism in the community. This Bill does not go as far as the Marumakkattayam Act because the people in South Kanara to whom it applies do not want all the provisions of that Act to be incorporated. The Joint Select Committee held sittings in Mangalore, Udipi and other places and examined a number of witnesses. We had the benefit of the advice and experience of Mr. Karanth, who has been a practising lawyer in South Kanara, and also the advice of other lawyers there. The community as a whole welcome this Bill. In the matter of partition, the members of the community to which this Bill applies want that partition should be *per stirpes* and not *per capita*. I visited a hostel in South Kanara and even the young students there wanted that partition should be *per stirpes* and not *per capita*."

MR. PRESIDENT :—"What is the reason?"

* THE HON. SRI K. MADHAVA MENON :—"The reason seems to be that women will be helpless if the partition is *per*

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capita. Under the Aliyasantana Law, the man has only life interest in the estate. After his death, the property descends to his sister's son. The community does not want to change this tradition. We have tried to liberalise to the extent the community will allow us to go. In fact, in the Marumakkattayam Bill of 1933 the Aliyasantana people also were included. There was so much opposition that it was given up. Later on Mr. A. B. Shetty sponsored this Bill. Public opinion was collected on it and published. There was an Aliyasantana People's Reform Conference. That conference suggested the principles on which legislation should be undertaken. We have prepared this Bill on the basis of those principles. In some respects it is not as advanced as one would wish it to be. But it will take time for public opinion among the community to grow. But the general approval of the community as a whole is there for this Bill."

DR. V. K. JOHN :—"So far as this Bill is concerned, good luck will attend on the Hon. Mr. Madhava Menon. I find this is one of the few Bills which are well-worded and well-arranged. Probably Mr. Madhava Menon who was the Chairman of the Select Committee took particular care to study every aspect and consult the persons affected by the Bill. It was a good thing that the Select Committee visited the places where the community to whom this Bill applies lives and took evidence. I repeat that as far as I can see this is a very well-worded piece of legislation. But my regret is this. Instead of having a common personal law for all Indians throughout the length and breadth of the country, we are enacting a law for a very small community in the West Coast. Probably we might have waited. In a year or two people will easily entertain the opinion that there should be one common personal law for the whole country regardless of community, caste or religion. But the law cannot be far in advance of the opinion of the people. The law depends upon ideas of right and wrong which the people hold at a particular time. If the matter is left to me, I would not have clause 4 (1) (ii) which says that the conjugal union of an Aliyasantana female with a male not belonging to such community and whether governed by the Aliyasantana Law or not, except a Hindu or Jain shall not be a legal marriage. I cannot see why an Aliyasantana female should not marry a Muslim or Christian. Such marriages may take place hereafter."

MR. PRESIDENT :—"But a Christian is not prevented from marrying an Aliyasantana female."

DR. V. K. JOHN :—"I think the law must provide both ways."

"What I am very much pleased with in this Bill is the saving clause 39. From a lawyer's or jurist's point of view, this is very important, although it is put down as the last clause. What really happens is that codification makes the law lose its flexibility. Judges with conservative instinct are not willing to interpret the

[Dr. V. K. John] [25th November 1948]

law in accordance with the growing opinion of the people. I am very glad that this clause has been included and the credit for it goes to the Hon. Minister. It says that nothing contained in this Act shall affect any rule of Aliyasantana Law except to the extent expressly laid down. By implication you cannot bring in something. Always custom and usage grow according to the growing opinion of the people. I hope that courts will interpret the provisions of law in a manner that will be acceptable to the growing opinion of the community as a whole. Before I sit down, may I express the hope that this Act and the other Acts dealing with the personal law of particular communities—I am speaking not about this province only but about the whole country—will all be repealed and that, instead there will be one law which will bind everybody whatever may be his community, caste, religion or place of residence."

4-30
p.m.

* THE HON. SRI K. MADHAVA MENON :—" Sir, the desire expressed by the hon. Leader of the Opposition is already contained in the draft Hindu Code which is before a Select Committee of the Central Legislature. When it is passed into law, it will apply to all Hindus. It will repeal all Acts on this subject including the Marumakkattayam Act. But I will be sorry for the repeal of the Marumakkattayam Act, because it is more advanced than the Hindu Code.

" Now, Sir, section 4 of this Bill declares that the union of an Aliyasantana female with a male not belonging to such community and whether governed by the Aliyasantana Law or not, but being a Hindu or Jain shall be deemed for all purposes to be a legal marriage, while the provisions of the Malabar Marumakkattayam Act go even farther than that. It was thought that this provision was rather too far-reaching and so the original Bill did not contain this provision. People in South Kanara who are governed by the Aliyasantana Law were very much against it, and it required considerable persuasion on the part of the members of the Select Committee who went into the matter to make those people agree even to a provision of this sort.

" Sir, I thank Dr. John for the suggestions he has made which will be considered when the time comes, but now I hope that this House will accept the motion I have made."

MR. PRESIDENT :—" The motion is that the Bill to define and amend in certain respects the law relating to marriage, maintenance, guardianship, intestate succession, family management and partition applicable to persons governed by the Aliyasantana Law of Inheritance, be taken into consideration."

The motion was carried.

The Bill was then taken up clause by clause.

Clauses 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16; 17; 18, 19, 20, 21, 22, 23, 24 and 25 were put separately one by one and carried.

25th November 1948]

Clause 26.

* THE HON. SRI K. MADHAVA MENON :—" Mr. President, Sir, I beg to move that in clause 26,—

' In sub-clause (2), for " clauses (i), (iii), (v) and (vi) of section 20," substitute " clauses (i), (iii), (iv), (v) and (vi) of section 20 " . '

" Sir, there was a clerical mistake in sub-clause (2) of this clause with regard to the references to certain sections of the Bill and hence this amendment has to be brought in, and I hope it will be accepted by the House."

MR. PRESIDENT :—" The question is—

' In sub-clause (2) of clause 26, for " clauses (i), (iii), (v) and (vi) of section 20," substitute " clauses (i), (iii), (iv), (v) and (vi) of section 20 " . '

The amendment was carried.

Clause 26 as amended was put and carried.

Clauses 27, 28, 29, 30, 31, 32, 33, 34 and 35 were put one by one and carried.

Clause 36.

* THE HON. SRI K. MADHAVA MENON :—" Sir, I beg to move the following amendment standing in my name :—

' For the first paragraph of sub-clause (2) (a), substitute the following :—

" (a) If on the date on which a partition is claimed, any of the members of the kutumba who are nearest in degree to their common ancestress is removed four degrees or more from such ancestress, then, the division shall be effected in the following manner :—"

For sub-clause (2) (e) and (2) (f), substitute the following :—

" (e) The provisions of clauses (a) to (d) shall apply only to partitions claimed before the expiry of a period of fifteen years from the commencement of this Act.

(f) In a partition of a kutumba claimed after the expiry of the period aforesaid, a kavaru shall be allotted such share as would fall to it if a division of the kutumba properties were made per stirpes among all the kavarus."

At the end of sub-clause (2), add the following Explanation :—

" Explanation.—For the purposes of this sub-section, the date on which a partition is claimed shall be—

(a) where the claim is made by a suit for partition, the date of the institution of the suit (whether the suit is prosecuted or not); and

(b) where the claim is made otherwise than by a suit, the date on which such claim is made."

[Sri K. Madhava Menon] [25th November 1948]

For sub-clause (6), substitute the following :—

"(6) A registered family settlement (by whatever name called) or an award, to which all the major members of a kutumba are parties and under which the whole of the kutumba properties have been or were intended to be distributed, or purport to have been distributed, among all the kavarus of the kutumba for their separate and absolute enjoyment in perpetuity, shall be deemed to be a partition of the kutumba properties notwithstanding any terms to the contrary in such settlement or award."

"Sir, here also certain mistakes have crept in, which were noticed by my hon. Friend Mr. Karanth who informed us about them and wanted us to correct these mistakes and hence this amendment, Sir."

The amendment was put and carried.

Clause 36 as amended was put and carried.

Clauses 37, 38 and 39 were put one by one and carried.

Clause 1 and the Preamble were put separately and carried.

*THE HON. SRI K. MADHAVA MENON :—"Sir, I now move the Bill be passed into law. In this connexion I may state, Sir, that the same thing happened in the case of the Weights and Measures Bill, which was also introduced originally in this House and even though we thought we could accept any amendments in this House, so that it may not be delayed, yet no amendments were proposed."

MR. PRESIDENT :—"The question is—

'That the Bill to define and amend in certain respects the law relating to marriage, maintenance, guardianship, intestate succession, family management and partition applicable to persons governed by the Aliyasantana Law of Inheritance, be passed into law.'

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

MR. PRESIDENT :—"I hope that when the Bill goes to the other House and if perhaps any amendments are proposed, the Government may either accept them or reject them, and if the Government accept them, this Bill will come back to this House. In either case, this House will be gratified." (Laughter.)

DR. V. K. JOHN :—"I hope, Sir, that all Bills in future will first be introduced in this House."

MR. PRESIDENT :—"At any rate a fair number of Bills may be introduced. That will remove this kind of feeling. Now we shall proceed to the next subject in the Agenda, viz., the Government Resolution."

25th November 1948]

GOVERNMENT RESOLUTION.

III.—INCREASE IN THE MAXIMUM AMOUNT OF THE GUARANTEE GIVEN BY GOVERNMENT IN RESPECT OF DEBENTURES ISSUED BY THE MADRAS CO-OPERATIVE CENTRAL LAND MORTGAGE BANK, LIMITED.

THE HON. SRI K. CHANDRAMOULI :—"Mr. President, Sir, I beg to move—

'That this Council recommends to the Provincial Government that they may under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934, increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, up to a total face value of Rs. 450 lakhs, exclusive of such debentures as the Bank may from time to time redeem such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum.'

"Sir, I need not go into all the details about the origin and history of the Madras Central Land Mortgage Bank at present, but shall only state that after trying various experiments and other things, and finding that there was not enough support from the public to take up its debentures, the Government in the end decided to guarantee the interest and principal on the debentures of the Central Land Mortgage Bank. Even with that, the public response was not very encouraging and the Central Land Mortgage Bank was not able to attract the public to subscribe to its debentures and compete with other institutions. In the end the Bank wanted that its debentures should be declared as trustee securities. For that purpose, the Government of India was addressed and they authorized the Provincial Government to bring forward a legislation declaring these debentures as trustee securities and also guarantee both the principal and interest and accordingly in 1934 the Land Mortgage Bank Act was brought in and passed by the Legislature. Ever since, the Central Land Mortgage Bank was able to work better and its debentures were able to attract public support in a very large measure. The maximum amount of guarantee which was fixed at Rs. 50 lakhs in 1934 rose to Rs. 446 lakhs in 1946. With its increased activities, the Central Land Mortgage Bank wanted to increase our guarantee to the maximum of Rs. 5 crores, but the Government felt that it was sufficient if we guarantee the principal and interest to the maximum of Rs. 450 lakhs and it is for that purpose that we have brought in this Resolution before the Legislature, because this cannot be done without the approval of both the Houses of the Legislature. After all, the Government are not giving any money in cash or as loan, but only giving a legal and technical sanction in the form of a guarantee. These debentures are very popular

[Sri K. Chandramouli] [25th November 1948]

and most of them are taken up by co-operative institutions and by local bodies and these institutions cannot purchase them unless such guarantee is given by the Government. Otherwise there will be no market for these debentures.

"Moreover in all the other countries in the world, the ryot is helped by the Government in various ways. After all what is required is only a guarantee and if we cannot give this much of guarantee, the rate of interest on these debentures will have to be increased and hence the ryots will be put to serious difficulties. That is why this Resolution has been brought in and I hope the House will realize its importance and accept it."

MR. PRESIDENT :—"The question is—

'This Council recommends to the Provincial Government that they may under sub-section (2) of section 6 of the Madras Co-operative Land Mortgage Banks Act, 1934 increase the maximum amount of the guarantee given by them in respect of the debentures issued by the Madras Co-operative Central Land Mortgage Bank, Limited, up to a total face value of Rs. 450 lakhs, exclusive of such debentures as the Bank may from time to time redeem, such debentures being issued for periods not exceeding in any case 25 years from the date of issue and bearing interest at a rate not exceeding 5 per cent per annum.'"

DR. V. K. JOHN :—"Mr. President, Sir, according to my information, the Madras Co-operative Central Land Mortgage Bank is doing very good work and renders great service to the agriculturists and satisfies their necessity, which without this Bank, they would not be able to meet and wipe off their old debts. The Government are now giving a guarantee to the tune of Rs. 450 lakhs worth of debentures issued by the Bank and I have no doubt that we can have an assurance from the Hon. Minister that the Government will keep a close watch over the activities of the Bank."

THE HON. SRI K. CHANDRAMOULI :—"Sir, from the previous history of this Bank, I can assure Dr. John that it has done immensely good work and it has never been a liability to us. Most of the loans given by the Bank to the ryots have been returned and there has been absolutely no difficulty in the matter of collecting their dues because loans are given on the mortgage of landed properties which, in these days, have appreciated very much. So we can trust the Central Land Mortgage Bank to function successfully and we can unhesitatingly give our approval to this guarantee which is asked for."

The resolution was put and carried,

25th November 1948]

IV.—AMENDMENT TO THE RULES UNDER THE COTTON
TRANSPORT ACT I.

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

'This Council 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, published at pages 1455 to 1461 of Part I of the Fort St. George Gazette, dated the 25th September 1928, as subsequently amended :—

Amendment.

For rule (9-A) of the said rules, the following rule shall be substituted, 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 as follows :—

- | | |
|------------------------------------|---|
| (i) Ginned cotton or cotton waste. | Rupee one per bale of 400 lb. or part thereof. |
| (ii) Unginned cotton. | Rupees two per bale of 800 lb. or part thereof. |
| (iii) Cotton seed .. | Annas eight for every 1,000 lb or part thereof. |

The levy of fees for the inspection of ginned or unginned cotton and cotton waste and cotton seed shall however be subject to a minimum of Rs. 100 in respect of such inspection irrespective of the number of varieties of cotton inspected. The officer will not be deputed for inspection outside the limits of the Province."

This is only for making a provision for charging a fee for inspection of cotton, Sir, because we are now receiving a large number of requests for inspection. Before there was only a fee for a licence. Now we have to depute an officer to go and inspect the cotton and we thought it proper that we should charge a fee for such inspection. Accordingly we are providing for a scale of fee to be levied as inspection charges."

The motion was put and carried.

MR. PRESIDENT :—"The House will now adjourn and meet to-morrow at 11 a.m. for non-official business."

The House adjourned.

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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

FRIDAY, 26TH NOVEMBER 1948

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THE MADRAS LEGISLATIVE COUNCIL.

Friday, the 26th November 1948.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Wholesale dealers in cloth and yarn in East Godavari district.

* 146-A Q.—SRI T. PURUSHOTHAM: Will the Hon. the Minister for Industries be pleased to place on the table—

(a) the list of wholesale dealers in cloth finally selected by the Government for the district of East Godavari; and

(b) the list of wholesale dealers in yarn finally selected by the Government for the district of East Godavari?

THE HON. SRI H. SITARAMA REDDI :—“ Lists^a of wholesale dealers for mill cloth and for yarn for the East Godavari district approved by the Government have been placed on the table of the House.”

Allotment of Japanese industrial equipment.

* 147 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether any Japanese industrial equipment (received by way of reparations) was allotted to this Province by the Government of India;

(b) if so, (i) the particulars of machinery expected or received and (ii) how the same has been disposed of; and

(c) if the answer to (a) is in the negative, whether the Government have made any, and what representations to the Government of India in the matter and with what results?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier) :—“ (a) No.

“ (b) Does not arise.

“ (c) On a reference from the Government of India in October 1945 calling for telegraphic information regarding material damage caused in this Province by Japanese action with a view to exaction of reparations from that country, this Government informed Government of India that the claim for damage amounted to Rs. 5.5 crores roundly. In case the reparation would be met in kind, this Government also informed the Government of India of the industrial equipment required by the Textiles and other departments in this Province

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No reference making an allotment either in cash or kind to this Province has so far been received from the Government of India."

SRI S. B. ADITYAN:—"May I know, Sir, whether India got any industrial equipment from Germany or other ex-enemy countries by way of reparation and if so, what is the share of this Province?"

THE HON. DR. T. S. S. RAJAN:—"This question has got to be addressed to the Government of India and not to this Government."

SRI R. SURYANARAYANA RAO:—"Have this Government followed up the question after the first communication sent to the Government of India and insisted that they should have some share in the reparation in view of the damage caused to this Province?"

THE HON. DR. T. S. S. RAJAN:—"That was the intention of the Government of India and that is why they have asked us to say."

SRI S. B. ADITYAN:—"Has the Government of India received any reparation either from Japan, Germany or other ex-enemy countries?"

THE HON. DR. T. S. S. RAJAN:—"The information was asked by the Government of India from this Provincial Government and we have asked our share both in cash and equipment that may be required. So far we have not received any reply from the Government of India."

SRI R. SURYANARAYANA RAO:—"May I request this Government to remind the Government of India?"

THE HON. DR. T. S. S. RAJAN:—"That matter will be considered."

Restriction on the length of films.

* 148 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Education be pleased to state—

(a) whether there is any restriction on the length of films permitted for exhibition in cinemas;

(b) whether any such restrictions are under consideration;

(c) if so, whether the Government were consulted in the matter by the Government of India; and

(d) whether any representations have been received on the subject from the South Indian Film Chamber of Commerce, and if so, what the substance of the representation is and whether the Government have taken any action thereon?

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

"(a) Not at present.

"(b) Yes.

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"(c) No.

"(d) No representations in writing have been received from the South Indian Film Chamber of Commerce; but the Film Chamber have been consulted informally and they have agreed to the proposed restrictions."

SRI S. B. ADITYAN:—"May I know, Sir, whether the Board of Film Censors have any say in the matter?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"They also thought that some restrictions may be made in regard to the length."

SRI R. SURYANARAYANA RAO:—"Is it the idea of the Government not to insist upon Cinema Houses exhibiting other films?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"That is another matter. But this matter refers to the footage of the films. There are certain films of 19 to 20 thousand feet taking sometimes four hours which has been suggested that it has not been in the interests of the health of the people to witness for such a long time and it has been suggested in certain quarters that film restrictions may be imposed in the interests of health."

SRI R. SURYANARAYANA RAO:—"May I know, Sir, whether the eye specialists or what other specialists have been consulted in regard to effects of long films on the health of cinema-goers?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Consultation was made from the health point of view."

SRI S. B. ADITYAN:—"What is the footage that is considered best in the view of the Government and the Board of Film Censors?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Thirteen to fourteen thousand feet."

SRI R. SURYANARAYANA RAO:—"May I know whether restriction in lengths is based upon any scientific knowledge?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"Yes, Sir. It has been said that any time between 2½ to 3 hours will be no undue strain upon the health of the people."

SRI S. B. ADITYAN:—"Is it not a fact that in English films two or three features are exhibited which make altogether 18 or 19 thousand feet?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
"The total time taken is what is considered."

[26th November 1948]

Admissions to the Vivekananda College.

* 149 Q.—SRI B. BHIMA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether the Hon. Minister issued a circular to the management of the Vivekananda College, Mylapore, in March 1948 to constitute advisory committees for the purpose of admissions to the said college; and if so, whether the Government propose to lay a copy of the communiqué on the table of the House; and

(b) whether the Managing Authorities of the college have sent a reply to the Hon. Minister and if so, to what effect and whether the Government will be pleased to lay the reply on the table of the House?

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

“(a) No communication or circular of the kind mentioned in the question has been sent by me to the Vivekananda College or to any other college. Presumably, the hon. Member refers to G.O. Ms. No. 404, Education, dated 2nd March 1948, advising aided colleges to constitute advisory committees. A copy of the Government Order has been laid on the table of the House in answer to question No. 124.

(b) Does not arise in view of the answer above.”

Policy as regards afforestation.

* 150 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Agriculture be pleased to state what the general policy of Government is in regard to afforestation and how they propose to give effect to it?

THE HON. SRI K. MADHAVA MENON :—“The policy of the Government is to afforest degenerated forest and waste lands, the objects being

(1) to prevent soil erosion and thereby to protect agricultural land and agriculturists' houses;

(2) to relieve the fuel and timber shortage; and

(3) to produce materials which have great commercial value.

“To give effect to this policy the Government have already undertaken a number of afforestation scheme such as

(i) casuarina plantations in Guntur, Nellore, Chingleput, Salem South (Padugais) divisions;

(ii) plantations on the Hagari and Pennar river banks;

(iii) wattle cultivation on the Nilgiris and Palnis.

“They are also having the following schemes under their consideration :—

(a) Afforestation of waste lands in the Madura, Ramnad and Tirunelveli districts.

(b) Afforestation of waste lands in Tanjore and Tiruchirappalli districts.”

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SRI R. SURYANARAYANA RAO :—“Is there any proposal for afforestation of lands in the Rayalaseema?”

THE HON. SRI K. MADHAVA MENON :—“At present there is no specific scheme for Rayalaseema. The Working Plan Officer is working in Rayalaseema and on the receipt of the plan the question will be taken up.”

SRI S. B. ADITYAN :—“Is it not a fact that more forests are being cut than or being grown?”

THE HON. SRI K. MADHAVA MENON :—“It is regrettable fact that considerable forests are being cut. Ten lakhs of tons of firewood are being cut to produce 2 lakhs of tons of charcoal for buses and lorries.”

SRI R. SURYANARAYANA RAO :—“May I know, Sir, if afforestation and regeneration schemes are pursued side by side?”

THE HON. SRI K. MADHAVA MENON :—“These schemes are being continued.”

Town-Planning Scheme of the Courtallam Panchayat Board.

* 151 Q.—SRI M. D. T. KUMARASWAMI MUDALIYAR (on behalf of Sri K. Manathunainatha Desigar) : Will the Hon. the Minister for Public Health be pleased to state—

(a) what steps the Government have taken on the Town-Planning Scheme prepared by the Courtallam Panchayat Board in consultation with the Director of Town-Planning; and

(b) what steps the Government have taken on the recommendations of the Special Committee presided over by the late Minister Mr. Daniel Thomas regarding proposals for the improvement of Courtallam as a health resort?

THE HON. SRI A. B. SHETTY :—“(a) The Town-Planning Scheme has been received from the Director of Town-Planning for sanction by the Government under section 14 of the Town-Planning Act. The matter is under consideration and it is hoped that the scheme will be sanctioned shortly.

“(b) The recommendations are under the consideration of the Government.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“Will the Government be pleased to consider the desirability of appointing Collector or other local officers so that the Committee may meet more often?”

THE HON. SRI A. B. SHETTY :—“Mr. Daniel Thomas was the Chairman of the Committee. The resolution was passed in February. The matter is under correspondence.”

SRI M. D. T. KUMARASWAMI MUDALIYAR :—“If the Minister were to be President, the Committee rarely meets. If the local authorities were to be the President, it may meet as often as necessary. Will the Government consider that suggestion?”

THE HON. SRI A. B. SHETTY :—“It will be considered.”

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Census of tappers thrown out of employment.

* 152 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Firka Development be pleased to state—

(a) whether a census of tappers, even approximate, thrown out of employment on account of the introduction of prohibition has been taken in each district where prohibition is in force:

(b) if the answer to (a) is in the affirmative, what the number is (districtwar).

(c) what steps have been taken in each district to rehabilitate the ex-tappers and others till now engaged and employed in liquor trade; and

(d) whether the Government propose to issue a complete statement on the subject?

THE HON. DR. S. GURUBATHAM:—“(a) Yes.

“(b) Approximate number of tappers thrown out of employment in the districts in which prohibition was introduced in 1946 and 1947 is furnished below:—

North Arcot ..	1,085	Tanjore ..	11,600
Cuddapah ..	355	Tiruchirappalli ..	1,791
Anantapur ..	693	Madura ..	1,576
Chittoor ..	398	Malabar ..	28,489
Bellary ..	440	South Kanara ..	9,789
Kurnool ..	2,462	Nellore ..	2,465
Salem ..	2,069	Guntur ..	2,930
Coimbatore ..	13,500		

“(c) Co-operative societies for the manufacture of jaggery have been formed in order to provide employment to ex-tappers. Till the end of July 1948, 486 jaggery manufacturing societies were organized with a membership of 36,882. Steps have also been taken to assist the ex-tappers to follow other avocations by forming themselves into milk-supply co-operative societies, weavers' co-operative societies, land colonization societies and similar other co-operative societies. They have also been encouraged to take up agricultural work.

“(d) As regards persons other than ex-tappers, orders have been issued that deserving ex-abkari contractors who are thrown out of employment due to the introduction of prohibition may be exempted from the rule regarding the previous standing in foodgrains business for the purpose of granting licences under the Madras Foodgrains Control Order, 1943.

“(d) Press notes are being issued by the Government on the working of prohibition every month showing also the steps taken to provide employment to ex-tappers. It is, therefore, not proposed to issue a further statement on the subject.”

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SRI R. SURYANARAYANA RAO:—“I am aware, Sir, that press statements are issued. Even last night I received one. But we would like to have an overall picture of the present condition of the ex-tappers.”

THE HON. DR. S. GURUBATHAM:—“It is too early, Sir, to give an overall picture because we introduced Prohibition throughout the whole of the Province only on the 2nd October 1948. It will take a month or more to give an overall picture.”

SRI R. SURYANARAYANA RAO:—“May I know, Sir, how many of these ex-tappers in each district have been absorbed in the co-operative societies or colonization societies?”

THE HON. DR. S. GURUBATHAM:—“As I have stated in the answer, Sir, 36,882 ex-tappers have been absorbed in the jaggery manufacturing societies. If the hon. Member wants more details, I should like to have notice, Sir.”

K. T. M. AHAMAD IBRAHIM SAHIB BAHADUR:—“May I know, Sir, whether the figures include the sweet toddy tappers also who have been thrown out of employment?”

THE HON. DR. S. GURUBATHAM:—“Yes, Sir, the figures include both sweet toddy tappers as well as toddy tappers.”

SRI S. B. ADITYAN:—“May I know the reason why the numbers of ex-tappers vary so greatly between district and district? For instance, in Salem it is supposed to be 2,000 and odd whereas in Coimbatore it is about 13,000 and odd, although the population in the Salem and the Coimbatore districts are approximately the same?”

THE HON. DR. S. GURUBATHAM:—“That is due to the number of trees that are available for tapping, Sir.”

SRI S. B. ADITYAN:—“May I know, Sir, whether any of these ex-tappers have been absorbed as constables in the City or elsewhere?”

THE HON. DR. S. GURUBATHAM:—“A few have been admitted as constables, Sir.”

SRI N. SANKARA REDDI:—“May I know, Sir, whether jaggery manufacturing societies have been started in the Ceded districts?”

THE HON. DR. S. GURUBATHAM:—“A separate question may be put, Sir.”

SRI S. B. ADITYAN:—“May I know, Sir, if any of the ex-tappers have been absorbed in the Government Bus Transport as conductors or in similar appointments?”

THE HON. DR. S. GURUBATHAM:—“A separate question may be put, Sir.”

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT:—“ I have to announce the following message which I have received from the Hon. the Speaker of the Madras Legislative Assembly:—

‘ In accordance with Rule 91 of the Madras Assembly Rules I transmit a copy of the Madras Hindu Bigamous Marriages Prohibition and Divorce Bill, 1947 (L.A. Bill No. 6 of 1947) as passed by the Assembly on the 10th September 1948 and signed by me for the concurrence of the Council.’ ”

NON-OFFICIAL BILL.

III.—THE MADRAS HINDU BIGAMOUS MARRIAGES (PREVENTION AND DIVORCE) BILL, 1947 (L.A. BILL No. 6 OF 1947).

SRI N. RANGA REDDI:—“ Mr. President, Sir, I move—
‘ that the Madras Hindu Bigamous Marriages (Prevention and Divorce) Bill, 1947 (L.A. Bill No. 6 of 1947), as passed by the Assembly be taken into consideration.’ ”

“ Before I deal with the principles of this Bill, Sir, I would like to thank the Hon. the Leader of the House for having converted this official day into a non-official day and for having given us an opportunity to discuss the provisions of this Bill as early as possible.

“ I would now like to mention in short the history of the Bill. This Bill was sponsored by Sri A. Kaleswara Rao, a member of the Legislative Assembly. The Bill was given notice of in December 1946 and the Congress Party decided to refer it to public opinion. In March 1947 it was referred for public opinion for two months. Public opinion was strongly in its favour. Then in October 1947 it was referred to a Select Committee presided over by Dr. Subbarayan, the then Law Minister of the Government of Madras.”

MR. PRESIDENT:—“ Had it no history in 1937 and 1938? ”

SRI N. RANGA REDDI:—“ I do not know anything, Sir. This is so far as Mr. Kaleswara Rao has given me the particulars. The previous Law Minister, Mr. Bhashyam, was also a Member of the Select Committee. In February 1948 the Select Committee approved the Bill with certain modifications. It reduced the court fee from Rs. 50 to Rs. 10 and there were a few verbal alterations which were accepted by the Member in charge of the Bill. The Bill as passed by the Assembly has come up before this Council for discussion.

“ I submit, Sir, that the main principles of this Bill are two and they are the provisions for the prohibition of bigamous marriages and the provisions for divorce. Before I deal with these two principles, Sir, I would like to explain the present position of Hindu

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Law regarding these two questions. According to Hindu Law as it is observed at present a male can have any number of wives whereas a woman can have only one husband and further the marital tie that has been entered into is considered sacred. (Interruption.) I am referring to the communities like the Brahmans, the Vaisyas, the Kshatriyas and other high class Hindus. I am not thinking of the other tribal communities who have got different customs and who have got different kinds of marriages. I am thinking of those communities which are mainly governed by the Hindu Law. Of course there is the customary law. I am not concerned with that. I am concerned with the Sastraic Hindu Law. According to the principles of Hindu Law a male can have any number of wives and the marital tie cannot be severed during the lifetime of either of the spouses. The marital tie continues until death and it can never be severed under any condition. These are the two principles which this Bill seeks to revise.

“ The principle regarding the prohibition of bigamous marriages has been attacked by the orthodox Hindu public opinion. It is said that it is an ancient and hoary custom and that it has been observed for a long time and the prohibition interferes with the religious observances of the Hindus. Therefore, they say that this Bill should not be introduced or the custom should not be modified by the provisions of the Bill. Sir, the principle of monogamy is not a new one. It was known to the ancients and it was also practised in ancient days. For the edification of the hon. Members of the House, I would like to read a passage from Mayne's Hindu Law as revised and edited by the late Sri S. Srinivasa Ayyangar, a brilliant advocate and some time Advocate-General to the Government of Madras.

“ The rule was monogamy and in very exceptional cases bigamy was resorted to. I submit in these days when we want to introduce monogamy we must consider whether we are introducing any innovation in the present law. No doubt the Hindu society has undergone many changes and it is very necessary that we should also change our law in consonance with public opinion. Then, Sir, the law is never static. It is dynamic. As probably this House is aware some thousands of years ago even amongst the high class communities, there was what was called the system of polyandry where a woman was allowed to marry more than one husband. That system has died out and it has become obsolete. Even during the time of Draupadi when she was asked to be the wife of the Pandavas the king, her father, asked: ‘ How is it you fellows want to marry the same girl. It is opposed to our sense of justice. (Dr. Syed Tajuddin Sahib Bahadur: ‘ How did it die? ’) It died because people did not like it. So I am saying that some laws which were not wanted died a natural death. The laws are never permanent. They are meant to reflect public opinion. Now the time has come when we have to change this law of polygamy into one of monogamy. This point has been

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raised by many women's organizations and especially the All-India Women's Organization has pressed the question that bigamy should be introduced"

MR. PRESIDENT :—" Bigamy should be introduced? Do you mean that bigamy should be prohibited? "

SRI N. RANGA REDDI :—" Prohibition of polygamy, Sir"

MR. PRESIDENT :—" Bigamy means two wives or two husbands? "

SRI N. RANGA REDDI :—" Bigamy means one man and one wife." (Laughter.)

DR. V. K. JOHN :—" Are we to accept this statement of law, Sir? "

SRI N. RANGA REDDI :—" I am sorry, Sir, I meant monogamy. It is a slip of the tongue. I am sorry. I meant that monogamy ought to be introduced and bigamy should be prohibited. It is true that some friends would attack this as a thing which has been imitated from the West. As I submitted, Sir, this is not a thing which has been imitated from the West. This is a thing which has been practised in ancient times and it is now in actual practice also. I would submit that cases are very rare when a man marries more than one wife; though there is a provision that a man can marry more than one wife no one marries more than one wife. It is only under very extraordinary circumstances that a man marries more than one wife.

" It may be that some hon. Friends may contend that if the first wife has no children born of her, for the sake of the progeny, the man may marry a second wife, or for some other reason, say for the sake of property, a man marry more than one wife. Sir, the point here to be considered is whether a man should have the right to marry a second wife, especially when it adds to the discomfort or misery of the woman that is concerned. I submit this is a point which we should all recognize. There is no danger also in recognizing this thing because it is recognized by all the civilized countries in the present day.

" Then, Sir, I would like to deal with the provision for divorce. Some people criticized that it is a cheap imitation of the West. But, I would like to submit to hon. Members that this has also been practised in India in olden days. Authorities on Hindu law also have recognized it. In the Mayne's Hindu Law, it is stated that so far as Hindu law is concerned, there are eight forms of marriage which are recognized, out of which four forms are approved ones and the other four forms are not approved forms of marriage. So far as the approved forms of marriage are concerned there was a provision for divorce and if the husband or wife did not agree for some reason or other, divorce was granted even in those

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days. Our Sashtas also say that if a marriage is contracted by an impotent person or an imbecile, such a marriage is void and the person who has been so married can be taken away from the husband or wife, as the case may be, and married to another person. I mean to say that even in those days, it was provided that if there were some physical defects or physical incapacity on the part of the husband, it would give a valid reason for the wife to marry again. Therefore, I submit that on this question of divorce also, it need not be thought that it is a new thing or that it is not known to us. The only thing is the times have now recognized the need for such a provision though there was no need for such a provision some years ago. Therefore, Sir, I think this House will accept that this principle of divorce should be introduced in Hindu Law.

" Then, Sir, it is said that if a provision for divorce is made available in Hindu Law, divorces will be very cheap and that we will be disrupting the whole Hindu social structure and that we will be destroying the system which has been in existence for so many centuries. They may also state that the Hindu social structure has remained unchanged and has withstood the onslaught of foreign invasions because of this Hindu marriage institution. But, Sir, I must submit that conditions have changed and it is very necessary that in the interests of Hindus, this principle of divorce should be introduced in our Hindu law. One thing I would like to say in this connexion. Simply because there is provision for divorce, it does not follow that very many people will take advantage of it. I would also like to mention that so far as the Islamic law is concerned, there is a provision for divorce. A husband can divorce his wife in a very short time. He may pronounce the word , tatak ' three times and then he gets a divorce."

DR. SYED TAJUDDIN SAHIB :—" It is not so easy."

SRI N. RANGA REDDI :—" The hon. Member can explain it when the opportunity comes to him. For the present, he can reserve his remarks. What I say is there is a provision for divorce in Islamic law. Does it follow that divorces among Muslims are resorted to very often? Sir, this provision for divorce might benefit only a few people in this Province. But, even if it benefits only a few persons in this Province, still it goes a long way in relieving the misery and unhappiness of those unfortunate wives who may not like to live in the same house with the husband because he may have another wife or a concubine or the husband may be a leper or suffering from some incurable venereal disease and so on. Under those circumstances, I ask, is she to put up with or is she to endure all those difficulties because she is a Hindu wife? Therefore, Sir, there is need for a provision for divorce. If there had been a provision for divorce, in some of these cases, the wife might have been living separately. I also submit that

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even though a provision for divorce has not been made under Hindu law, a provision for separate maintenance has been provided for. There is what is called the Hindu Wives' Right to Separate Maintenance Act which was passed in the year 1946. It is an All-India Act under which a wife can file a suit and can get a decree for separate maintenance and can live separately. When that right has been recognized by an All-India Act, you will have to consider whether there is any danger in severing the tie and allowing the wife to marry another person under certain conditions. After all the number of such persons who will be divorced and who will marry again will not be very large. I will give one instance. The Hindu Widow Remarriage Act was passed. It is now on the Statute Book. It has been convicted in the best interests of the Hindu women. But when that Act was sought to be placed on the Statute Book, there was a strong opposition from the orthodox section of the Hindu community on the ground that it was conflicting with the Hindu sentiments and that it violated the principles of Hindu religion. But, still the Act was passed and placed on the Statute Book. Some of our Hindu social workers were able to reform the conditions of widows by means of that Act. But, what do we see to-day? Not many widow remarriages are taking place. Likewise, even though provision for divorce is made, it is not as if every woman will seek for divorce and get married to another husband. Only a few people will do like that—some young girls on whom sometimes these marriages are forced may seek recourse to this provision. I need not go into all those details at this stage. What I want to say is that every woman who seeks a divorce does not do so with the intention of marrying another person. The Widow Remarriage Act is on the statute book but still a widow is not able to get a husband. Similarly it may be difficult for a divorced woman also to get a husband. Therefore, it is wrong to say that every woman who gets a divorce gets it simply for marrying another person. In some cases, divorce is necessary, so that the woman can live a happy life. Otherwise, some of those unlawful sexual unions which have come into existence will stand in the way of recognition of the offspring. Therefore, I submit that this provision for divorce is very necessary. It is a thing which has been in existence centuries ago though it is not in practice at present.

"Now, Sir, this principle of monogamy, we are not introducing for the first time amongst the Hindus. In Bombay, already there is an Act prohibiting bigamy. No doubt in Madras, this Bill was introduced by Sri A. Kaleswara Rao some time in 1916 earlier than the Bombay Act. But because it has to be piloted by a non-official member, time could not be got for passing this Bill in a short time through the Assembly. Therefore, it has taken so much time to come before this House. So far as the Bombay Act is concerned, that Bill was originally sponsored by Mr. Lilavathi Munshi. It was later on taken up by the Government of Bombay and it was placed on the statute book. Sir, we are trying to adopt the same principle adopted by the Bombay Government. They have also passed a law prohibiting bigamy and allowing for divorce in certain

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cases. Other Provinces have gone ahead of us. They have passed laws recognizing the right to divorce and also the principle of monogamy.

"Sir, clause 4 makes bigamy an offence. It is not only void but it is also punishable under this Act. The House will not be perturbed by the fact that such things have been made offences. The House is probably aware that there is what is called the Sarda Act, according to which girls below 14 years of age and boys below 18 years of age cannot contract marriages. There was stout opposition when that Bill was introduced in the Legislative Assembly. But, later on, most of the Hindus or rather most of the Brahmans are thankful that such an Act has been placed on the statute book because they were not able to get suitable husbands for their girls before the girls attained the age of puberty. So this Act came to them as a blessing in disguise. Now, Sir, we see that most of the girls are married only after attaining puberty. In the same manner, if this Act is condemned and criticized from various quarters, I know the same people who criticize to-day will be the strongest supporters of the Act later on and may say that it is a very good measure and that they were wrong in having opposed it.

"Then, Sir, clause 5 mentions the grounds for divorce. The grounds under which divorce could be given are mentioned as follows:—

- (a) if a husband has any other woman as a concubine, or
- (b) if a wife, is a concubine of any other man or is leading the life of a prostitute; or
- (c) has, without just cause, deserted the petitioner for a continuous period of not less than three years immediately preceding the presentation of the petition; or
- (d) has been guilty of such cruelty as to render it unsafe for the petitioner to live with the other party; or
- (e) has been an incurable lunatic for a continuous period of not less than five years immediately preceding the presentation of the petition; or
- (f) has been suffering from a virulent and incurable form of leprosy not contracted from the petitioner for a continuous period of five years immediately preceding the presentation of the petition; or
- (g) has been suffering from venereal disease in a communicable form for a continuous period of not less than five years immediately preceding the presentation of the petition, the disease not having been contracted from the petitioner; or
- (h) was impotent at the time of the marriage and continued to be so until the presentation of the petition; or
- (i) has ceased to be a Hindu by conversion to another religion.

"Even if divorce is provided for in this Bill, it is only on the above grounds that a divorce could be obtained under this Bill. No doubt, some of my hon. Friends in the other House wanted

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a provision that even in the case of adultery, divorce could be obtained, but that provision has been negatived there. As for the clauses that provide the grounds for divorce, I may at once say that they are not at all objectionable. Courts of law have all recognized these as judicial grounds for separation, and for refusing to accede to the request for restitution of conjugal rights, when suits have been filed by husbands against their wives. The very same grounds have been statutorily embodied in a statute passed by the Central Assembly in 1946. The present Bill only seeks to extend the same principles for separation to this provision for a divorce.

"Another provision in this Bill has been attacked in very strong terms, and that is sub-clause (2) of clause 5, which says:

'A wife who has completed eighteen years of age may also present a petition for the dissolution of her marriage on the ground that her husband had married again before the commencement of this Act and that the wife so married is living at the time of the presentation of the petition.'

"Objection has been taken to the fact that this Bill when passed, will be given retrospective effect. Sir, it is only a permissive provision in this Bill, under which even in cases of marriages that have been solemnized before the passing of this Bill, a wife is permitted to file a petition for obtaining divorce. If she is not willing to file a petition, none on earth could compel her to do so. But when such a right has been created, there might be mischief makers who will try to take advantage of this, and spoil the family happiness, and all that. But, Sir, how often does it happen? Only very rarely. I think we can trust to the good sense of the Hindu wives and husbands, to see that no abuse or misuse of this right is made. Only on proper occasions and at proper times, and on proper grounds, this right will be made use of. The very object of this Bill is to provide for some relief to the persons who have been suffering all these years, for want of a provision of this nature. The House is quite aware as to how many women have been suffering on account of the fact that their husbands have married a second time, or that their husbands have been suffering from venereal diseases or have been impotent, etc. It is just to provide some relief to these persons, that retrospective effect has been given to this Bill.

"Sir, as I have already stated, this Bill has been piloted by my hon. friend Mr. Kaleswara Rao in the other House, and we should all be grateful to him for having sponsored it. And more than ourselves, the womenfolk of this Presidency should be grateful to him. He has spent so much time, labour and patience on this . . ."

MR. PRESIDENT:—"Why does the hon. Member exclude men?"

SRI N. RANGA REDDI:—"I did not exclude men, Sir. I do say that this Bill has been conceived in the best interests of men also. Now that the Hon. President stated that, I am reminded of a Telugu story. The story is this. There was a husband who had married a young wife and an old wife. And the two wives were

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ying with one another in seeing that the age of the husband corresponded with their own ages. The old woman was plucking out the black hair on her husband's head while the young wife was plucking out the white hair, with the result that the husband's head became bald. So, this question of misery and happiness refers to both parties. That is the very reason why divorce has been made possible, for the wife or the husband.

"I was saying, Sir, that Mr. Kaleswara Rao should be thanked for having brought forward this Bill. But unfortunately he is not able to pilot the same in this House. I can never be a substitute for him. I am sure, if he had been permitted to sponsor this Bill in this House, he would have brought to bear a greater ability on the discussion of the clauses, than I could at any time pretend to possess. Moreover, he has been a social reformer for a very long time, and he would be able to answer all criticisms that are likely to be made in this House, much better."

MR. PRESIDENT:—"I have no objection to Mr. Kaleswara Rao's sitting by the hon. Member's side."

SRI N. RANGA REDDI:—"Sir, I would very much like him to sit by my side. But unfortunately, the present provision in the Government of India Act, 1935, does not permit him to pilot this Bill in this House. I do not know why provision has not been made to permit a non-official member of one House to pilot a non-official Bill in the other House. The position continues to be the same even in the Draft Constitution. I wish that the members of the Constituent Assembly would take note of this, and see that a suitable amendment is introduced in the constitution providing for a non-official also to pilot a Bill in the House to which he does not belong, though he may not be entitled to a vote.

"With these few words, I move that the Bill be taken into consideration."

* MRS. MONA HENSMAN:—"I may point out to you, Sir, that all the gentlemen in this House are gentlemen in every sense of the word for they allow me, as the only woman here, to champion the cause before they speak their minds. And although I have no companion by my side, I would like Mr. Kaleswara Rao, with your permission, to take the place of an absentee lady member. I feel that I am quite in order to ask for that one privilege from you this morning.

"As you know, Mr. President, I have always up to now been sending chits to you asking for permission to speak for five minutes or ten minutes at a time. But to-day I would ask you, Mr. President, not to look at the clock but allow me to have my say and I promise that I shall be as brief as possible to respect the time of the House and to reserve something for the time when the Bill has its second reading."

MR. PRESIDENT:—"I shall give the hon. Member 50 minutes."

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* MRS. MONA HENSMAN :—" Mr. President, Sir, I have very great pleasure in seconding this Bill for the reform of marriage and I count it a real privilege to be permitted to help the Hon. Proposer to get this most necessary and much needed bit of legislation on the statute book. Moreover, I may go slowly but surely over the things that I want to say. And you may also see that what I do not get at this morning in the first speech, I will bring in with the other clauses. I would say that this is a historic occasion, Sir, to-day when Government have given it to a private member to introduce a Bill that is going to affect not only half the country, not only the women of the country, but also the men and the children of this nation. I hope this example will be followed by many other provinces. I think that Bombay, honourable though it may be, is rather cowardly to leave the Bill to Government to pilot. But here our Government are indeed very courageous. We happened but lately to congratulate them on their being the only Government that has introduced total Prohibition. And we are going to congratulate them ourselves in the near future on abolishing Betting on Racing, although the Hon. Minister in charge of Transport still thinks of collecting money by running special buses on race days, to Guindy. I think before long a Bill to prohibit races will be introduced by a private member. The fact that the Government have allowed the hon. Mr. Kaleswara Rao to pilot this Bill in the other House clearly shows the confidence they have in his good and right thinking in all matters concerned with this Bill.

" Mr. President, Sir, in considering the Bill, I would first like to bring to your notice the amendments that are to be moved in this House to the various clauses of this Bill. We have already seen several times that in the case of various Bills that have come before this House, not even a comma or a colon, not even an 'i' or 't' has been allowed to be altered. I trust that to-day, in the case of this Bill also, the same precedent can be followed, because although the amendments are worthy, and although the gentlemen who have given notice of them may have indeed good reason and justice on their side, although the hon. Mr. Kaleswara Rao and Mr. Ranga Reddi would be the first to say that the Bill is not perfect in every detail, yet, this Bill goes as far as the public is prepared for it, and as far as we in this House can endorse it with a full heart, and with great applause. Some of the amendments amount to cut motions—but this is not a Budget Session—and I shall deal with them in a few moments.

" May I congratulate you, Sir, together with the Hon. Leader of the House, and the hon. the Leader of the Opposition, for having allowed this Bill to be brought before this House first on the Agenda this morning. For my part, I feel that this Bill should precede the Animal Sacrifices Abolition Bill that has been given notice of by my hon. Friend, Mr. S. B. Adityan, and the Muslim Wakfs Bill to be moved by Mr. Farookhi Sahib, because the woman at home and in public life have got everything to do with this Bill. This is definitely a 'Home Bill.' Let me point out to the gentlemen here, first that this Bill has been brought here not because

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we think that marriages have been unhappy in our country. Every person in this House, I take it, whether married or about to be married or perhaps not married at all, believes that marriage is an honourable estate, and we all are happy with our husbands and wives. . . .

Mr. PRESIDENT :—" With your wives? "

* MRS. MONA HENSMAN :—" No, Sir, you with your wife and I with my husband—I meant one member and one wife, though you may twist the language in any way. You are always witty, and you feel that the House needs sometimes to be roused from solemnity to a laugh. I always welcome anything that you say and I know that you would vote for this Bill, if you were seated here to-day with us instead of being in the Presidential Chair.

" I would like to say that this Bill has nothing to do with the breaking up of a home. In fact it honours marriage. It makes the union of man and woman such a sacred thing that only under certain conditions, can that be set aside by the law. For instance, in the first case, where a man takes another wife, his act amounts to what, in my opinion, is unfaithfulness; not a stray unfaithfulness, not the infidelity of a day, a week or a month, but a continued infidelity is what we contemplate under this Bill. I shall come to the clauses providing for divorce, in a few minutes.

" But let me assure this House that Mr. Kaleswara Rao and Mr. Ranga Reddi, both of these hon. Members are very wise in having in this Bill a clause that only after the commencement of this Act, and in respect of marriages performed after the passing of the Bill can anyone be brought within the scope of the law for having got two wives. After the commencement of this Act, I say, and not with retrospective effect, can there be this wonderful freedom for women. I belong to a community which you may say is not affected by this Bill. But we women have always stood together. What affects one affects another. I did not look at the faces of the gentlemen of this House, when I came in this morning and I wonder what their creed may be; for so long as the hon. Members of this House are loyally abiding by the decisions of yourself and so long as we all together seek the best for India I consider they are all equal."

THE HON. SRI K. MADHAVA MENON :—" Are we so ugly, Sir? "

* MRS. MONA HENSMAN :—" We look upon them with other eyes than that of a Beauty Contest judge—I am speaking of the spiritual and the inward beauty of each gentleman here.

" The old Hindu Shastras lay down that a woman should look upon her husband not only as the head of the home but also as the centre of the universe. Did not Savitri go after her Satyavan and face so many perils I doubt whether any man would have gone through? We, wives in our homes never tell our husbands what we have to go through, because we know our husbands would take

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pity on us. We do not want pity. We work side by side with them; we have our work to do and they have theirs. A happy home is one where the man is in complete possession of the body, soul and spirit of his wife and the wife has her husband as her own. They share together the interests of the home and their children.

"Sir, when we come to the various clauses of the Bill one by one we will have our chance of saying what we think about them. The hon. Member Mr. Ranga Reddi has drawn your attention to the fact that in the case of women below 18 years of age, the parent or guardian must be blamed as the aider and abettor. In 1930 when Dr. Muthulakshmi Reddi introduced her first Bill, there were many pitfalls and loopholes. This Bill has covered all of them. It does not mean that nobody can ever commit bigamy, for even in other countries where monogamy is the rule, bigamy also exists. But where there is a will there is a way everywhere and in any place. The hon. Member Mr. Kaleswara Rao has given us the will and shown us the way to married bliss by bringing forward this Bill. The principles of the Bill are so high and the ideals so lofty that the future generations in the Province will have much higher ideals and principles to follow than they had before and they must prove worthy of the same.

"Sir, the question of divorce is one of the vexed questions of the day. Surely when men and women marry they have no idea of separation. We in this country whether Hindus or others look upon marriage as sacred. The grant of the right of divorce does not mean that men and women will seek judicial separation by hundreds and thousands. Lawyers may profit by it in their pockets, but they will certainly not profit by it in their homes, for the women members of their families will have their own views in the matter.

"I would ask hon. Members to look first at the very guarded provisions for divorce. It is desertion by the man or woman for three years, not months. If a person is called out on active service, or if he has to go out as an Ambassador to some foreign country and if his wife has to stay behind, that is not desertion. The law as I understand it and I hope the hon. the Leader of the Opposition will bear me out here, is that there should be complete severance of communications between the parties concerned before desertion can be pressed as a cause for divorce. Three years, I do feel is perhaps a little short and it may cause hardship sometimes, but, Sir, everything would cause hardship. If we said 10 years or 12 years, that also would cause hardship. Look at the immortal stories of Enoch Arden and other men who returned from their voyages or journeys or wars, years and years afterwards when they were all considered as dead. These are accidents of nature, of God, and law may not provide for them. If a man has neglected his wife, his lawfully wedded wife for three years without any communication with her, without seeking for her, without enquiring about her and without cherishing her, then he may be considered to have deserted her. To divorce her would not be a loss to him, because he has already proved that he does not want her. Why should not the wife be

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allowed to go and be honourably free from the gentleman who has loosened his claim upon her? It is that kind of desertion that will be reckoned as a cause for divorce.

"The next cause is cruelty. It may be said that there may be collusion between a husband and wife who wish to separate and cruelty may be alleged as a cause. But this clause does not cover that case. It must be cruelty to the point of making it unsafe for the woman to stay with the man. Such cases may occur one in a million. I do not believe that the men of our country in any way seek to hurt the women. There may be some psychological people who do and the psychiatrists may be able to deal with them better than their wives. They are extraordinary cases. But cruelty here means cruelty to the point of putting the woman's life in danger, if she continued to live with her husband. No more arrangement of 'You beat me and I claim divorce' can be brought forward to break up the marriage of a couple. She might not be in this world at all and she might be sent to heaven or the other place. Under the circumstances, why should she not be free to lead her life? Perhaps she has children and relations and she loves her life just as much as she did when she married. Why should she be subject to a law which binds her to continue inevitably with a man who may in extreme cases wish her harm? I therefore do not feel that the House would object to this clause relating to cruelty, which I find is a most reasonable clause.

"Then I come to lunacy. Perhaps I may evoke a smile if I say that I have been connected with a lunatic asylum or a mental hospital for ten years. I still go and visit that place. I know the mental torture, the sorrow and the suffering of a woman who sees her husband behave strangely to her or not behaving as a husband at all. A man like that should be cared for by someone who knows his case. Continuing to live in the home with wife and children would never cure him. When it has become a settled case of lunacy, it is better to have divorce, because it sometimes brings great suffering for the women.

"What about the other diseases? It is one of the vexed points of divorce. The diseases may be malignant and virulent. At one stage they may be cured. I know that one or two specialists have said that there should be some time-limit. But let me tell you in the case of the two diseases mentioned in the Bill—venereal disease and leprosy—no man or woman who knows that he or she is suffering from such a disease will do anything but rush to a doctor, take the best possible treatment and do everything possible to get rid of the scourge. Even when these people do not get any benefit, they will go on trying and will never give up hope. It is rather a hard business for a woman to continue to be the wife of such a man. She may live with him in the house, for I do not think that any woman who takes out a divorce in such cases would strand the man. She would still be looking after him as much as possible, and give him special treatment. If she could not afford to get doctors and nurses, she would give him food and drink and look after him, but she would draw the line at being his wife, because that would

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involve not only harm to her but to her children also and the other inmates of the house. There are some amendments to this clause and I hope they will be withdrawn, because no woman would exercise her right and leave her husband when he is ill and most in need of help and when perhaps he would be most loving to her. Also by divorce, I do not mean that the woman would go and marry another man; it means only that she would be free from performing the duties of a wife; she would look after their children if they have any.

"I now come to the courts. You will remember, Sir, that there were many Government Bills which we have recently passed which contained provisions for tribunals and courts but gave no right of appeal. Full scope was given for whatever was considered right by the authority concerned. These divorce cases are different, for this Bill provides that they may be brought in all their details, with all the witnesses and evidence before a court of law. There is the right of appeal. What man can want more than this? The courts have only men-judges and will men be hurt by their own sex? Surely they would examine the cases most meticulously to find out whether there was any flaw in the woman's argument. The courts of appeal have all got gentlemen as judges at present. So the gentlemen of this House need not fear that any right that would be given to the women by this Bill would be used against them because the women will have to go before men and prove their case.

"Then, Sir, I come to the clause about independent income and expenses and subsistence. It is right to have put in this clause. Women, especially Hindu women, have no right in law to property. They have no bank accounts and cannot find the money to run cases in courts. Lawyers have got to be paid. The best men could not be got from a panel of free lawyers. The Leader of the Opposition will support me when I say that every man is worthy of his hire. So if an able and excellent lawyer has got to come and plead before a court on behalf of a woman, he must be paid. We women have very few rights. We have no debentures, we are not given shares in mills, shares in banks and the Reserve Bank of India does not accept us as directors. Where are we to get the money from? . . ."

MR. PRESIDENT:—"Is it so?"

THE HON. SRI H. SITARAMA REDDI:—"They are not competent, Sir."

* MRS. MONA HENSMAN:—"Competency is not the question, Sir. Does not the Hon. Minister Mr. Sitarama Reddi hand over to his wife all his earnings every month and let her spend them as she thinks best? He only speaks with his lips about women being incompetent but he knows in the heart of hearts that women are certainly competent. All these years they have been proved so."

THE HON. SRI B. GOPALA REDDI:—"Subject to audit!"

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MRS. MONA HENSMAN:—"So it must be provided that the husband should meet the expenditure of the wife if the wife is proved to have good cause for bringing the matter before the court.

"There are certain amendments to be moved to-day about people who have got no children by the first (and only) wife and saying they may marry another. Yes, Sir; why not a second, a third, a fourth, a fifth, a sixth and a seventh? But can they guarantee that they can have a son by the eighth wife? Is it all the fault of the woman that a child is not born? No, Sir; I feel that those gentlemen who have put in this particular amendment and all such amendments should look back into the sastras and the Hindu Vedic Code. The Hindu Vedic Code has already provided far better for cases like this than law of any other religion in any other country. I refer to the right of adoption; none of the other religions says that a child can be adopted so completely, so entirely, so legally and so wonderfully into a family—the adoption of a nephew, a brother of some other person's child—so entirely as our own as in the Hindu family. In our Christian Law, we can adopt a child; but in Hindu Law a child can not only become a son of the house, not only inherit property, not only get the love and the cherishing of the family, but that child can also perform the religious rites. That is a wonderful thing and in our vedic laws and sastras we have definitely got it. They have provided that a child, if not born to the man and woman of a family, may be brought into that family entirely and made flesh and blood and one with the family as much as if he had been born there. These are things that do not need reconsideration; they are in our very bones and in our blood. Sir, children are the future men; the future of all nations depend upon children. But both here and in China—if I may make invidious distinctions—a child is looked upon not only as a member of the family but as the centre of the family, as new life as new birth. I definitely and earnestly ask the gentlemen who think that some second wife can solve the problem of bringing a son into the family, is it more successful than adoption? No, Sir. What are all those stories of step-mothers. What are all the stories of half-brothers and half-sisters in the history of our country? Were not common brothers and sisters, men and women, boys and girls brought up by one father and one mother united in the household? Whose hands were most often stained with blood? Was it not the half-brothers who each strove for property or a throne? What were all the troubles that have arisen in the law courts? The hon. Member when he introduced the Bill, said, a man may take a second wife for reasons of property or for reasons of progeny. Progeny and property may be all right, but propriety demands that they are to be husband and wife, complete in themselves, until a child is given to them by God on High or taken by others into their home. This is quite practical; in fact I would like to draw attention to the fact that this is the most practical

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Bill that has ever been brought into this House. The hon. Members of the Assembly recognized that fact and although there are difficulties in the way, difficulties as high as mountains, they can all be moved by faith. I call upon the faith of the hon. gentlemen of this House to move the mountains of difficulties in the future, so that the men and women of the future may have the freedom that is now on paper, the freedom of August 1947, so that that freedom in reality can enter into their lives.

"I have only one last point to make because I know the clauses will come up and I can have my say then; and I am also anxious that every gentleman should speak if he wants, so that we can know what his mind is on this question. I would just ask you to look carefully and reasonably into the provisions of this Bill and ask whether one word there is likely to change the national or the personal or the individual freedom of our nation. No, Sir, it gives us the freedom of becoming entire family units and making marriage a free and honourable estate. It supports the marriage law, the honourable estate, and does not seek to break up bundles or make havoc of married lives.

"Sir, I will sit down after thanking you very much for allowing me to speak. I trust that all the gentlemen who felt that there were difficulties here will find that their difficulties dissolve as their faces dissolve in their smiles when you make one of your witty remarks. Sir, I trust this Bill will not take much longer, but will be put on the statute book as quickly as the Agriculturists Relief Bill or the other Bills that went through yesterday. May I close with these words that every gentleman who opposes this Bill will be giving cause to the thought that he is one wanting in ordinary sympathies and that he desires secretly if not openly to take a second wife." (Laughter.)

MR. PRESIDENT:—"The question is that the Bill to prohibit bigamous marriages among, and to provide for a right of divorce for Hindus in the Province of Madras, L.A. No. 6 of 1947, as passed by the Assembly, be taken into consideration at once."

DR. SYED TAJUDDIN SAHIB:—"Mr. President, Sir, I am one with . . ."

SRI C. N. MUTHURANGA MUDALIYAR:—"I want to say a few words . . ."

MR. PRESIDENT:—"I think you can give a chance to a non-Hindu to speak."

SRI C. N. MUTHURANGA MUDALIYAR:—"I want to oppose this Bill."

DR. SYED TAJUDDIN SAHIB:—"I also want to oppose this Bill."

DR. V. K. JOHN:—"On a point of order, Sir. If any Member opposes the Bill, would it mean that he wants a second wife." (Laughter.)

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DR. SYED TAJUDDIN SAHIB:—"Mr. President, Sir, I am one with the high and lofty ideal of monogamy, but at the same time I think the present Bill is too rigid and too inelastic and I believe it is a very shortsighted one, without taking into consideration certain contingencies, certain situations which may arise in the life of human society or in the life of a country. Before going into details, on this aspect, I have got an initial difficulty with regard to . . ."

MR. PRESIDENT:—"The mover and seconder have spoken; we have this Bill and other Bills too and we have also got some non-official resolutions for to-day. I think it is better I fix a time-limit. Is it agreeable to the House?"

DR. V. K. JOHN:—"Let there be full discussion on this Bill, Sir. The other Bills may go to Select Committee or for circulation."

MR. PRESIDENT:—"Even then, I should like to enforce this rule that nobody should speak for more than half an hour."

SRI C. N. MUTHURANGA MUDALIYAR:—"May I submit there is no time-limit for Bills?"

MR. PRESIDENT:—"We have got it in our rules; perhaps you are thinking of Delhi."

DR. SYED TAJUDDIN SAHIB:—"I am face to face with an initial difficulty with regard to certain aspects of this Bill. The learned author of the Bill has brought within its scope Buddhists, Jains and Sikhs as well."

MR. PRESIDENT:—"He has left off Muslims."

DR. SYED TAJUDDIN SAHIB:—"Yes, I know that. I want to know whether the author is competent enough to bring in the followers of other religions such as Buddhists, Jains and Sikhs. Opinion is divided whether these classes of people are within the Hindu fold itself. Of course, Buddhism, Jainism and Sikhism sprang up at one stage or another from Hinduism just as Islam and Christianity sprang up from Judaism. Whether Buddhism is the real child of Hinduism is a matter on which opinion is divided, so also with regard to the other two religions. There is a view that Hinduism is broad-based upon the four varnas; they are the four pillars as it were on which Hinduism rests; I do not know whether it is correct or not. This is my information. But Buddhism does not believe in the varnas nor in the Vedas. So also Jainism does not believe in the Vedas. These are the fundamental and essential differences between Buddhism and Hinduism. That being the case . . ."

THE HON. DR. T. S. S. RAJAN:—"On a point of order, Sir, may I know what the hon. gentleman is speaking about? He is speaking on the tenets of various religions; I suggest the subject before the House is not that."

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THE HON. SRI K. MADHAVA MENON :—“ For all personal law, Buddhists and Jains and Sikhs follow the Hindu Law; there are court decisions.”

MR. PRESIDENT :—“ That is what I thought myself, but the hon. Member argued that a member who belongs to one religion ought not to legislate for other religions, and so I thought he might continue.”

THE HON. SRI K. MADHAVA MENON :—“ The draft Hindu Code before the Central Assembly also legislates for Buddhists and Jains.”

DR. SYED TAJUDDIN SAHIB :—“ I was saying that one religion should not legislate for other religions. This Bill does not provide any safety valve as it were to meet extraordinary circumstances under extraordinary situations; that is my grievance. Of course monogamy is being practised by I think 99 per cent of the people here, there and everywhere, and the mover himself said most of us practise monogamy. If you take data in this House, I do not know whether you will find even a single person who has got at present more than one wife.”

MR. PRESIDENT :—“ I think you will be surprised if you take the data.”

12-30 p.m. DR. SYED TAJUDDIN SAHIB :—“ I do not know that I will now put the question to the mover as to how polyandry disappeared from the country. My view is that because no man was willing to marry a woman who has already married somebody else, polyandry disappeared. Similarly, there would not be any difficulty with regard to polygamy or bigamy also, if a woman refuses to marry one who has already got a wife. Instead of that, you bring in an inelastic and very, very rigid Bill like this and thereby you are creating new difficulties. Every social institution has got its own uses and abuses. By passing this Act, you are going to give room for committing adultery and such things. We have had two great global wars and a third war is just staring at us. Supposing the male population is decimated, what would be the situation? ”

MR. PRESIDENT :—“ Polygamy would be the rule.”

DR. SYED TAJUDDIN SAHIB :—“ So, to meet such extraordinary situations, there should be some provision. It should not be very rigid. That is why Prophet Mohamed—though polygamy is in existence from time immemorial—regulated and restricted polygamy. So much so, in extraordinary times, it can be utilized as a national asset. Even such things might do service to a nation. This Bill, I believe, will be all right if there are adequate provisions for such extraordinary situations. Then I will have no objection to this Bill.

“ Sir, with regard to divorce, the mover of the Bill said that in Islam divorce is such an easy affair. I am afraid, he does not

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know the rules and regulations pertaining divorce in Islam. According to the one sect of Muslims, the period lasts from four to seven years under certain circumstances.”

MR. PRESIDENT :—“ I think it is four months. The period ‘ Iddat ’ is only four months.”

DR. SYED TAJUDDIN SAHIB :—“ It is seven years according to one sect of Muslims in certain circumstances.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Sir, I think the period is four months. Perhaps he is referring to something else.”

DR. SYED TAJUDDIN SAHIB :—“ Sir, supposing there are differences between a man and a woman. Opportunity is given—fairly a long time—before divorce comes into operation. That is my point. That period differs. So far as my recollection goes, the period differs according to the sect he belongs. There are various sects. The head of each sect has laid down a different period.”

MR. PRESIDENT :—“ I am sure, the period will not be seven years. Otherwise, by that time a man or a woman will become too old to marry.”

DR. SYED TAJUDDIN SAHIB :—“ Sir, in China a divorce is granted when the wife happens to be a chatterbox. That is all that is necessary there. Even among the Catholics divorce is not allowed. So, these are two extreme cases.”

MR. PRESIDENT :—“ If the House has no objection I may say this. I read a news item sometime ago that in England a lady had applied for divorce because her husband was kissing her too much.”

DR. SYED TAJUDDIN SAHIB :—“ Sir, such things are not happening in India.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ I think I have to make one point clear . . . ”

MR. PRESIDENT :—“ You mean the Muhammadan law.”

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Yes, Sir. ‘ Iddat ’ is the period coming after divorce. That period may be four months, ten days and in certain cases it may be even less. What Dr. Tajuddin was saying, was with regard to the divorce itself. There may be cases where time may be given if the husband is absent or nobody knows his whereabouts . . . ”

MR. PRESIDENT :—“ I understand your point. May I take it that Dr. Tajuddin is opposing the Bill.”

DR. SYED TAJUDDIN SAHIB :—“ In a way I oppose the Bill.”

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* SRI C. N. MUTHURANGA MUDALIYAR :—“ Sir, I rise to oppose this Bill even at the consideration stage. While opposing this Bill, I stand here with a heavy heart. Sir, first of all the Leader of the Opposition and the lady member of this House have indicated a codification that everybody who opposes the Bill wants to marry again.”

DR. V. K. JOHN :—“ No, Sir. I protest against it. I only put the question whether it is so because I myself want to oppose certain portions in the Bill.”

* SRI C. N. MUTHURANGA MUDALIYAR :—“ But it looked as though you have seconded her.

“ Secondly, this Bill has been passed in the Lower House having been sponsored by Sri Kaleswara Rao, a gentleman as old as myself—if not older—and we have been members of the Legislature from the year 1926 in one or other of the Legislatures. Mr. Kaleswara Rao who brought the Bill having passed it in the Lower House, left the ‘child’ to be adopted by my hon. Friend Mr. Ranga Reddi and it has been brought here.

“ Sir, Hindus have got their own Hindu Code. And according to that Code and according to the ancient law, marriage is a sacrament and marriage is one of the ten ‘Samskaras’. The Hindu Code does not contemplate dissolution of marriage. This Bill brings in divorce and also introduces prohibition of bigamous marriages. But in our country among the Hindus—whatever their caste or community may be—monogamy is prevailing in the marriage system. There has never been a bigamy. But the Hindu Codes have decided that if a man has not got an issue, he can marry again in order to beget a child. The creation of a progeny is considered as the most important event in the life of a household. It is said in the Code that the birth of a son prevents the father from going into ‘Narakam’, otherwise called ‘Puth’ and so he is called ‘Puthra’. He prevents the father from getting into the hell of ‘Narakam.’ That is the sacredness with which the marriage is considered and marriage has never been dissolved. No doubt, as I said in the beginning, the old sages such as Manu, Yagnavalkya, Bodhayana and others have recognized only monogamous marriages. But they have also given room for a second marriage in case the first wife has not begotten a child. Some of them say, if for eight years the first wife is childless, he can get a second wife. Again, some people say that if for ten years she is childless, he can get a second wife. That was the practice prevailing even in ancient times.

“ Even coming to modern times, there is the Nambudri Marriage Act formulated in 1932 that is in vogue in Malabar. According to that, a Nambudri man can marry a Nambudri woman and if she is childless for ten years, he can marry again a Nambudri woman. But the first wife is entitled to maintenance. That is also there. Even in the most recent Act passed in the Central Assembly in 1946, the second marriage is not prohibited. There is

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a provision for it. It says, that if a husband has to marry a second time, he must give his first wife maintenance and separate living if she chooses. So everything points to the fact that second marriage is allowable under certain conditions. It is not for money or property that one would like to have a second marriage. Hon. Members of this House were saying that one will marry even for the sake of money. I think it is not for money that one will marry but it is only for one purpose. If the first wife is childless or if she is chronically ill, the husband can marry again and the first wife must be given maintenance. He is bound to give maintenance. That is all.”

THE HON. SRI K. MADHAVA MENON :—“ Are women permitted to marry again in the Shastras? ”

SRI C. N. MUTHURANGA MUDALIYAR :—“ Sir, in this connexion I will quote one ‘sloka’ which I read in my early days for elucidating my hon. Friend Mr. Madhava Menon. I do not know Sanskrit nor have I studied it. According to that ‘sloka’, if the husband is missing for a long time, or if he is chronically ill, or if he dies, the wife can re-marry. (A voice : ‘ If he is in jail.’) That is not envisaged in that ‘sloka.’ That issue had not arisen at that time.

“ Sir, the hon. Mover of this Bill said that a man can marry any number of wives but that a woman is not free to do so. But I submit that in our ancient Sastras there was no such prohibition for a woman marrying again. There are, as I have just now quoted, many slokas there to that effect. (Interruption.) Sir, the hon. Mover of the Bill has quoted Mayne’s Hindu Law and its commentary by Srinivasa Ayyangar. But unfortunately he was not able to read it, because he missed the page. I have also looked into Mr. Srinivasa Ayyangar’s Commentary of Mayne’s Hindu Law and I found there enough support for my proposition also that a second marriage can be had for childlessness.”

MR. PRESIDENT :—“ That is only for a man, but the law that is sought to be made here is more for women, because if a man is alive, the woman cannot marry another husband.”

* SRI C. N. MUTHURANGA MUDALIYAR :—“ There are enough authorities in our ancient Sastras, as revealed in these slokas for my proposition also and let them be codified and brought in the form of another Bill by my hon. Friend Mr. Kaleswara Rao. But on the whole, Sir, I submit that this Bill ought not to be accepted, which states that under no circumstances can a man marry a second time. That is abnoxious to the very Hindu sentiment. Divorce which is also provided in this Bill is foreign to this country. On those two principles, I oppose this Bill, Sir. Christians make divorce; it is a western plant brought into this country. But what is the position there? I understand from people who have gone to America, England and other western countries, that both men and women there are sorely oppressed by this divorce. They simply

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long when they will get out of this divorce law. They abhor it altogether. Why should we follow this western practice and want western laws in this country and then regret as they now do?

"Therefore, Sir, I strongly oppose this Bill in its consideration stage at present. But if I am not successful, I shall try to move the amendments standing in my name."

* DR. V. K. JOHN :—"Mr. President, Sir, I rise to speak on this Bill not as a Leader of the Opposition, but as a member of the profession who is fairly acquainted with divorce law."

MR. PRESIDENT :—"Then the hon. Member is not opposing this Bill, is it so?"

DR. V. K. JOHN :—"That is not correct, Sir. Only members are allowed freedom to vote as they like."

"Sir, there are two main provisions in this Bill. One is the introduction of monogamy and the other is divorce. Now, Sir, I support the first principle underlying this Bill, namely, that there should be monogamy except perhaps that a second marriage might be allowed under very special circumstances. From time immemorial it has been known that the man was always polygamous by nature, every man having a pound of polygamous pride in his flesh, but that has vanished in course of time, and to-day we find that men do not want to take a second wife when the first wife is living except under exceptional circumstances, and are content with monogamy. Therefore monogamy is practised not only by the Christians, but also by the Hindus and Muslims in this country, although according to the Muhammadan Law they are allowed to have four wives."

"Now, Sir, law records what the general opinion of the community as a whole wishes to follow and I think it right to say that the opinion of Indians, as a whole, is that we must as a rule only have monogamy—one wife for one man. Now, Sir, I have no objection to support this portion of the Bill, but my own feeling is that we must have a uniform law on this which will be in force throughout this country. We must forget provincial, sectional and communal interests and divisions in this country after the 15th August 1947 when this country attained its independence. I should have been satisfied if we had simply passed a resolution recommending to the Government of India that we are of opinion that a law enforcing monogamy should be passed for the whole of India by the Central Legislature. Sir, in seeking to pass a separate law for this Province alone, the author of this Bill has committed one serious error in one of the provisions of this Bill. Clause 2, sub-clause (2) of this Bill says that, 'for the purposes of this Act, the domicile of a Hindu shall be determined in accordance with the provisions contained in sections 6 to 18 (both inclusive) of the Indian Succession Act, 1925.' Clause 3 of the Bill says that this Act applies to Hindus domiciled in the Province of Madras. I think, Sir, that the intention of the author is that this Act should apply in Madras. That means, it cannot apply to anybody else."

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Sir, domicile is a term of private international law and if you look at any authority dealing with domiciles, you will find that domicile is used only in the case of a foreign national acquiring a domicile in another country, not losing his foreign nationality."

MR. PRESIDENT :—"I discussed this matter with the author of this Bill and I am told that the term 'domicile' used in this Bill has the same meaning as defined in the Indian Succession Act. That Act says that domicile includes a person whose father and grandfather were born in this country."

* DR. V. K. JOHN :—"I know that, Sir, but what is the domicile of a Frenchman who has come and settled in India? His nationality is French. One has to see whether a person is first a non-national, and then alone he can be a domicile. Now a man is a domicile when he is resident in a foreign country; and a man can become a domicile in India, only when he wants to reside in this country permanently and not go back to his own country of origin, and he must satisfy certain conditions laid down in the law of the country of his domicile. That is the law relating to domicile."

"Now, Sir, there can be a domicile only for the whole country and not for a Province within the country, although his home may be situated in a particular Province. Therefore a domicile anywhere in Madras is a domicile of the whole country. There is no provision in law for being a domicile in Madras or in any other Province. If he resides in a Province, he is called only a resident of that Province. How can a Bengalee Hindu in Madras be a domicile in Madras? He is an Indian and belongs to the Indian nationality. He can only be a resident in Madras. Therefore it is wrong to use the expression domicile in relation to a Province. The author of this Bill has asked us to apply the provisions contained in sections 6 to 18 of the Indian Succession Act in determining the domicile of a Hindu. Perhaps if I do not read those sections and explain them to the House, hon. Members may not know what those sections contain and may not look into them even."

"Now, Sir, the Indian Succession Act provides for succession to movable and immovable property and Part II of that Act deals with domicile. Section 4 of the Indian Succession Act says, 'this Part shall not apply if the deceased was a Hindu, Muslim, Buddhist, Sikh or Jaina.'

"Section 5 (1) says that succession to the immovable property in British India of a person deceased shall be regulated by the law of British India, wherever such person may have had his domicile at the time of his death."

"Section 5 (2) says that succession to the movable property of a person deceased is regulated by the law of the country in which such person had his domicile at the time of his death."

"Section 7.—The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his

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father was domiciled; or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

"Section 8.—The domicile of origin of an illegitimate child is in the country in which, at the time of his birth, his mother was domiciled.

"Section 9.—The domicile of origin prevails until a new domicile has been acquired.

"Section 10.—A man acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile or origin.

"Section 11.—Any person may acquire a domicile in British India by making and depositing in some office in British India, appointed in this behalf by the Provincial Government, a declaration in writing under his hand of his desire to acquire such domicile; provided that he has been resident in British India for one year immediately preceding the time of his making such declaration.

"Section 12.—A person who is appointed by the Government of one country to be its ambassador, consul or other representative in another country does not acquire a domicile in the latter country by reason only of residing there in pursuance of his appointment; nor does any other person acquire such domicile by reason only of residing with such first-mentioned person as part of his family, or as a servant.

"Section 13.—A new domicile continues until the former domicile has been resumed or another has been acquired.

"Section 14.—The domicile of a minor follows the domicile of the parent from whom he derived his domicile of origin.

"Section 15.—By marriage a woman acquires the domicile of her husband, if she had not the same domicile before.

"Section 16.—A wife's domicile during her marriage follows the domicile of her husband.

"Section 17.—Save as hereinbefore otherwise provided in this Part, a person cannot, during minority, acquire a new domicile.

"Section 18.—An insane person cannot acquire a new domicile in any other way than by his domicile following the domicile of another person."

Mrs. MONA HENSMAN:—"On a point of information, Mr. President, may I know whether a wife is a movable or immovable property? (Laughter.) If she is an immovable property, then apparently she does not belong to herself, but belongs to the man who is her husband. Do hon. Members want to treat women as immovable property?"

* DR. V. K. JOHN:—"I submit, Sir, that a wife is movable property if she is movable by her husband. (Laughter.) (Interruption.)

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"Sir, the Indian Succession Act deals with succession to properties. Succession to immovable property of a person deceased is regulated by the law of the country in which such person had his domicile at the time of his death and domicile is a term of pure international law as against the law applied to the nationals of a particular country."

* MR. PRESIDENT:—"Clause 3 of this Bill says that 'this Act applies to Hindus domiciled in the Province of Madras'. Section 7 of the Indian Succession Act says that the domicile or origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled. So according to this, does it not follow that a Hindu whose forefathers have lived in this country, acquires the rights of a domicile? Suppose there is a person who is a Hindu and his forefathers have lived in this country, then he must have legitimately been born in this country and therefore this definition should apply. Is this not correct?"

* DR. V. K. JOHN:—"That is what I want to make clear, Sir. If a person is a national of a country, then there is no question of domicile. It is only a question of residence. An Indian is never a domicile in India. He is only a national of this country. But a non-Indian can be a domicile in this country, 1 p.m. although he belongs to a different nationality if he has no animus to go back to his own country. He may be a domicile and still continue to be a citizen of another country, or a national of another country. Domicile is with reference to the country as a whole. A person resident in Bengal is not domiciled in Bengal. He is domiciled in India. Similarly a person resident in Madras is not domiciled in Madras. He is domiciled in India. There can be no Hindus domiciled in the Province of Madras. Therefore we must take the responsibility for passing the Bill as it is worded at present.

"As I said, I would like to have one law regarding marriage and divorce for the whole of India applicable to Hindus, Christians, Muslims, Parsis, etc. We must fight against all disruptive tendencies based on religion, creed, community and Province. We are Indians first, Indians second and Indians last. But that time may not be reached very quick. The Muslims may like to have their own law for the time being. I am not saying that they should not have it now. But the objective must be to have one common law. We may borrow from the Muslim Law and other laws and incorporate in the common law."

MR. PRESIDENT:—"According to you, to whom will this Act apply?"

* DR. V. K. JOHN:—"The author of the Act says that this Act will apply *only* to Hindus domiciled in the Province of Madras. In that case it will not apply to anybody. The court will say that there can be no person domiciled in Madras Province and that there can only be persons who are domiciled in India."

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MR. PRESIDENT:—"According to you, section 3 as it is cannot apply to Hindu nationals."

* DR. V. K. JOHN:—"It cannot apply. There is ignorance of the principles of law in drafting the section."

MR. PRESIDENT:—"But section 4 will certainly make the Act applicable to all men and women living in Madras."

* DR. V. K. JOHN:—"But the over-riding section is section 3."

The House rose for lunch.

(After lunch—3 p.m.)

* DR. V. K. JOHN:—"I was on this word 'domicile' used in this Bill. I might say, Sir, that the law recognizes domicile of origin and domicile of choice. Now, Sir, in recent times the law of many countries has also accepted a special domicile called 'commercial domicile', for a merchant going out of his country to another country resides there and as a merchant he might acquire a domicile there and they say he can even acquire more than one domicile. I am also aware, Sir, that the word 'domicile' has been used in some Madras legislation as meaning residence. But such a use of the term 'domicile' is wrong. If this Bill becomes law it can also be quoted as containing the word 'domicile'. Even if it appears in some Madras Acts, the accepted meaning of the word 'domicile' which is a term of private international law is that a person who is not a national of one country acquires a domicile, either a domicile of origin by having been born there or a domicile of choice by wanting to reside there permanently."

MR. PRESIDENT:—"I just wanted to know whether you still hold the view that a national so-called cannot be called a domicile."

* DR. V. K. JOHN:—"Strictly in law, Sir."

MR. PRESIDENT:—"What is the meaning of the words 'domicile by origin?'"

* DR. V. K. JOHN:—"Domicile of origin is defined in Halsbury. It is said that if a child is born to a domicile although he is a different national, an Englishman . . ."

MR. PRESIDENT:—"Does Halsbury say that you must necessarily be a different national? What are the exact words? I find from Webster's Dictionary that domicile really means residence."

* THE HON. SRI K. MADHAVA MENON:—"An English Act has already defined, Sir . . ."

MR. PRESIDENT:—"I shall come to Acts later on."

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* THE HON. SRI K. MADHAVA MENON:—"In words and phrases 'domicile' has been defined, Sir, and I do not think there is much difficulty about it. What is given in that seems to be the most correct expression, Sir, if we are to go by precedents. I am reading from a decision of Lord Cromwell in the House of Lords: 'By domicile we mean the permanent home. If you do not understand your permanent home, no illustration from foreign writers or foreign languages will help you very much.' There is also a definition, Sir, which is very near to correctness and it is 'Habitation in any place with intention to live there for ever unless some circumstances occur to alter his intention.'"

MR. PRESIDENT:—"In Webster's Dictionary also 'domicile' is described as a place of residence. So it is unnecessary for any one to be the national of another country."

* THE HON. SRI K. MADHAVA MENON:—"The distinction seems to be between 'domicile' and 'naturalization', Sir. Another King's Bench decision says that a place is properly a domicile for a person in which he has acquired a habitation for himself and his family not for a mere special or temporary purpose but with the present intention of making it his permanent home, unless and until something unexpected happens to induce him to adopt some other place as his home. In another place it is said, Sir, that a certain English Act of 1861 will apply to all those domiciled in England. 'Domicile in England' means, in England as distinct from Scotland and Wales."

MR. PRESIDENT:—"Does the word 'domicile' exclude the natural inhabitants of the place?"

THE HON. SRI K. MADHAVA MENON:—"There is another Act, Sir, namely, the Transfer and Bequests Act. This Act says that 'this Act shall apply to all persons . . . whether domiciled within the Madras Presidency or not.'"

* DR. V. K. JOHN:—"I think we need not spend much time over that word 'domicile', Sir. If it means residence, mere residence, I think the word 'residence' could better be used than a term which has a special meaning in international laws."

"Sir, I was dealing with the word 'domicile' only in connexion with my suggestion that this should have been an All-India Act. Now, Sir, I am on another point."

"As I originally said, Sir, this deals not only with monogamy but also deals with divorce. In dealing with divorce it does not appear to follow the principles relating to divorce. Sir, matrimonial relationship is not a matter merely for the individuals, the husband and the wife. In a matrimonial court, even admissions do not count. It concerns the State, the public and the children. Sir, in a recent case reported in 1945 M.J.L.J., 389 in the High Court, English decisions were quoted and followed. The Chief

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Justice dealing with this question said: 'The divorce court is entrusted with a jurisdiction of national importance.' So, Sir, this is a matter of national importance. 'He continued the stability of the marriage tie and the terms on which it should be dissolved involve far wider considerations than the will or the consent of the parties to the marriage.' 'A divorce court does not, as every other court does, act on mere consent or the pleading or mere admissions by the parties, nor does it act on uncorroborated confessions.' 'This is a case, Sir, in which I myself appeared and enunciated those principles which were accepted.'

MR. PRESIDENT:—"Those principles are accepted here also."

* DR. V. K. JOHN:—"What I am stating is this, Sir. You take this divorce portion of the Bill. It is very objectionable. Clause 5 deals with divorce. Take clause 5-E. Now, Sir, the grounds are stated as follows for a divorce: 'has been a lunatic for a continuous period of not less than five years immediately preceding the presentation of the petition.' I am taking only one instance. Now, Sir, that is no ground at all. That kind of lunacy or idiocy is never exploited as a ground for divorce. I say the man ought to treat his wife who is a lunatic and not divorce her. I am taking this section 5-E, Sir, to show how the principle of law has not been followed. It is not considered in any country, either Britain or America or any other country that one can divorce his wife for being a lunatic after marriage. But one can ask the court to declare a marriage to be a nullity under section 19 of the Indian Divorce Act but the language used there is that such decree for nullity may be made on the ground that either party was a lunatic or an idiot at the time of the marriage. Now, Sir, when we are dealing with divorce we must also think of the hard-hearted men and some hard-hearted women when they do not agree. Under this section, a man can drive his wife to lunacy and say that she has been a lunatic for five years, and so he should divorce her. On what principle is it given, Sir, that lunacy for five years can be a ground for divorce? The hon. Lady Member here says that this Bill must be passed into law. She says that men must be able to drive the wives to lunacy for five years after marriage and they must get a divorce. Sir, ladies are very difficult to be persuaded and it takes a long time for them to understand. Such a provision has not been made in any civilized country that a lady becoming sick, or a lunatic after marriage might be divorced. What fault has she committed? Why not treat her? Why not give the man the right to marry again instead of divorcing the woman? There is another ground, Sir, and it is this: 'Woman suffering from virulent and incurable leprosy and if she continues to be like that for a continuous period of five years immediately preceding the presentation of the petition.' Public opinion would say, Sir,—it is not only my opinion but every section of the public will say . . ."

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MR. PRESIDENT:—"May I make a suggestion? These are all details of some portions of the various clauses. The hon. Member may talk about them when the clauses are taken up. A number of people want to speak now. Therefore he may confine himself to general principles."

MRS. MONA HENSMAN:—"On a point of information, Sir. If a gentleman is a lunatic, can he also be divorced according to that clause?"

MR. PRESIDENT:—"I just want to tell the hon. Lady Member that a wife can divorce . . ."

* DR. V. K. JOHN:—"Now, Sir, divorce need not always be clubbed with monogamy at all because . . ."

MR. PRESIDENT:—"These are all various grounds for divorce."

* DR. V. K. JOHN:—"I am saying, Sir, that the principle has not been followed. It is not a matter only for the individuals concerned. I say there should not be any provision for divorce at all. I agree with the hon. Member, Mr. Muthuranga Mudaliyar, that it is not according to the sense of public opinion. When a woman is ill, say she is suffering from leprosy or some other illness, instead of attending to her and treating her, this Bill provides that you can divorce her. I say, Sir, that the law ought not to provide for divorce. If it provides for divorce it should only provide for divorce by women and not by men. Sir, in Indian society we are against a man divorcing his wife and not against a man marrying once again under certain conditions. But if you want to give a right to divorce, give the right to the woman and not to the man."

MR. PRESIDENT:—"On what ground?"

* DR. V. K. JOHN:—"On the ground of adultery and cruelty. 3-15-
p.m. You can give any ground. There may be various grounds. Under the Indian Divorce Act a woman cannot divorce her husband unless adultery is coupled with cruelty after desertion for two years. Therefore, although man can divorce, woman cannot divorce unless adultery is coupled with cruelty and desertion for two years."

MR. PRESIDENT:—"Will you allow me to understand this? Am I right in understanding that in English law, a man cannot divorce a woman for unchastity? My point is, can a man divorce his wife for unchastity in England?"

* DR. V. K. JOHN:—"Divorce for adultery. That is the legal term."

MR. PRESIDENT:—"For adultery, can a man divorce his wife in England?"

* DR. V. K. JOHN:—"In England that is done."

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MR. PRESIDENT:—"Then why do you deny it to the Indian husband?"

* DR. V. K. JOHN:—"Because we have to look at Indian conditions and Indian public opinion in the matter. Sir, the English woman is different from the Indian woman because in England, a woman may find another man, and a man may find another woman. That is accepted by their society, whereas in India our women are mostly purdah women."

MR. PRESIDENT:—"Here, are you prepared to allow the right of divorce to the husband?"

* DR. V. K. JOHN:—"He should not have the right of divorce. If you are keen on giving the right of divorce, give it to the woman and not to the man. You can allow the man to marry again."

MR. PRESIDENT:—"Why?"

* DR. V. K. JOHN:—"Because conditions of our women are different. A provision for divorce by the husband will work a great hardship here. But the case of English woman is different, because she can have alimony and so on. Then, Sir, another point which is forgotten is this. English law provides a *decree nisi* and a *decree absolute*. After a *decree nisi* is given, six months must elapse for a *decree absolute*. Why? Because, the law still hopes that the husband and wife might come together and six months' time is given for them to come together. But, under this law, not even that six months' time is given. As I said before, the marriage relation is not purely a matter between the husband and wife, but it concerns society also. In the High Court or anywhere, you can never get your application for divorce decided in your favour easily. The Judge must hear all the evidence and he must be satisfied that there is no collusion. If I go to the High Court, I must satisfy the Judge because the law recognizes that there should not be any collusion. It is one of the fundamental principles in divorce that there should not be any collusion. Not only six months' time is not provided for, but nowhere it is said that the petitioner must file affidavits in the court of law that there is no collusion. If anybody wants to file an application for divorce in England, then there is an official appointed by the court of law to intervene. But, under the divorce Bill which is brought in here, there is nobody to intervene. There are many omissions and commissions in this Bill. As I said, Sir, marriage is not a domestic matter between the husband and wife but it is one which concerns society. The apparent object of this Bill appears to be to introduce monogamy. But really, the effect of this Bill will be to provide for divorce and women will suffer. I wish that Mrs. Hensman had studied this Bill and looked into it more closely and seen what would be the effect of this on women. A man may keep a concubine and then divorce his wife for reasons which can be accepted as reasons under this Bill. But, in Britain or in

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any other country, there is first *decree nisi* and there is *decree absolute* and then there is also provision for intervention. Again, Sir, in the divorce laws in other countries, there is provision for separation whereas there is no such provision here. I may say that in ninety out of hundred cases, there is separation and not a divorce. Is there any such provision here? Of course, I appreciate very much the object and the very good intention of the promotor of this Bill but I say it does not carry out his object. A provision regarding divorce ought not to be there at all.

"Then, Sir, there is also one very serious objection to this Bill. As a Legislature, we have supreme powers. We only ask the Government or any other body to make rules to carry out the objects of an Act. But, Sir, the mover of this Bill knows that this Bill is imperfect and therefore in clause 6 (f), the Bill says:

'The Provincial Government will have power to make rules in respect of any other matter for which no provision or no sufficient provision is made in this Act, and for which provision is either made in the Indian Divorce Act, 1869, or considered to be necessary by the Provincial Government for giving effect to the purposes of this Act.'

"Have you, Mr. President, in your experience come across any enactment where somebody is given subordinate powers of legislation not only to carry out the purpose of the Act but also to fill up the lacunas? I have never heard of this. Will this Legislature and will this House be justified in giving a carte-blanc, whether it is to the Government or somebody else? Will this Government take up the responsibility of enacting laws of this nature?

"Then, Sir, the mover wants sections 11 and 12 of the Madras Nambudri Act, 1932, to be repealed. Now, Sir, the Nambudri Act has satisfied that community. Sir, the Nambudris belong to an ancient community of Malabar and without consulting them, you want to repeal that Act. Neither the mover nor the seconder seems to have understood the purpose of the Nambudri Act in introducing monogamy by this Bill. Monogamy is the practice in Hindu society and no new Act is necessary. Sir, as I said, neither the mover nor the seconder explained the Indian Succession Act or the Nambudri Act which is sought to be repealed. Now, Sir, section 11 of the Nambudri Act says:

'No Nambudri who has a Nambudri wife living shall marry another Nambudri woman except in the following cases:—

(a) where the wife is afflicted with an incurable disease for more than five years,

(b) where the wife has not borne him any child within ten years of her marriage, and

(c) where the wife has become an outcaste.'

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"Therefore, Sir, under that Act, if any wife did not bear a child for ten years the husband can marry again. I am not questioning whether it is right or wrong. But, Sir, we are introducing some legislation without consulting the community for which we have passed a separate legislation some time back.

"Then, Sir, the hon. the Mover has simply referred to punishment and he did not explain it and lawyers only can understand it. He has referred to sections 494 and 495 of the Indian Penal Code. If a man marries a second wife, the punishment is seven years' imprisonment in one case and ten years in another case. He will be sent to jail for seven or ten years under the Indian Penal Code. Then, Sir, under the Nambudri Act, the penalty provided is this:

'Any Nambudri male who contracts a marriage in contravention of section 11 shall be punished with fine which may extend to one thousand rupees, but a marriage so contracted shall not be deemed to be invalid.'

'Any person who conducts, directs, or abets the performance of any marriage in contravention of section 11 shall be punished with fine which may extend to one hundred rupees.'

"Sir, it is a very serious thing to have the second marriage made void. With all due respect to our lady member in this House and perhaps the ladies listening, I might say that there are certain cases in which a second marriage is allowed even by the wife. I can give one instance. Once a client came to me. This client was an educated girl. A married man was carrying on with her and he had promised to marry her. She became pregnant. She wanted to know whether she can file a suit to enforce a contract of marriage. I told her that she cannot file a suit for specific performance and advised her to bring this to the notice of his wife. Then, Sir, the girl went to the wife of the man and told her condition and that she wanted to marry her husband. The wife said that she would ask her husband whether he was in anyway responsible for her condition. The husband said 'Yes'. Then the wife asked her husband to marry this girl. Why ban a marriage under this circumstance. Again, the Nambudri Act does not make a marriage void, as very often a marriage takes place after something happens. But, this Bill makes the second marriage void. What is the result? The probable consequence of this will be that the children born of the second marriage will be treated as illegitimate. What I want to say is that under certain conditions, the law allows a man to marry another person, whereas this Bill makes every second marriage void. Therefore, the fundamental principles which ought to govern the relationship of marriage and particularly of divorce have not been understood or applied in this Bill. Therefore, Sir, with great reluctance, although I appreciate the object of the sponsor of this Bill, I have to oppose this Bill because we cannot

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take up the responsibility of having this Bill go through on account of its omissions, commissions and particularly for the reason that it does not take into consideration the fundamental basis of the law of divorce and marriage."

* SRI S. B. ADITYAN :—"Mr. President, Sir, the Mover of this Bill is to be congratulated for the very good intentions in moving this Bill but there are certain undesirable and reprehensive aspects. Earlier in the day, mention was made of divorce being granted on flimsy grounds and dissolutions being granted on easy grounds, mention was made of a wife going to the court and asking for dissolution on the ground that the husband snored or was a chatter-box. Sir, I must point out that this Bill also contains such easy provisions for the dissolution of marriage, for instance clause 5 (2) says:

'A wife who has completed eighteen years of age may also present a petition for the dissolution of her marriage on the ground that her husband had married again before the commencement of this Act and that the wife so married is living at the time of the presentation of the petition.'

"Here, this Bill provides such a flimsy ground for dissolution of marriage. Take a concrete case. I have a member of this House in my mind, when I say this. Supposing there is an aged husband, says of 70 years, who married in 1900 his first wife and later on after some years, married again a second wife and they are all living together as husband and wives for well over forty-five years.

"Sir, according to this Bill, the first wife can go to a court now and ask for a dissolution of marriage and the court has no option but to declare the marriage as null and void."

MR. PRESIDENT :—"She is not compelled to go to court."

* SRI S. B. ADITYAN :—"Sir, that point has been mentioned to me by many friends. It is said that ladies of our society would not easily go to court. Sir, if they would not go to court, then why provide for dissolution at all? Or if you provide for it, why not state the reasons under which divorce could be granted? Why not say, for instance, except for the reason that the man is a lunatic, an idiot or a cruel person, a marriage accepted by society, and by public opinion at the time it was performed, could not be dissolved easily, and no divorce could be granted? Sir, the provision in this Bill in this respect is very surprising and strange.

"Sir, clause 5, sub-clause 2 says: 'A wife who has completed eighteen years of age . . .—and obviously one who is aged 60 has certainly completed 16—may also present a petition for the dissolution of her marriage on the ground that her husband had married again before the commencement of this Act and that the wife so married is living at the time of the presentation of the petition.' And sub-clause 3 states: 'In any petition presented under sub-section (1) or sub-section (2), whether

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defended or not, if the court is satisfied that any of the grounds set forth in either of those sub-sections exist for dissolving the marriage, it shall, by order, dissolve the marriage.' Sir, the wording is 'before the commencement of this Act.' It does not matter, even if the marriage took place some 40 years ago. And sub-section 3 provides what the court ought to do in such a case. I ask, Sir, why give room for such a decision, and create unpleasantness in a family which might have got on happily for a number of years? It is simply throwing an apple of discord into family relations which ought not to be disturbed.

"Sir, you said that the first wife is not compelled to go to court. The first wife has very often relations who could and would create trouble, and they are given a handle in this Bill to blackmail the husband, if they want to do so. Sir, domestic quarrels will arise in the best of households. But they are patched up, and the parties are happier thereafter. But if this Bill is passed conditions would be worsened. If there is a small quarrel, it will open the door to the first wife to go to court and apply for the dissolution of the marriage, and the court has no option but to dissolve the marriage. Such a thing ought not to be provided, where the first marriage had been accepted as good and valid by society at the time it was performed, and was tolerated by public opinion as it existed at that time. Our ancient scriptures, which we regard as sacred, did tolerate marrying of two wives, although we now take a different view. But 40 years ago, it was not looked down upon, as it is to-day. My main point is that bigamous marriages which were then accepted and performed with due ceremony, ought not to be disturbed for the simple reason that they were contracted before the passing of this Act.

"Mrs. Hensman mentioned that the courts are given the discretion in the matter, and therefore men need not be afraid, and that most of the judges are gentlemen and will not favour a lady. But according to this Bill if a lady goes to court and asks for dissolution of marriage, the court has no option but to grant divorce, because the wording of the clause is that . . . it shall, by order, dissolve the marriage."

"The Hon. Mr. Madhava Menon mentioned that there is such a provision as this in the Hindu Code. I do not know whether Mr. Madhava Menon is going to move his amendments to-day. I do not know whether he will now move his amendments, because that will mean sending the Bill on to the other House once again. I was surprised to hear that it is in the Hindu Code. If it was provided in that Code, as it emerged from the Select Committee, then one would have to accept it as a reasonable thing. But I find that this sub-clause is not only omitted there, but the exact opposite of it is provided in the Hindu Code. Both in this Bill, and in that, we have the corresponding sections which lay down provisions for dissolution of marriages for stated reasons and just causes. But there is no analogous provision to sub-clause 2 of clause 5 in the Hindu Code. We have only this: 'Nothing in sub-section 1

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shall be deemed to authorize a court to pass a decree in the case of a marriage solemnized before the commencement of this Code, which was valid at the time of solemnization on the ground that a former wife of the male party was living at the time of the marriage.' Sir, I am reading this from the Select Committee Report on the Hindu Code (draft), which was introduced in the Central Legislature. I thought the Hon. Mr. Madhava Menon was referring to this, when he said that there was a similar provision. I suggest, Sir, that what is provided in the Code is reasonable.

"I believe the mover of this Bill has not thought of this particular instance; probably he had in mind only the case of a young couple recently married, i.e., a few days before the commencement of this Act. In the Zamindari Abolition Bill, a clause was put in which invalidated certain transactions which happened prior to the passing of that Bill. Perhaps the mover of this Bill, thought of putting some such provision here."

MR. PRESIDENT:—"I may tell the hon. Member that he has got this point of view; I know it from him. His point is that old wives will not desert their old husbands."

* SRI S. B. ADITYAN:—"Then, why put in this for dissolution? If the mover had been confident of the good sense of old ladies, then he would not have made this provision at all. If on the other hand, he meant that old ladies also, however long they might have lived with their husbands, are entitled to apply for a divorce on reasonable grounds, then he ought to have stated those reasons in the Bill.

"Except for this, I believe that the Bill is a good one; if the amendments are accepted by the mover of this Bill, I think this Bill deserves support."

* SRI R. SURYANARAYANA RAO:—"Mr. President, Sir, after reading the Select Committee Report on the Draft Hindu Code, and the Bill as it has emerged from the Legislative Assembly here, I think, as far as the principles of the Bill are concerned, they are almost the same as those of the Draft Hindu Code. But unfortunately the drafting of the Bill has been a little defective. There are certain variations also which make this Bill defective. Clause 4 (3) states:

'If a party to the marriage which is void under sub-section (1) has not completed eighteen years of age at the time of the solemnization of such marriages . . .'

"The mover of this Bill, has adopted 18 for both the boy and girl; whereas in the Draft Hindu Code, it is 18 for the boy and 14 for the girl.

As regards the grounds for divorce, clause 5 (1) says:

'Either party . . . (c) has, without just cause, deserted the petitioner . . .'

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"The word 'desert' has been defined in the Draft Hindu Code, as otherwise the Law Courts may interpret it in any way they like."

"Then, clause 5, sub-clause (1) (g) says:

... has been suffering from venereal disease in a communicable form for a continuous period of not less than five years immediately preceding the presentation of the petition

"To allow a couple, either of whom may be suffering from venereal disease, to continue to live together for five years, is a social danger . . ."

MR. PRESIDENT:—"Dr. Lakshmanaswami Mudaliyar has something to say on that point."

* SRI R. SURYANARAYANA RAO:—"That is why, Sir, the Hindu Code has mentioned the period as one year. Except for that, this Bill follows in most matters, the principles laid down in that Code. I wish, Sir, that the Select Committee Report on the Draft Hindu Code had been out when this Bill was being considered. If it had been out, I am sure the mover of this Bill would have gladly accepted the language of that Code as it emerged from the Select Committee. Then, he could have avoided all the criticisms in this House, even that of the Leader of the Opposition."

"Mr. Muthuranga Mudaliyar pleaded against the dissolution of marriages on the ground that the Hindu Code as it exists now, or as it is to be enacted—I do not know which he meant . . ."

MR. PRESIDENT:—"I am sure, he meant the Code as it exists now."

SRI R. SURYANARAYANA RAO:—"Sir, if there had been a provision for divorce in the existing Hindu Law, there was no need at all for Mr. Kaleswara Rao to have brought forward this Bill."

MR. PRESIDENT:—"Did not the hon. Member listen to the Sanskrit sloka which he quoted?"

* SRI R. SURYANARAYANA RAO:—"He quoted a Sanskrit sloka which meant 'Marriage is necessary to beget a child, or for what you may call, the creation of a progeny.' If persons are to enter into a second marriage for the sake of begetting a child, and supposing that the second marriage also proves childless . . ."

MR. PRESIDENT:—"Then a third . . ."

* SRI R. SURYANARAYANA RAO:—"And so on, *ad infinitum*. Sir, I must put in a plea on behalf of the women though it may not be considered good in a polite society to say so. May I ask, Sir, who is to find out the person responsible for childlessness? Why throw the blame only on the woman? By having a second marriage, how can you be sure that the couple will have a child, and a male child too, in order that there may be a *puthra*?

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Therefore, Sir, these are all arguments put forward to support the system which exists now. There is no use of supporting second marriage or third marriage on the ground that it is necessary for having children. 3-46 p.m.

"My hon. Friend, the Leader of the Opposition, said that there was no provision anywhere for lunacy being taken as a ground for divorce. In the Hindu Code, the words which have been used are 'habitually of unsound mind'. If my hon. Friend Mr. Kaleswara Rao had had the Select Committee Report on the Hindu Reform Bill, he would certainly have used the words 'habitually of unsound mind'; but the words used here are 'has been an incurable lunatic for a continuous period of not less than five years'. The Leader of the Opposition said that he did not want that either party should sever the connexion with the other immediately one of them becomes a lunatic. If there is continuous lunacy on the part of either party for five years preceding the date of the petition, then only it will be urged as a ground for divorce. Mr. Kaleswara Rao's provision is not a liberal provision. It is very conservative both in regard to venereal disease and leprosy and also in regard to lunacy. In every case he has given an interval of five years before any action can be taken by either party."

"Sir, the reference to sub-clause (2) made by my hon. Friend Mr. Adityan, is somewhat intriguing. He asked: 'If a second marriage has taken place prior to the coming into effect of this Act and if the first wife happens to be more than 18 years of age, what will prevent her from going to a court of law and asking for divorce?' This cannot be for no reason. It is no pleasure to break the ties of marriage either for a man or for a woman. There must be some grounds. It is no pleasure to go to a court of law and declare, either for the man or the woman, 'We want to part company.' There must be valid reasons. After all, in India whatever may be the case in the West, divorced people are looked down upon. We do not honour them in society as we do not honour drunkards. Divorce is an extreme measure. I do not know what is the case in Western countries; my hon. Friend, the Leader of the Opposition, must be able to tell us having lived in Western society. In India nobody would look upon this kind of divorce with favour. It has some stigma attached to it. My hon. Friend, Mr. Adityan need not feel that an old lady of 50 or 60 years will go to a court of law and ask for divorce on the ground that her husband has got a second wife. But I wish Mr. Kaleswara Rao had followed the precedent in the Hindu Code. Unfortunately it was not available to him."

"Sir, unnecessary prejudice has been created against this Bill. I think the prejudice is due to the fact that still man thinks he must rule woman. Every clause says 'either party'. If the right had been given only to women, I can understand men feeling hurt. But the right is given to either party and if man wants he can take action. Both the man and the woman are put on an equal footing and that seems to be the grievance. No exclusive rights are conferred on the woman only. The rights are given to man as well."

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When the parties are not able to get on, instead of allowing them to live a miserable life, it is far better that they part company and lead decent lives somewhere.

“ Sir, there is a provision which I wish Mr. Kaleswara Rao had introduced, and to which also my hon. Friend, the Leader of the Opposition, referred, namely, two stages before divorce becomes absolute—judicial separation and divorce, especially on grounds of cruelty. To-day a husband and wife may quarrel; one may be cruel to the other; they go to a court of law. I think in the West they get what is called judicial separation. If within a particular period they are able to come together and live happily making up their quarrels, they continue without obtaining a divorce. But if after a particular time they do not think they can live together, they go to the court and say, ‘ We have not been able to live together; so grant us divorce.’ Such a provision is found in the Hindu Code. It has envisaged all the difficulties that we find and I wish that this Bill also had taken into consideration that aspect. However, Sir, when the Bill becomes an Act, it will be short-lived as the Hindu Code is going to take the place of all these reforms. Therefore it is not proper to stop this piece of legislation over which considerable toil and energy have been spent. I do not call it, as I said about the zamindari abolition, that it is a sad story of complicated idiocy. It is a case of an earnest effort for reform to meet certain hard cases of men and women who are forced to live together for want of a provision to break their ties and lead honourable lives. I understand that Mr. Kaleswara Rao has followed only the Bombay example where a similar law has been passed. The Bombay lawyers are, I think, as keen and learned as our learned friends in this House and the other House and it was therefore felt that by copying what was done in Bombay, we would not be infringing any of the laws now existing on the statute or creating fresh difficulties. We may give our approval to this legislation. It is not going to break families. Especially when we give the right of divorce, very few will exercise it, as my hon. Friend, Mr. Madhava Menon, will bear me out that very few exercise the right of divorce in Malabar. With these few words, I support the measure.”

* SRI K. NATARAJAN :—“ Sir, every day in my life I utter two verses in the morning along with others. One is invocation to God Vigneswara and the other is the prayer from Kulasekhara Alwar which runs as follows :—

கண்டாரி கழ்வனவே காதலன் தான் செய்திடினாங்
கொண்டானை யல்லால் அறியாக்குலமகள் போல
விண்டோய் மதில் புடை சூழ்வித்து வக்கோட்டம்மா
கொண்டாளா யாடுவான் குரைகழலே கூறுவனே.

“ There are ten stanzas like that one of which speaks of a cruel monarch who ruled over his subjects with an iron hand, but even then his subjects were loyal to him. We are all familiar with the Tyagaraja krithi beginning as follows : ‘ Oka bana, oka mata and oka pathni.’ Monogamy is embedded in our culture. Attachment

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to the husband, whatever be his defects is also our Hindu ideal. During the fight for freedom we have been stressing from platforms that our ancient Hindu culture must be restored, except for improvements whenever degeneration has set in. So far as this Bill prohibits bigamy, it keeps to our ancient ideals. I wholeheartedly agree with it. But if we go back to very ancient times, more ancient than the Manu Smrithis, we will find there is one exception made. If the wife is barren, the husband may marry a second time. That does not, in spite of my reverence for the ancient traditions, appeal to me now. As my hon. Friend, Mr. Suryanarayana Rao, has put it, we cannot allocate the blame for barrenness and it may lead to a number of marriages and it may not be quite in consonance with the development of society. It may lead to degeneration in society. But there is one other thing which is encouraged by the Sastras. If the first wife for some reason or other gives her consent to a second marriage, then the second marriage may be permitted. I do not want to exhibit my knowledge of these things. The passages are all extracted in Mayne's Book on Hindu Law. It may be that a girl who has attained the age of 18 years may not be a free agent to give her consent to the marriage of her husband to a second wife. Therefore impose some limit. Allow some six or seven years to lapse and let the girl find out for herself and satisfy herself that she may allow her husband to have a second marriage. According to certain decisions and smrithis, it is permitted that a husband may marry a second time in such cases. I want to refer to these things. But as my hon. Friend Mr. Suryanarayana Rao has pointed out, this Bill is going to be scrapped after the Hindu Code becomes law in the Constituent Assembly. I was also on the point of referring to it, but my hon. Friend, Mr. Suryanarayana Rao, anticipated me, viz., that this Bill is after all to be modified or scrapped after the Hindu Code or the uniform civil law which is now under consideration in that Assembly comes in. Anyhow, absolute prohibition of bigamy is not countenanced by Sastras; and in so far as this Bill completely obliterates bigamy, it is going too far. 4 p.m.

“ As regards the other important provision, i.e., divorce, I have stronger objections. As has been pointed out by the learned speakers before me and as was pointed out and conceded by the author of this Bill in his speech in the Legislative Assembly, there are two sets of schools. One is the reform school which really and sincerely aims to introduce changes which are beneficial to society, by removing superstitions and bad things. There is the other school, the conservative and the orthodox school whose spirit is to preserve whatever is good for the society. Therefore, any attempt at reform, be it in the way of legislation or be it in the way of issuing fiats to society, must aim at bringing about harmony between these two rival schools. There may, of course, be other people who are actuated by some other motives in them. Anyway, I grant there are people on both sides who are actuated by the best of motives. In such a case, what is to be the ideal to be aimed at by a legislation like this, I ask? There are two points which I

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want to press on the attention of this Council so far as divorce is concerned. The first is, taking Hindus as an entity—I am not now on the question whether they could properly include other categories like Buddhists, Jains, etc.—whether belonging to the upper or the lower classes of society or even the tribes, marriage has always been regarded as a sacrament and not as a contractual relationship according to the Western ideal. It is a religious matter according to Hindus. I may go further than Dr. John when he said that divorce is not a matter for individuals, as between husband and wife. He said it was a national and State matter; but I would go further and say it is a religious matter. Therefore, our aim must be to look at it as a sacrament, a religious obligation imposed on the couple at the time of marriage and ordained by our ancient culture. Is that to be interfered with now? So, that point requires consideration. Secondly, too much prominence must not be given to what are called rights in this case between the parties. As between A and B, A may have a right against B where B may have a duty to perform. Can you call the relationship between father and son a right in the legal sense of the word? Can you call the relationship between a brother and brother a right in the legal sense of the word? Again, can you call a relationship between a mother and son a right in the legal sense of the word? Similarly, can you call the relationship between a husband and wife as a right? It may be a right from the ordinary standpoint, but it is a right emanating from a relationship created by a rule of religious law and imposed on the parties as a sacrament. You must view the whole thing not as a simple question of determination of rights, not as a man having a right against the woman or the woman having a right against the man. A father, for instance, has the right to maintain his son and the son has got a right to the father's property. If the father is to have affection for his son, the son also is to do some duty by his father; and in such a case, is it to be called a right? It is an incidence of relationship arising from birth as between these two people, as father and son, which has been imposed by God. Therefore, I say you must view this divorce question from that point of view. Again, take the case of a mother and son; the son has got to maintain the mother under the law; can you put in the same category, the ordinary obligation of the son paying obeisance to his father and mother and satisfying all their tastes? Similarly, between brother and brother. In the case of an undivided Hindu family, it is not a question of right as between brothers; it is the affection which one brother has for the other, the right to look upon the elder brother as a protector, the right of the elder brother to attend to his younger brother's illness, the right of either to go to the rescue of the other when in distress—all that depends on the relationship brought about by nature, imposed by God. Similarly, in the case of the husband and wife, the husband has got certain rights and the wife has got certain rights in law, but those rights do not emanate from the Hindu Law as it is understood; they emanate from the peculiar relationship between the parties. And in the case of husband and

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wife, I go further and say that it is a more intimate, more affectionate and more cordial relationship—not that I mean any disrespect for the relationship between father and son or mother and son and brother and brother—arising out of the bond of union as a result of their marriage . . .”

MR. PRESIDENT:—“ May I tell the hon. Member that the Bill seeks to give a right which is not there at present? ”

SRI K. NATARAJAN:—“ I shall try to answer your question, Sir, I hope, Sir; I have made myself clear about the foundation of my argument, viz., that the rights or limitations of the rights must be determined not on the basis of the bare right as deemed under law, but on the basis of rights arising out of the peculiar relationship as between husband and wife. I shall try to give an illustration here: a husband and wife quarrel for some good, bad or indifferent reasons; at the time their quarrels begin, they quarrel rather bitterly with each other, and subsequently when the tension becomes a little more, they separate for some time for a temporary period. There is no impediment to their coming together again; they may afterwards become reconciled to each other at the persuasion of friends, or near relatives of both parties, or at the good offices of members of the village or the society. You cannot define the tendencies of one party towards the other; I appeal to the experience of all of us, both men and women, on that point—you cannot say that the tendency is one of definite antagonism at any one moment; it is not a tendency of one saying ‘good morning, Sir’ or the other saying ‘good morning, lady’ at any moment.”

MR. PRESIDENT:—“ Those love quarrels have been recognized from very ancient times.”

SRI K. NATARAJAN:—“ I am always fortunate in getting the right word from you, Sir. Yes, we do not know whether and when these love quarrels will or will not subside. But why is this Divorce Act introduced, I ask, which enables them to have a separation once for all and does not allow them to patch up their differences? Sir, I have been connected with very many maintenance suits from the year 1902 to 1948 . . .”

MR. PRESIDENT:—“ The promoters of this Bill expect lawyers like you to use your good offices and not make them go to court immediately.”

SRI K. NATARAJAN:—“ Without their telling me, I may say it has been my good luck that almost all maintenance suits that came to me have ended only in compromises. I refer to them here not for the purpose of getting credit for it, but for this purpose: If husband and wife quarrel, the wife has to cite witnesses, has to incur expenses, and in claiming maintenance, to make an exaggerated claim, and the husband falsely states that the wife was becoming unchaste, and then the wife says abominable cruelty was her lot from the man, and so on and so forth, and the situation cannot be saved. All this happens after going to court and spending a lot—it may be even *informa pauperis* in some cases, but still

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there is a lot of anxiety and suffering. And what is the reason of all this? It is that there has been something at the bottom, not any absolute antagonism between husband and wife. Supposing in an unguarded moment"

MR. PRESIDENT:—"I think the point you are making is this: that if this Bill is not there, your attempts at compromise will be much easier?"

SRI K. NATARAJAN:—"I know of cases where even after ten years of separation, parties have become reconciled. The tension created by these people living apart will be availed of by many people. About twenty days back a suit was decided in my district; it was a judicial separation case against the husband by a wife; it was dismissed but what was the motive? It was as I understood that the husband should not get the property—it was a Christian family, the wife had some property. My point therefore is that this divorce should not be made an instrument for use by such people for disrupting the family and bringing about a cleavage further and further which cannot be repaired. I may be told, if there is to be no divorce, have not people got to shift for themselves? I reply: 'Is there every day a lot of quarrels in the street.' People are shifting for themselves, submitting to their fate; they will say 'all right, I have a husband or wife who is not faithful to me; that is my fate.' But the moment this Bill becomes an Act, there will be scope for lots of cases coming up before the courts and for these people who would otherwise be submitting themselves to fate, saying 'I shall now get rid of him or her once for all.'"

MR. PRESIDENT:—"Exactly the object of the Bill?"

SRI K. NATARAJAN:—"The object of the Bill may be different. I say that the result of this Bill will be that, whatever may be the object of this Bill.

4-15 p.m. "Sir, that is not the object of the Bill. The result of the Bill will be that, whatever may be the object of the Bill. This object will be revised for some other purposes. My hon. Friend, Mr. Adityan, raised a point and I was also thinking about the same point in my mind. The point is, can a lady, aged forty years sue for divorce against her husband who is fifty or sixty years old simply because the husband has married again. Sir, there are cases where ladies voluntarily give their consent to their husband to marry a second wife. A man marries his wife and is living with her quite happily. For five years they have no issue. Seeing that she would not beget a child in the near future, she gladly gives consent to her husband to remarry. Thus she is a party to that marriage. Sir, is there any harm in doing so? Why should not this be done? No provision is here in this Bill for such cases. Of course, I can understand clause 5 (1). But I cannot understand clause 5 (2). In clause 5 (2) no reason is given for divorce being claimed.

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"Sir, in the city, these things may or may not be noticed. But in the villages, these things may create and foster unnecessary factious spirit among the people. Suppose a mirasdar is not keeping peace with his wife. The opposite man who is not in good relation with him, may take this opportunity and create mischief. He may even persuade her to seek the aid of this Bill for divorce, just to annoy him. Sir, by quoting this illustration, I am not saying anything against the intentions of the Bill. Let it not be thought that all husbands and wives are a cantankerous set of cruel people. There are bad people in every walk of life. Therefore, let reformers take note of these things and make a useful contribution to the reform of the society, but not by this legislation.

"Sir, I ask, before they introduced this measure here, have they taken the public opinion on their side? If so, to what extent? Sir, have they ever visualized that mothers-in-law have adjusted so their treatment towards their daughters-in-law with the result that harmony prevails in every family? Can you think of this state of affairs in a family before 20 years ago? Now this change has come in the minds of every mother-in-law. I say, notions of society have advanced. According to well-known writers and essayists, the test should be whether a particular reform has got the backing of the public opinion. Having got enough materials to show that public opinion is in favour of this reform, they must proceed with the Bill. I once again, ask whether public opinion is elicited in this matter.

"Sir, when this Bill was published in the papers, I asked some of the ladies, 'Do you like this reform.' Do you know, Sir, what reply they gave? They said, 'This is sin (unnath).'" This Bill ought not to be passed into law."

MR. PRESIDENT:—"Would you like to hear some of those ladies who were sitting in the Visitor's Gallery on this point?"

SRI K. NATARAJAN:—"Sir, I know what they will say on this matter. They are people belonging to this city. They may not be so much concerned. Sir, if I had got enough money, I would have certainly brought those ladies here and made you hear them. But unfortunately, I have not got so much money."

MR. PRESIDENT:—"I request you to close your speech."

* SRI K. NATARAJAN:—"One thing more and I shall finish. Sir, what is the effect of making a second marriage void as per this Bill? What is the effect on the man's property and what is the effect on the woman's property? I shall raise these points later."

MR. PRESIDENT:—"You can raise them when we take up clause by clause."

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* SRI K. NATARAJAN :—" Sir, it is a complicated Bill though it has some redeeming features. But so far as divorce is concerned, I am dead against it as it is against the Hindu Law and culture. With these few remarks, I close my speech."

(The Hon. Dr. T. S. S. Rajan rose from his seat.)

MR. PRESIDENT :—" Do you want to speak? "

THE HON. DR. T. S. S. RAJAN :—" Sir, if there are other people to speak, let them speak."

MR. PRESIDENT :—" Mr. Govindacharyulu is there."

THE HON. DR. T. S. S. RAJAN :—" Sir, I will not take a long time."

MR. PRESIDENT :—" Yes, you can speak."

* THE HON. DR. T. S. S. RAJAN :—" Mr. President, it is not my intention to take part in this debate at all. I find that I am not even fitted for the task. But one thing, I must say. I am not troubled about the intricacies of law contained in this Bill nor about the many issues that have been raised by hon. Members. But I know that marriages do take place and there are husbands and wives among the Hindus and many of them carry on their normal family life even without seeking the help of this Bill. But I am not thinking of that. The trouble is, having been a medical man, I am inclined to say that the very many issues that have been raised here, are somewhat ticklish and to a certain extent, do require some medical opinion. I was once a practitioner and I just recollect to my mind how a man dealt with his wife whom he brought for consultation when I was a doctor. I demanded a good fee—it was an usual thing in those days and I am not ashamed over it—and I asked him, 'If your wife has got to be treated by me, well you must pay me so much.' The man considered my demand and replied: 'Please excuse me. I must give you a reply. But the question is, after giving you this amount, the woman I am going to get is the same old wife again I can easily get a young second wife.' (Laughter.) After saying this, he retired from my consulting room with his wife. And that affected me very much and gave me an inkling of the mentality of the husband towards his wife that she is treated worse than a chattel. Sir, it was only a matter of few rupees which he could have easily afforded for her medical treatment. But he did not fulfil his duty towards his wife and he even went to the extent of saying that he would take another wife instead of spending that amount on his first wife. He did not even wait for my answer and he immediately took away his wife and went out of my consulting room. If I had known that that person would adopt this attitude, perhaps I would have decided to forego my fee. Sir, that impression has not left my mind yet and I could often think of that event and see what an awful state of affairs we are in and the

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mentality of some in our society. This incident shows the amount of neglect and lack of consideration of some husbands towards their wives. That is one thing.

"The second thing is about the marriage for the sake of progeny. That is a correct thing. But in doing so, you must not be unmindful of the fact that, why should the man be allowed to remarry for the sake of progeny and not the woman. Because, as far as my medical knowledge goes, non-fertility is fifty per cent man's and fifty per cent woman's. I must say this, if I want to be fair to the other sex also. And after all, I can say without any fear of contradiction, that the man is as much responsible for non-fertility as the woman."

SRI B. NARAYANASWAMI NAYUDU :—" But it is a man's property."

* THE HON. DR. T. S. S. RAJAN :—" I do not consider it a man's property. It is something more than a man's property. Therefore I could not understand it at all.

"Sir, let me now come to the limitations for diseases and the power given in some of the sections of the Bill, to sue for divorce. I am not at all satisfied either with the time limit placed upon it or the conditions necessary for going for divorce. As far as my medical knowledge goes, I think those provisions are not in keeping with modern scientific ideas. Recently science has made very rapid strides in this direction that diseases which were considered incurable three years ago, have now become curable. Therefore, it is no use putting this limitation of five years for diseases like venereal disease, leprosy, etc. Because I know a man suffering from venereal disease or leprosy can be cured within a few weeks and that is what modern science has taught us. Sir, I do not understand the proposition that because a man is suffering from a disease which 'cannot' be cured, he is not fit to be a husband. I do not see where this logic comes. For instance, it is said that leprosy can never be cured. As far as I know, the knowledge on 'leprosy' has gone so rapidly that I would say to this extent that leprosy is not so serious a disease as syphilis. Though leprosy is a chronic disease it can be cured. It is not also such a disease as could be easily contacted from one person to another. Therefore, leprosy disease by itself cannot form a cause for suing for divorce. Therefore that also has got to be considered in terms of modern scientific knowledge.

"Another factor is this: Children born of lepers are not lepers, and this has been placed on record over and over again. It has also been definitely found out that, if contact of children with leper parents is avoided, the children do not develop leprosy. I admit that leprosy produces some deformity which causes a sense of repulsion in the ordinary man. But it is not really such a danger either to man or to society as it is supposed to be. There are awfully looking cases of leprosy but they do not affect anybody. The definition of leprosy has got to be extended. We are

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yet to know the causes for leprosy, though it has been there from the dawn of history. When science itself is so ignorant, it is not justifiable to provide leprosy as a ground for divorce in a law. I admit that divorce is sometimes necessary not only on the ground of disease but on other grounds as well. The Hindus have been putting with such disabilities for one reason or other. On that ground it cannot be said that the position ought not to be corrected.

"I have not got much knowledge of law. Otherwise I will be very much obsessed with the consciousness of law as my hon. Friend Dr. John is. Not having knowledge of scripture or religion either, I look at the question as a practical man. I myself do not know my religion. I must refer to my father as to whether I am a Hindu. But my father is no more. I myself have become a father . . . (Mr. President: 'The House will be glad to know that you have become a father.') I am not only a father, I am a grand-father and a great-grand-father.

"I was saying that I was looking at the question as a layman and from the practical point of view. This Bill does not provide sufficient legal safeguards which are necessary in an enactment. I say that certainly such safeguards ought to be provided so as to make the Bill safe and complete. Let the Draft Hindu Code become law in course of time. As a temporary measure, I am perfectly willing to have this Bill. This is a measure which is long overdue. Taking the Bill as a whole, I lend my active support to it. I am sure there are many other members who support it. The legal difficulties that have been pointed out have in a way clouded the issue and they might have changed the opinion of some hon. Members. Barring that, I think opinion is more or less unanimous that this Bill requires to be passed."

Sri A. Govindacharyulu began to speak in Telugu. (Some hon. Members: 'Please speak in English.')

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"Mr. President, Sir, are we to understand that once a member speaks in a language, he must always speak in the same language?"

MR. PRESIDENT:—"He has been speaking in two languages, of course not at the same time."

THE HON. SRI K. MADHAVA MENON:—"Section 248 of the Government of India Act, 1935, which says that all the proceedings in the Legislature shall be conducted in English has been deleted in that Act as adapted by the India (Provisional Constitution) Order, 1947."

MR. PRESIDENT:—"That section says that, if a member knows English, he must speak only in English. But it does not allow a member to speak in a different language every time. Once he makes a choice, he must stick to it. That is how I understand the section."

SRI A. GOVINDACHARYULU:—"Mr. President, Sir, this Bill contains two clauses in particular, one enjoining monogamy

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and the other allowing many marriages. The one contradicts the other. If the Bill says that no man shall have more than one wife and no woman more than one husband and leaves the matter at that, certainly every one will support it. *Pathivratha Dharma* and *Eka Pathni Vrata* have been the ideal of Hindu society from Harsha yuga. I say it was only an ideal, for we find in the Atharvana Veda that a woman has got the right to marry a number of times. I would like to place before the House both sides of the question as an impartial man, and then express my opinion."

MR. PRESIDENT:—"I would request you to state your points first and then explain. You know the principles of the Bill. Are you in favour of those principles? If you are not, why do you differ? If you proceed on that manner, we may be able to follow."

SRI A. GOVINDACHARYULU:—"I am not in favour of this Bill and I am for dropping it. Let the Draft Hindu Code prepared by the Rau's Committee become law. I want legislation from the Centre. Such a legislation will take a overall perspective of the Hindu society and apply to all Hindus."

MR. PRESIDENT:—"Why not we bring in necessary measures as long as we have got power?"

SRI A. GOVINDACHARYULU:—"But this is a Bill on which there are bound to be vast differences of opinion."

MR. PRESIDENT:—"You are for the enforcement of monogamy and divorce?"

SRI A. GOVINDACHARYULU:—"I accept monogamy and oppose divorce.

"As I said, from the time of Harsha yuga, women have got the right to marry any number of times. Kautilya's Arthashastra, section 9, slokas 27 and 28, supports my contention. Parasara also has accepted in his Code the remarriage of women."

MR. PRESIDENT:—"When you accept the principle that monogamy should be made applicable to all, I don't think all these references are necessary."

SRI A. GOVINDACHARYULU:—"We do not find any remarriages in the higher classes; we find them only in the lower strata of society. The principle of remarriage has been accepted from the very beginning. Monogamy is civilization and polygamy is non-civilization. [Mr. President: 'Those who remarry are not civilized!'] (Laughter.) Ramayana is accepted by everybody as the Adi Kavya, and it is dated 3,000 B.C. That is the first puranic kavya in Hindu literature. Therein we find that Dasaratha had three wives."

MR. PRESIDENT:—"No, no. He had 350. I have read in the Ramayana that Dasaratha had 350 wives. 'Ardha Saptha Satha'—that is the expression used."

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SRI A. GOVINDACHARYULU :—" I do not propose to dispute that point, Sir. Of course it is said that Sri Rama was observing Yeka Patni Vratam, that is to say, he never looked even the face of another woman. But we know that King Dasaratha was having three principal wives, besides a number of others. In those days it was the Brahmakarma Law that was in force, but perhaps except in the case of Dasaratha, we have not come across with a man having more than one wife or a woman having more than one husband. But when we come to the age of Mahabharata, we see that women and men are allowed to marry more than one husband or wife as the case may be. We know that Draupadi married five husbands. There are many instances like that in Mahabharata. When a person did not produce any children by the first wife, he was allowed to marry a second wife with the consent of the first wife and beget children. (Interruption.) (An hon. Member : ' If he cannot produce even by the second wife ! ') Sir, there may be all sorts of quarrels over this question, and it may be very amusing to read the various theories that existed in this country at various ages, but let us not go into those things at present. Suffice it to say that there has been a gradual evolution in the system of Hindu Marriage and this evolution has taken place from time to time and according to the exigencies of circumstances. We see that this evolution has taken definite shape from the fifth century onwards."

MR. PRESIDENT :—" Except perhaps in the single instance of Draupadi, has the hon. Member come across any cases in Puranas where a woman had married more than one husband? "

SRI A. GOVINDACHARYULU :—" Even in the Vishnu-purana we have various examples like that, Sir. The marriage system has taken different forms in different ages to suit different circumstances then obtaining. It was always fluid and never rigid. Originally it was the Adibuktha system that was in force and then the Achyuka system that came in and it changed the other." (Interruption.)

MR. PRESIDENT :—" I would request the hon. Member to confine himself to the divorce provisions of this Bill and not talk of all those things, which were in existence in ancient times."

SRI A. GOVINDACHARYULU :—" Mr. President, let me now confine myself to the system of divorce that was in force in the western countries like England and America. Sir, between 1715 and 1853 A.D., the Parliament alone was competent to grant divorces. Between these two dates, that is during the course of 140 years, we find only 180 cases of divorce in England. (Interruption.) We find much enlightenment on this question of divorce in the Report of the Royal Commission on Divorce, 1912, and at page 11 of that Report the Matrimonial Causes Act in England has been dealt with at great length, and we get there a lot of information on the subject of divorce and the laws relating to it. In

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America, a country which is known to be a more forward one in these matters, freedom is easily given to women to seek divorce, and we find something very extraordinary there with regard to these divorce laws. (Interruption.)

" Sir, I shall, with your permission, read an extract from a book entitled, ' A History of Marriage and the Family Problems of the Twentieth Century Family in the United States ', published in 1934. The author of this Book is one Willystine Goodsell, a well-known authority on the subject. Dealing with the problem of divorce, the author states :—

' At present the United States stands first among civilized lands in the number of divorces granted annually by its courts. As early as 1885 more marriages were dissolved in this country than in all the rest of the Christian world combined, the figures being as follows : United States, 23,472; Christian Europe, 20,131. Quite as startling is the fact of the rapid increase in divorce in the United States during the past few decades. For example, in the ten years from 1890 to 1900 the number of divorces obtained increased 66.6 per cent over the preceding decade, whereas the population increased only 20.7 per cent. During the thirty year period 1900-1930 the number of divorces granted increased by leaps and bounds, both absolutely and in relation to population growth. In 1900 the courts granted 55,751 divorces, an increase of 8.4 per cent over the preceding year. In 1906 the number of divorces was 72,062, an increase of six per cent over the preceding year; ten years later the number had risen to 112,036. Then came a break in the annual census reports on marriage and divorce probably due to the war and its aftermath. In 1923 the number of divorces had risen to 165,096, a total which is nearly 200 per cent greater than that of 1900 and ten per cent in excess of the preceding year. Seven years later, in 1930, the number of divorces granted had risen to the disturbing total of 191,591; but in 1931, the last year for which census are available, this figure had fallen to 183,664, a loss of 4.1 per cent over 1930. This loss may probably be explained by the financial stringency caused by the depression. However, the number of marriages also fell in 1931 by about 66,000, so that the ratio of divorces to marriages was the highest in the history of the country—17.3 divorces to every 100 marriages, or one divorce to every 5.7 marriages.'

" After discussing all these things, the author finally draws the following conclusion :—

' For many years a large proportion of divorces has been granted to wives, who, apparently, find marriage a more unsatisfying and unhappy relationship than do men. As early as the period 1887-1896 the wife received 65.8 per cent of all divorces granted; and the proportion has steadily risen until in 1931 the wife was granted 72.8 per cent of the divorces and the husband only 27.2 per cent.'

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DR. V. K. JOHN :—" Does the hon. Member suggest that it is the educated ladies who are seeking divorce now? "

SRI A. GOVINDACHARYULU :—" This Bill, if it is accepted, Sir, will retard the growth of higher education among ladies."

THE HON. SRI K. MADHAVA MENON :—" Does it mean that if the Bill is passed, only divorce will take place and not marriage? "

SRI A. GOVINDACHARYULU :—" I do not say that no marriages will take place. They may take place, but not at the proper age. These educated ladies will not be able to get suitable husbands. By the time girls come out of the colleges they will be aged between 22 and 25 and most of the boys would have already been married and they will find no equal match for them to marry or they will find only men younger than themselves to marry. That is the difficulty we are experiencing in our society. Therefore as a matter of fact the girls will only have to be married to a man as a second wife. I know more than a dozen cases in Madras. I know of one case where a lady doctor married a gentleman who has already got five or six children and she is maintaining the whole family and the family is going on amicably. Another lady, a doctor, married an advocate in Madras and the advocate has got already more than six children. Like these I can quote many instances."

MR. PRESIDENT :—" The point is that you say that the men must be allowed to marry a second time."

SRI A. GOVINDACHARYULU :—" Suppose a girl refuses to marry a man who has already a wife there is no question of this Act at all and no question of second marriage will arise. So, Sir, I entirely oppose the second part of the Bill, namely with regard to divorce and request that at least for some time, until the Rao Committee clears up the whole matter these things may be deferred."

MR. PRESIDENT :—" The discussion on the Bill will be continued on the next non-official day. The House will now adjourn to meet tomorrow at 11 a.m."

The House then adjourned.

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

* *The Madras Hindu Bigamous Marriages (Prohibition and Divorce) Bill, 1947 as passed by the Assembly and received therefrom in the Council.*

* Circulated to the Members of the Legislative Council on 10th September 1948.

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APPENDIX.

[Vide answer to starred question No. 146-A asked by Sri T. Purushotham at the meeting of the Legislative Council held on 26th November 1948, page 639 supra]

Wholesale dealers for mill-cloth selected for the East Godavari district.

Kakinada.

1. Messrs. Haji Zakaria Haji Ebrahim.
2. „ Chittoori Rangayya & Sons.
3. „ Madireddi Raghavayya.
4. Sri Boggavarapu Subbarao.
5. Messrs. The South Indian Satsang Stores.
6. „ Chittoori Tirapatayya & Sons.
7. Sri K. Dayananda Raju.
8. Messrs. Ch. Suryanarayana and K. Ramaswami.
9. Sri Duddumpudi Satyanarayana.

Rajahmundry.

10. Messrs. Tadavarthi Punniiah & Brothers.
11. „ Tummapudi Ramiah & Co.
12. Sri Pragallapati Somaraju.
13. Messrs. Gontla Venkatasubbayya & Sons.
14. Sri Kaki Prabhakara Rao.
15. „ Adusumilli Chinna Rama Rao.
16. „ Duda Veeraswami Reddi.
17. Messrs. Netajee Khaddar Stores.

Ramachandrapuram.

18. Sri Manthramurtula Veeranjanevadevara.

Mandapeta.

19. Sri Muppana Pakir & Sons.

Razole.

20. Sri G. Ramakrishna Sarma, Rajahmundry.
21. „ Alluri Ramaraju, Sakshinetipalli.

Amalapuram.

22. Sri Gokavarapu Subba Rao, Amalapuram.

The Collector has been instructed to select one additional dealer for the Kakinada centre.

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Wholesale dealers for yarn selected for the East Godavari district.

Kakinada and Rajahmundry.

1. Messrs. Chittoori Suryanarayana, Kakinada.
2. „ Mutta Venkateswarlu & Sons, Kakinada.
3. „ Haji Zakaria Haji Ebrahim, Kakinada.
4. „ Chittoori Sarayya, Kakinada.
5. „ Pulavarthi Subbarayudugari Seetharamamurthi,
Kakinada.
6. Sri Nalam Venkataraju, Kakinada.
7. „ Karumari Subba Rao, Kakinada (who will do business in
Rajahmundry).

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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

SATURDAY, 27TH NOVEMBER 1948

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THE MADRAS LEGISLATIVE COUNCIL.

Saturday, the 27th November 1948.

The House met in the Council Chamber, Fort St. George, at eleven of the clock, Mr. President (THE HON. SRI R. B. RAMA KRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS

Government offices shifted to the City.

* 153 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether any of the Government offices which were shifted to places outside Madras in 1942 are still outside Madras;

(b) if so (i) which offices, (ii) their present places of location, (iii) the reasons for keeping them still away from the City; and

(c) whether the Principal of the Police Training School, Vellore, had recommended that the Finger Print Bureau should be shifted back to Madras for the better working of the Bureau?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—“(a) Yes.

“(b) The information is given below:—

- | (1) | (2) | (3) |
|--|--------------------------------|---|
| (1) Office of the Guindy Superintendent of Stationery. | .. | Its original abode at First Line Beach is now under the occupation of the Civil Supplies Department. The Collector of Madras is examining the question of getting back the Stationery Office to its old premises. |
| (2) Madras Record Office. | .. | Due to the non-availability of suitable accommodation for offices now located in the Madras Record Office buildings at Egmore, the Collector of Madras has been asked to take vigorous steps to see that accommodation is secured for the offices now occupying the Madras Record Office buildings in Egmore so that the Madras Record Office may be brought back to Madras as soon as practicable. |
| (3) Serum Institute of Animal Husbandry Department. | Ranipet, North Arcot district. | This was originally shifted to Coimbatore during the evacuation of the City in 1942. Since then it has been shifted permanently to Ranipet, North Arcot district, when the Meat Dehydration Factory became available. There were no permanent buildings for the Serum Institute at Madras and therefore when the Meat Dehydration Factory became available it was purchased from the Government of India. |

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- | | | |
|---------------------------------|---------|--|
| (1) | (2) | (3) |
| (4) Madras Finger Print Bureau. | Vellore | .. For administrative reasons the Government have decided to retain the Bureau at Vellore so long as the Police Training School remains there. The Finger Print Bureau and the Police Training School can be brought back to Madras when suitable accommodation becomes available. |

"(c) No."

SRI S. B. ADITYAN :—" I observe from the answer that the main reason why offices are away from the headquarters is the non-availability of premises. May I ask why the Government are not using their powers to requisition under the Rent Control Order suitable premises? "

THE HON. DR. T. S. S. RAJAN :—" It is, I suggest, not an urgent matter. The offices now located do function in their new places satisfactorily. I do not think any urgent action to displace and demand houses under emergency regulations arise."

SRI R. SURYANARAYANA RAO :—" May I ask if the Government have considered the desirability of shifting more offices to the mufassal in view of acute housing accommodation in the City? "

THE HON. DR. T. S. S. RAJAN :—" The matter is under the consideration of the Government. The Government have absolutely no information in the matter and they are trying to allocate the offices as are available both in the interest of public and the officers concerned. Whether it will function satisfactorily in Madras or in other places depends upon the availability of buildings. So the Government are considering the question and when suitable buildings become available these offices will be transferred."

SRI S. B. ADITYAN :—" Is it not better to have all Provincial Offices in Madras having regard to the location of the City in the centre of the Province as it is now situated? "

THE HON. DR. T. S. S. RAJAN :—" It does not seem absolutely necessary."

Issue of wholesale and retail licences to the old cloth dealers in Chingleput.

* 152-A Q.—SRI C. N. MUTHURANGA MUDALIYAR: Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that the Government have issued instructions to the Collector of Chingleput district to issue wholesale and retail licences for all old cloth dealers in this district;

(b) whether it is a fact that some of these dealers have been found fault with and have been fined or suspended; and

(c) whether it is a fact that some of these dealers who have misbehaved have already been given licences?

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THE HON. SRI H. SITARAMA REDDI :—" In the original instructions issued by the Government for the guidance of Collectors, it was stated that the following points should be considered in the matter of selection of dealers :—

- (1) Whether the applicant was guilty of any grave violations of the previous control orders, such as, sale at high prices, refusal to sell, non-issue of bills, etc.
- (2) Whether there were general complaints against him. Such applications were to be excluded if the Collector was satisfied that the dealer was an undesirable.
- (3) Whether the applicant was guilty of strictly technical offences, such as, non-maintenance of registers, etc. Such applicants were to be considered only if there were no sufficient suitable applicants.

Several representations were received to the effect that dealers, who were long in the cloth and yarn business, were not selected in the present scheme of distribution of cloth and yarn in view of convictions for minor offences during the previous control and even in cases where the offences were of a technical or trivial nature. The Government after considering the question found that dealers who were acquitted and even those who were discharged had been indiscriminately excluded for consideration. They, therefore, decided that, that the following principles should be followed in the selection of old dealers :—

- (1) All those who had a licence at the time of last control should be eligible for selection except those who were guilty of grave violations of the previous control orders such as—
 - (i) sale at prices higher than the controlled prices;
 - (ii) keeping of stocks in unlicensed premises; and
 - (iii) non-issue of bills.
- (2) No serious view should be taken of mere warnings, convictions for petty offences and suspension of licences.
- (3) All cases of withdrawal of prosecutions, discharges or acquittal should not be viewed seriously.

The Government believed that the application of these principles by the Collectors would make way for deserving old wholesalers and retailers who were left out. They, therefore, instructed all Collectors including the Collector of Chingleput to fill up all existing vacancies by selecting old dealers who became so eligible, in preference to newcomers. No other instructions have been issued to the Collector of Chingleput. These instructions, it will be seen, never contemplated the licensing of old dealers guilty of serious offences; nor did

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they permit the licensing of dealers whom the Collector considered undesirable. If the Collector of Chingleput has licensed any such dealer he is clearly in the wrong, but the Government have no information."

SRI C. N. MUTHURANGA MUDALIYAR:—"Is it in the interests of the public that those dealers who have misbehaved should be given licence?"

THE HON. SRI H. SITARAMA REDDI:—"Government do not propose to punish a man in advance not knowing what offences had been committed. Unless we have something definite against a particular man it is not possible to say that he must be excluded for no ground understandable."

SRI C. N. MUTHURANGA MUDALIYAR:—"I do not want anybody to be punished in advance. I do not know how he classifies as trivial offences and serious offences."

MR. PRESIDENT:—"No statement now. Question if any, may be put."

SRI S. B. ADITYAN:—"May I know whether Government have issued any instructions not to grant licences for dealing in cloth or yarn to the Members of this House or the Assembly?"

THE HON. SRI H. SITARAMA REDDI:—"No."

SRI M. NARAYANA RAO:—"Are they not excluded?"

THE HON. SRI H. SITARAMA REDDI:—"They are not excluded."

SRI M. NARAYANA RAO:—"Is it the policy of the Government not to give to the members?"

THE HON. SRI H. SITARAMA REDDI:—"It must be sufficiently clear what the policy is. If a member had been doing cloth business already I do not see why he should be excluded simply because he is a member of this House."

SRI C. N. MUTHURANGA MUDALIYAR:—"Are there any members who were doing cloth business under licence?"

THE HON. SRI H. SITARAMA REDDI:—"I do not have any information and I do not think it worthwhile to collect the information."

SRI C. N. MUTHURANGA MUDALIYAR:—"Will the Government call for the information?"

THE HON. SRI H. SITARAMA REDDI:—"I suggest that there is no purpose served."

SRI M. NARAYANA RAO:—"Will the Government consider that Congressmen should not be given licences?"

THE HON. SRI H. SITARAMA REDDI:—"The policy of Government has been stated and I have nothing more to add than what I have stated. There is no question of preferring

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a particular class or group of people. It is the Collector that has been empowered to select the dealers. If he feels that a particular section or class of people in view of their past connexion, are fit to do business efficiently then it does not preclude him from selecting them."

SRI C. N. MUTHURANGA MUDALIYAR:—"Is it the policy of the Government to engage only dealers in urban areas calling upon the villagers to travel long distances to purchase cloth?"

THE HON. SRI H. SITARAMA REDDI:—"Only with a view to solving such difficulties that may possibly arise the Collectors of the districts have been given full discretion in regard to the location of the shops as they think best."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Have the Government instructed the Collectors that those who have been barred on account of misconduct in carrying on their business should not be granted licences?"

THE HON. SRI H. SITARAMA REDDI:—"As I have just stated, Sir, there were cases where certain people were excluded on the ground that some warning was administered to them under the previous control orders but they were otherwise thought fit. Now the Collectors have been advised, if they are satisfied that the previous warning was for something trivial they could ignore it and grant a licence."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Has the Collector of Chingleput district recommended any cases other than the cases which were recommended by the Committee unanimously? I am a Member of the Committee and I understand that there was a unanimous recommendation of the Committee and the Collector of Chingleput has deviated from that unanimous recommendation and made separate recommendations."

THE HON. SRI H. SITARAMA REDDI:—"I may correct the impression of the hon. Member, Sir. The Committee is only advisory. The Collector is the person who is responsible for licensing and he has got the power to deviate if he likes."

SRI S. B. ADITYAN:—"May I know, Sir, whether the Government are aware of the resolutions passed by the Andhra and Tamilnad Congress Committees that Congress Members of the Legislature should not apply for or accept licences for dealing in controlled commodities?"

THE HON. SRI H. SITARAMA REDDI:—"It is exactly the business of the Congress Committee concerned to look into these matters and not that of the Government."

SRI R. SURYANARAYANA RAO:—"May I know, Sir, if any Collector has committed indiscretions and if they are brought to the notice of the Government, whether they will set them right?"

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THE HON. SRI H. SITARAMA REDDI:—"That is being done, Sir."

SRI N. VENKATACHALAMAJI:—"Are warnings which were given considered as punishments, Sir?"

MR. PRESIDENT:—"The Hon. Minister has already answered the question."

SRI M. K. SUNDARAMA AYYAR:—"பழைய லைசென்ஸ் ஆட்களுக்கு இப்பொழுது லைசென்ஸ் மறுக்கப்பட்டு புதிய வியாபாரிகளுக்கு லைசென்ஸ் கொடுக்கப்பட்டிருப்பது சரியா?"

MR. PRESIDENT:—"I understand the question is why old people who were there have been thrown out and new people have been given licences in Madura மதுரையில் தானே? (to the hon. Member) (Sri Sundarama Ayyar: 'ஆமாம்')."

THE HON. SRI H. SITARAMA REDDI:—"As I have already stated, Sir, the Government have been trying their best to see that as many of the old dealers as have no bad reputation are absorbed. The Collectors have been given discretion, as I have said, Sir, by a modified order recently issued that if there are such hard cases they could do justice."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"Are the Government aware, Sir, that because they have asked the members of Legislative Council and Assembly to be consulted there is a lot of trouble? If the Collector is allowed to have his own way I think the Government can directly check and take action. Inasmuch as the members of Legislative Assembly and Council are asked to interfere the Collector himself is not able to do justice in the matter."

THE HON. SRI H. SITARAMA REDDI:—"As a first thing, Sir, I must protest against the hon. Member's allegation that the Members are asked to interfere. I must protest, Sir, that we have not asked the Members to interfere. They were asked to advise and if any hon. Member has gone and interfered with the Collector, the Collector has got sufficient powers to over-rule the interference and exercise his own judgment. As I have already stated the responsibility in the matter is entirely that of the Collector and hon. Members are consulted only in an advisory capacity."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"No doubt, Sir, hon. Members are consulted and they may not interfere. But they take the law into their own hands and the Collector is powerless."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"May I know, Sir, why the Government have asked all the Members of the Legislative Assembly and the Legislative Council to go to the Collector and advise? I got a note like that stating that there were 797 applicants. We were asked to give advice to the Collector as to which of them should be given licence. May I know, Sir, whether Members of the Legislature as such have

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any particular knowledge on this subject and whether it may not be open to question that undue influence may be put upon them by others to get selected even though they may not deserve to be selected?"

THE HON. SRI H. SITARAMA REDDI:—"They are supposed to have knowledge, Sir, of the Who is Who in their constituencies. That is why, Sir, it was thought that it would be better to associate their knowledge and information so that the Collectors might have their guidance. It was done purely to help the Collector to arrive at a correct decision. If any hon. Members do not want to associate themselves with this they need not go there at all."

DR. SIR A. LAKSHMANASWAMI MUDALIYAR:—"In view of the fact that there is a general impression both in the trade and outside that the Collector may or may not be guided by them, will the Government please see that in future if Members of the Legislature are to be allowed to advise on any matter, they will be persons capable of giving advice and not simply because they are Members of the Legislature?"

THE HON. SRI H. SITARAMA REDDI:—"I shall certainly take the hon. Member's suggestion, Sir."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"In view of the answer given by the Hon. Minister, may I know, Sir, whether he made any enquiries as to why in spite of the unanimous recommendations of a particular Committee of the district, the Collector went against that recommendation?"

THE HON. SRI H. SITARAMA REDDI:—"I have no information at all, Sir, that the Collector has gone beyond the recommendations of the Committee. In fact the Government do not get any copies of what the advisory Committee has recommended. The Government only get a letter saying that the following are the people recommended and it goes to the Provincial Textile Commissioner who scrutinizes and sends it on and then it is again scrutinized by the Secretariat and orders are passed."

ABDUL LATIF FAROOKHI SAHIB BAHADUR:—"Has not a short notice question by Sri Muthuranga Mudaliyar suggested, Sir, that the Collector of Chingleput has gone against the unanimous recommendation of the Committee?"

THE HON. SRI H. SITARAMA REDDI:—"I do not know that, Sir."

SRI S. B. ADITYAN:—"Is there not adequate stock of textile goods in the Province, Sir, to justify the abolition of the whole system of licensing, etc.?"

THE HON. SRI H. SITARAMA REDDI:—"That is a matter for the Government of India, Sir."

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K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ Is it not a fact, Sir, that while the role of the Members of the Legislature is said to be only advisory, as a matter of fact the advisory capacity develops into actual interference on account of . . . ”

MR. PRESIDENT :—“ Let me tell the hon. Member that the original question does not at all deal with the Members of the Legislature being Members of that Committee. If I have allowed some questions, it was because I thought that the public might be interested to know some of these things. But I am afraid too much advantage is being taken of that. When the House discusses the textile policy hon. Members can discuss these things.”

Supply of yarn to handloom weavers in Chingleput.

* 152-B Q.—SRI C. N. MUTHURANGA MUDALIYAR : Will the Hon. the Minister for Industries be pleased to state—

(a) whether it is a fact that the handloom weavers in the Chingleput district are suffering very much owing to dearth of yarn;

(b) whether it is a fact that the yarn supplied are of lower counts of 30s or 40s;

(c) whether it is a fact that the weavers in the district required only 60s and 80s;

(d) whether the Government propose to make arrangements to get only 60s and 80s of yarn and distribute it where it is mostly required;

(e) whether it is a fact that the mill-owners purposely produce lower counts of yarn instead of higher counts in order to make the Government's control ineffective;

(f) whether it is a fact that finer counts of foreign yarn are being imported in Madras;

(g) whether it is a fact that this foreign yarn is sold at black-market prices;

(h) whether there are no means of controlling the prices of such foreign yarn; and

(i) whether the Government hope to succeed in their control without controlling the prices of foreign yarn?

THE HON. SRI H. SITARAMA REDDI :—“ (a), (b) & (c) The information is not available in the Secretariat and a report is being called for.

“(d) The production of finer counts within the Province is very limited and every effort will be made to distribute equitably the available quantity of 60s and 80s among the districts that need them.

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“(e) Finer counts are spun out of imported cotton the prices of which were very high till recently. Certain mills were therefore forced to discontinue spinning of higher counts, as their production was not economical.

“(f) Yes.

“(g) The price of foreign yarn is not controlled.

“(h) At present the Government of India are not in favour of controlling the prices of foreign yarn, apparently because the quantities are not expected to be appreciable.

“(i) As the quantity of imported yarn is very small, its prices will not affect the present scheme of yarn control.”

Direct recruitment in the Police department.

* 154 Q.—SRI M. NARAYANA RAO :—Will the Hon. the Minister for Food be pleased to state—

(a) how many officers have been directly recruited as Deputy, Assistant and District Superintendents and how many have been promoted from the ranks to the said posts in the Police department in the Presidency recently; and

(b) whether it is a fact that no Andhra has either been recruited directly or promoted from the ranks to the said posts recently?

THE HON. DR. T. S. S. RAJAN :—“ (a) The following are the particulars of officers recruited since 15th August 1947 :—

I. Officers directly recruited—

Deputy Superintendents of 5 Two Andhras.
Police.

Assistant Superintendents of 7 One Andhra.
Police.

District Superintendents of .. There is no direct
Police. recruitment.

II. Officers promoted—

Deputy Superintendents of 49 Twelve Andhras.
Police.

Assistant Superintendents of .. There is no promotion
Police. to the rank of Assistant Superintendents of Police.

District Superintendents of 25 Six Andhras.
Police.

“(b) The answer is in the negative.”

SRI M. NARAYANA RAO :—“ May I know, Sir, why only one Andhra has been selected as an Assistant Superintendent of Police out of 7? ”

THE HON. DR. T. S. S. RAJAN :—“ I do not think, Sir, that this sort of promotions and selections are made on a

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linguistic basis at all. Moreover people in the higher rank in the Police department are under the control of the Government of India. They make the selection and recommend the candidates to us. Besides many of the Superintendents of Police are people who were drafted from the Army because they have served well in the Army and they were also recommended to us by the Federal Public Service Commission. They are not concerned with all these things as from which areas people come. They have a selection list out of which they make recommendations and we of course take such people as we want out of the list they submit to us."

SRI S. B. ADITYAN:—" May I know, Sir, who makes the selection for direct recruitment of the Deputy Superintendents of Police? "

THE HON. DR. T. S. S. RAJAN:—" The Government of Madras, Sir."

DR. V. K. JOHN:—" In the matter of selection of officers, Sir, should not the Government take into consideration their merits irrespective of the linguistic areas and communities? "

MR. PRESIDENT:—" The Hon. Minister has already said so."

THE HON. DR. T. S. S. RAJAN:—" Sir, the basis of selection is only on merit. It is not a question of area at all or communities except in the case of the depressed and backward classes where a particular preference is given to people qualified for the job."

SRI N. VENKATACHALAMAJI:—" May I know, how many of these people are Tamilians, Sir."

THE HON. DR. T. S. S. RAJAN:—" I suppose, Sir, all those who are not Andhras are Tamilians."

DR. V. K. JOHN:—" Is it the view of the Hon. Minister, Sir, that all those who are not Andhras are Tamilians? What about the Malayalees and others, Sir."

THE HON. DR. T. S. S. RAJAN:—" The majority of them are certainly Tamilians, Sir. There may be an intermixture of a few Malayalees and Kannada speaking people."

DR. V. K. JOHN:—" My question was, Sir, whether Malabar has already been absorbed into the Tamilnad? " (Laughter.)

THE HON. DR. T. S. S. RAJAN:—" I am inclined to think, Sir, that Malabar is over-represented in the service."

Change in the names of municipalities and panchayat boards.

11-30
a.m.

* 155 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Local Administration be pleased to state—

(a) how many municipalities and major and minor panchayat boards have changed their names since 15th August 1947;

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(b) the old and new names of such municipalities and panchayat boards;

(c) what were the reasons for the changes;

(d) what procedure was adopted in changing the names;

(e) whether any, and what persons or associations were consulted as to the suitability of the new names, before the changes of names were effected; and

(f) whether the Postal and Railway authorities have agreed to the change of names?

THE HON. SRI K. CHANDRAMOULI:—" (a) & (b) The names of seven municipalities and twelve panchayats have been changed since 15th August 1947 as shown in the appended statement^a. The change of names of four of these panchayats is only in respect of their spelling in Tamil."

" (c) The change of names of municipalities and panchayats was necessitated by the change of names of the revenue villages concerned. The names of the revenue villages were changed to rectify the corrupt forms in use."

" (d) & (e) The procedure laid down by section 4 of the Madras District Municipalities Act, 1920, and by section 5 of the Madras Local Boards Act, 1920, was followed in respect of municipal councils and panchayats respectively."

No individual or association was consulted on the change of names. In the case of municipalities, the notifications proposing the alteration of the names were first published in the *Fort St. George Gazette*, inviting objections and suggestions and in the case of panchayats, the respective panchayats were consulted. The notifications were confirmed after considering the objections and suggestions, if any, received thereon.

" (f) The Postal and Railway authorities were not consulted but copies of the orders were sent to them."

DR. V. K. JOHN:—" What are the main reasons for this change of names? "

THE HON. SRI K. CHANDRAMOULI:—" As I have told you, corruption of spelling and also ingenious names which have been devised due to circumstances. These have been brought to the notice of the Government and the Government wanted to rectify the mistakes."

DR. V. K. JOHN:—" What did it cost the Government to rename those places? "

THE HON. SRI K. CHANDRAMOULI:—" The cost was very insignificant if there was anything at all."

SRI R. SURYANARAYANA RAO:—" May I know whether there is any meaning attached to this changed name. 'Cheran Madevi'?"

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THE HON. SRI K. CHANDRAMOULI :—" I do not know what the meaning is but there is a meaning according to the Tamil spelling."

THE HON. DR. T. S. S. RAJAN :—" May I inform the hon. Gentleman that these names have a meaning. These original Tamil names had a meaning but by successful transmutation, they have been pronounced to suit the English language and English accents and the changed names have no significance. But the original Tamil names do have a meaning."

SRI S. B. ADITYAN :—" May I know whether some of these names which have been changed had been in usage by the public for a very considerable time? If that is the case, may I know what is the object of this change in names?"

THE HON. SRI K. CHANDRAMOULI :—" As I have already said, the object is to restore the original names which have some meaning but which have become corrupt in the local area owing to various factors. With this object, the names have been changed."

SRI C. N. MUTHURANGA MUDALIYAR :—" Is it a fact that these changes are made at the request of the villagers?"

THE HON. SRI K. CHANDRAMOULI :—" It may not be necessarily at the request of villagers that these names have been changed."

SRI R. SURYANARAYANA RAO :—" May I know whether the villagers are prepared to accept the 'Cheran Madevi' instead of 'Shermadevi'?"

THE HON. SRI K. CHANDRAMOULI :—" They are prepared to accept the name 'Cheran Madevi'."

MR. PRESIDENT :—" May I know what is the meaning of that name 'Cheran Madevi'?"

THE HON. DR. T. S. S. RAJAN :—" It means 'the great wife of King Chera'."

SRI S. B. ADITYAN :—" May I ask the Government whether they have given wide publicity, particularly in the affected towns and villages about the change of names?"

MR. PRESIDENT :—" The hon. Member need not trouble himself about that."

THE HON. SRI K. CHANDRAMOULI :—" No objection was raised by them."

SRI R. SURYANARAYANA RAO :—" Will the Government bring this fact of the change of names to the notice of the Postal and Railway authorities because, even though the name of Trichinopoly is changed into Tiruchirappalli, still the postal mark shows 'Trichinopoly'?"

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THE HON. SRI K. CHANDRAMOULI :—" Orders have been communicated to the Postal and Railway authorities and they have already taken action on these matters."

Manganese ore exported from the Vizagapatam Port.

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

(a) the quantity of manganese ore that was exported from Vizagapatam Port in 1947-48;

(b) to what countries it was exported;

(c) the names of the exporting firms; and

(d) whether the Government have any proposal to utilize the ore for any industry in the country?

THE HON. SRI H. SITARAMA REDDI :—" (a) to (c) This Government have no information as 'exports' are controlled by the Government of India.

" (d) Manganese ore will be required if a steel factory is located in this Province, but we have more ores than we would need."

SRI M. NARAYANA RAO :—" May I know whether the erection of any steel factory in this Province is under the contemplation of the Government?"

THE HON. SRI H. SITARAMA REDDI :—" This question relates to manganese ore exported from Vizagapatam?"

SRI M. NARAYANA RAO :—" I want to know whether there is any proposal to erect a steel factory in this Province for the utilization of the manganese ore in that factory."

MR. PRESIDENT :—" The Hon. Minister may tell the hon. Member whether Government intend to start a steel factory in this Province."

THE HON. SRI H. SITARAMA REDDI :—" This Government has been in correspondence with the Government of India about the erection of a steel factory in South India. The Government of India propose to install one or two steel factories in India and the Madras Government are corresponding with them with regard to the location of one of those factories in this Province."

SRI R. SURYANARAYANA RAO :—" In view of the fact that ore is exported from our Province, is it not the duty of the Government of Madras to possess statistics of the ore that is being taken out of our Province? If not, will the Statistical Department be entrusted with the work of compiling statistics of whatever is exported from our Province? Statistics of such exports should be available to this House and to the Government because they are our resources."

THE HON. SRI H. SITARAMA REDDI :—" I quite realize that they are our resources. But, export is a subject that is dealt

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with by the Government of India. We consider ourself as part of India. But, if it is considered necessary that the Provincial Government should compile statistics of all the things exported from this Province, that question will be taken up with the Statistical Department."

SRI N. VENKATACHALAMAJI:—"If the quantity of manganese ore is more than what we require, what is the necessity to continue the controls on iron and steel?"

MR. PRESIDENT:—"It does not mean that you can get all the steel out of the ore."

Payment of dearness allowance to teachers.

* 157 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) whether the Government have ordered payment of dearness allowance to teachers in elementary schools under all managements;

(b) what is the basis on which dearness allowance is to be paid to teachers in aided elementary schools;

(c) whether the managements are also required to revise the salaries of elementary school teachers and grant them weightage; and

(d) if the answer to (c) is in the affirmative, whether the Government have agreed to increase grants-in-aid in deserving cases?

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

"(a) Yes.

"(b) Dearness allowance is to be paid to teachers in aided elementary schools at the rates applicable to Government servants with effect from 1st January 1948, the actual amount payable to each teacher being fixed with reference to the scale of grant admissible to him.

"(c) All managements of elementary schools are required to pay the teachers under their employ in accordance with the revised scale of grants fixed by the Government with effect from 1st January 1947. It is open to the managements to give weightage for the services of teachers under them.

"(d) No."

SRI R. SURYANARAYANA RAO:—"In view of the fact that orders have been issued asking local bodies to give weightage in respect of teachers employed under them, will Government consider the desirability, in order to have a contented elementary school staff, of advising the different managements to give weightage also to the staff under them and to make good any loss that they sustain on that account by increased grants?"

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

"I very much sympathize with the suggestion, but with the Government's finance, as they are, it is difficult to do this."

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

II.—FOOD SITUATION IN THE PROVINCE.

* THE HON. DR. T. S. S. RAJAN:—"Sir, I have placed in the hands of hon. Members a statement on the food situation in this Province. In fact, this is a second statement in addition to the one which I have distributed to the members some time ago. I had hoped that a discussion on the food situation would take place in the Assembly and at that time, I prepared an exhaustive statement for the information of the members of the Assembly and at the same time, I distributed copies of the same to the members of the Council as well. Unfortunately, there was no discussion possible in the other House and it has become possible in this House. The other statement was submitted about four weeks ago and it is not quite up-to-date. Therefore, I thought it better, in the interests of the discussion, that the Government should make a fresh statement and I have distributed copies of the fresh statement to the members of this House. I am sure everyone has got a copy of the statement in time to enable him to go through it so that he may be in a position to offer such criticism or advice as may be necessary. I would reserve what I have got to say at the end of the discussion so that I may answer the criticisms of hon. Members and I might then give them the answer which would explain the position more satisfactorily. I move, Sir, that the food situation in the Province be considered."

MR. PRESIDENT:—"In view of the fact that it is proposed to discuss three motions of the Government in one day, what shall be the procedure? Is there time to-day for all the three motions? I think there must be some time limit. Otherwise, we cannot take up all the three motions."

THE HON. DR. T. S. S. RAJAN:—"I would like to suggest that the question of food be taken up first."

MR. PRESIDENT:—"I understand that, but hon. Members would like to discuss all the three motions in which case we have to set apart specific time for each motion."

DR. V. K. JOHN:—"If there is time, I would like all the three motions to be taken up."

MR. PRESIDENT:—"If hon. Members want all the three motions to be taken up to-day, then, I would divide the time into three parts: food discussion will end at a certain time; afterwards discussion on the textile policy will begin and end at a certain time and so on. I have no objection if hon. Members want to go on discussing for a longer time."

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THE HON. DR. T. S. S. RAJAN :—" I would like the food debate to be taken up in the morning and the other two in the afternoon."

MR. PRESIDENT :—" Is the House prepared to take the whole day on food discussion and to leave the others?"

DR. V. K. JOHN :—" I would like all the three motions to be taken up and finished to-day."

THE HON. DR. T. S. S. RAJAN :—" We would like to give more attention to the food problem."

MR. PRESIDENT :—" Then, I think, it is better you find some time for the food debate."

DR. V. K. JOHN :—" The suggestion of the Leader of the House may be accepted."

MR. PRESIDENT :—" The food debate will close before lunch; in view of that, I want to know how many members would like to speak on this so that I can fix a time-limit. Does the Hon. Leader of the Opposition want half an hour?"

DR. V. K. JOHN :—" Fifteen minutes is sufficient for me."

THE HON. SRI H. SITARAMA REDDI :—" I take it that the textile debate will come in the afternoon."

MR. PRESIDENT :—" Yes, the Hon. Minister may go now if he wants. (Laughter.) Evidently he has not taken his food."

* DR. V. K. JOHN :—" Sir, we are very much thankful to the Hon. Minister for Food, not only for having taken up this food discussion first, but also for having given us details, details which we could not have known otherwise. It clearly shows that he has taken the hon. Members of this House and the public as well into confidence. As I have said on many occasions, the food problem is not a party problem at all. And generally, the public have been very much satisfied with the way the problem has been tackled by Government from time to time. After all, there was a mistake due to decontrol, but that mistake was not due entirely to this Government, but the Government of India wanted the Provincial Government to make a trial, by relaxing controls. And moreover, the trial was also worth making. Now that we are going from decontrol to control once again, I feel that Government have done their best in this matter, in the interests of the public. Although the Hon. Minister is to be congratulated in the manner in which he has tackled the food problem, in such a way that there has never been any famine or starvation in our Province, still, I am afraid the food problem remains very acute. As far as I could see from the Hon. Minister's statement, that if there is no prospect of the Government of India allotting ten lakhs of tons of rice for our Province this year, this Government may not be able to give 12 or even 8 ounces per head per day. I would like to know from the Hon. Minister, whether it would

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assist him, if this House passes a resolution requesting the Government of India to grant us these ten lakhs of tons this year. But he stated some time back that a resolution is not required, since the Government of India are doing their best. But for my part, I feel such a resolution is necessary to acquaint the Government of India with the fact that such an allocation is desired by all sections of this House, and by the public as well."

MR. PRESIDENT :—" Is there any motion given by the Leader of the Opposition on this or anything else?"

DR. V. K. JOHN :—" I would like to know from the Hon. Minister, whether we are to have only a general discussion, or whether we are to discuss a motion as well?"

MR. PRESIDENT :—" I do not think Government would like to bring in a motion now. If the hon. Member wants, he can make such a motion."

DR. V. K. JOHN :—" Then, Sir, I would like to move—

and upon such consideration this Council recommends to the Government to press upon the Government of India to allot ten lakhs of tons of foodgrains over and above the allotments already made this year to tide over the serious food situation in the Province.

" There are one or two important points I would like to deal with. The first is with reference to the price paid to the agriculturist. Sir, more than anything else, more than procurement or distribution—production is very important. Government are devoting their attention to this aspect of the problem also, but what has been done so far is not sufficient. The price given to the producer is to be considered. In fixing the price the reason given is that the price to be paid by the consumer should not be increased. But I am afraid the cultivator, i.e., the producer might leave his lands uncultivated, if he does not get a fair return for his produce.

" Some months ago, while I was travelling from Madura to Madras by train, I was told that a proprietor of land owning a few hundreds of acres was hesitating to bring these into cultivation, and was thinking whether it was not sufficient for him to cultivate what is really required for his own personal consumption. The reason given was that it was very risky to cultivate the lands, for one has to depend on the monsoon, and further the cost of cultivation has gone up, and if he undertook to cultivate a few hundreds of acres, he might be a loser by a few thousands of rupees; and so he thought it much better not to undertake that risk. Such being the case, my submission is that unless the producers' interests are also looked to, in the matter of the fixation of prices, the Government will not be encouraging cultivation at all. It is easy to advise the cultivator to cultivate his lands in the larger interests of the people of this Province. But agriculture is an industry, wherein the human element, i.e., the motive for a profit must be supplied, in order that more food may be produced. Government must go

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into this question in greater detail, and should not merely look at the consumers' point of view. The price which the consumer has to pay is the one that the Government have to fix and perhaps subsidise. The producer must have at least a small margin left with him, which will encourage him in his agricultural industry. But at the same time, I am very anxious that the consumer should not be asked to pay much more than what he could afford. In that case, certainly Government must come to the rescue of the consumer.

"Actually, Sir, I would like to put a specific question to the Hon. Minister. How much money has been spent in subsidising food?"

THE HON. DR. T. S. S. RAJAN :—"3.26 crores of rupees, up to 1st October 1948."

* DR. V. K. JOHN :—"Sir, a huge amount has been spent by Government in subsidising the food given to the consumers. I cannot ask them to spend anything more. There is therefore this dilemma. The producer must have a small margin to himself. The consumer should not be asked to pay a price which he could not afford. And our Government cannot afford to subsidize food any more. I should like to know what is the position taken by the Government."

"Another question I would like to ask the Hon. Minister is this. What is the rise in prices on account of the decontrol, and what was the price during the pre-war period?"

"Sir, the question of production is very important. The world situation with regard to rice is not quite good, and the Government of India could not import as much as they would like to, and so they may not be able to allocate more than 6 lakhs of tons to this Province. It is therefore all the more important that we must have a plan to increase production. I am not criticising the Government or telling the public that they have not paid any attention to this problem. I am only pointing out that greater attention should be paid. And in this connexion, I would like to tell hon. Members, what I heard from a friend of mine recently."

"The other day, I had a talk with Mr. S. Ananthakrishnan, Chairman of the Board of Directors of Messrs. Simpson and Company, who had been to America to visit industrial centres. He visited not only industrial centres, but even agricultural centres. One agricultural centre which he visited was the Imperial Valley in California, about 1,200 square miles in extent, which has been brought under cultivation, in spite of the fact there has been no rain at all in that place, not even a drop of rain had fallen there for the last 75 years. The temperature there ranges between two extremes—120°F in the shade in summer, and below 0°F in winter. But the soil was very well suited for cultivation. And one American conceived the idea of bringing water to that plot from a place 400 miles away. And the American Government came to his aid, with the result that to-day about 100 million dollars worth of corn and fruits are being produced there, in that

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desert area. The produce repaid many times the expenses for bringing water from a far off place. And when that gentleman left that place, selling away his interests in the land, he was asked to give a message to the public. The only message he gave was this: "When you want rain, do not pray to God, but merely telephone." The system which he introduced was to divide these 1,200 square miles of land, into plots of about 160 acres and build a small house, and install a telephone for each plot. And the person who takes up that plot for cultivation wants to utilise the water coming from a place 400 miles away, he has merely to insert a dollar into a slot, and telephone for water. And in a few minutes, thousands and thousands of gallons of water would begin to pour in on the plot. And if there is no response within 15 minutes' time, then no price need be paid for water. Thus, the owner of the land gets water for cultivating it, within 15 minutes' time, and has to pay very little for it.

"The Government may not now be able to undertake big irrigation works. For instance there is one project which is intended to supply water to the City of Madras. I think that private enterprise may be encouraged in this field. Sir, America does not depend on an export economy so much as Britain does. It consumes 95 per cent of what it produces and does not depend on exports. The Americans are now willing to invest 500 million dollars here provided the money is returned to them within twenty years and they are paid a dividend of 6 per cent if 6 per cent or more than 6 per cent profit is earned and a dividend of less than 6 per cent if less than 6 per cent profit is earned and no dividend if no profit is earned. But they would like the capital to be returned to them in twenty years. I had occasion to mention this to some of the Hon. Ministers and I think they are seriously considering what could be done. I ask the Government to encourage private enterprise in the matter of irrigation, electric supply and supply of seeds and implements to the agriculturists. The Government must clear the prejudice of the agriculturists against the adoption of scientific methods. It is a very difficult task. I do not think that our Government's heart is not in it. The Government are doing their best."

"Sir, I do not find in this paper which is circulated to us any reference to production. It is concerned only with procurement and distribution. Various complaints have been heard that, in the name of procurement, discrimination is made as between individuals on account of the petty prejudices of the officials who are engaged in the work. Is the procurement based on the area cultivated, on the produce estimated or something else which is equitable so that people may not complain that some persons who have produced large quantities are not asked to give up everything while others who produce less are asked to give up everything and find it difficult to get on? In the matter of procurement, greater attention must be paid or more particular attention must be paid by the Hon. Minister for Food, so that it may be equitable and people may feel that no discrimination is made."

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"As far as distribution is concerned, I think rationing ought to be brought into force immediately. We had the rationing system some time before and I do not see why it should not be introduced immediately. Is it because we have not got sufficient stock and we have to procure sufficient stock for distribution? Or is it because we want to have the complete machinery in operation? It might be both. But I know the difficulties the people have to undergo, especially in Chingleput district, for getting their rice.

"Sir, in this connexion I would like to draw your attention to one matter which may not be directly pertinent to the question we are discussing but which is pertinent from a general point of view. I have mentioned this matter to the Hon. the Premier and to my Hon. Friends on the other side several times. I think we should introduce a law to punish black-marketing. We have to pay more for foodstuffs and we cannot afford to pay more for other things also such as cloth and other necessities of life. During war time we had a law restricting profits to 20 per cent of the cost of production of things produced here and 20 per cent of the landed cost on imported articles. The Government should bring forward a Bill to prevent black-marketing in all articles, now that the price of everything has gone up, including bus fares. I do not blame the Government. It is very necessary that the Government should as quickly as possible introduce a law which will prevent black-marketing so that the average consumer may be benefited.

"Sir, I thank the Hon. Minister once again for bringing this matter before the House for discussion. The usefulness of the Council is maintained, as we expect the Hon. the Leader of the House himself to maintain it. I move, Sir, that—

'and upon such consideration this Council recommends to the Government to press upon the Government of India to allot ten lakhs of tons of foodgrains over and above the allotments already made for this year to tide over the serious food situation in the Province.'"

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—

"Sir, I also join the Hon. the Leader of the Opposition in congratulating the Government on reintroducing controls, though the main reason given for this is not the short-supply of goods but the necessity to check inflation. Whatever the main reason may be we know that controls have come back. Last year when the Government of India decided on decontrol, we warned the Government that decontrol especially of foodgrains would cause misery to the poor people. The rich can afford to buy in the black-market, but the poor cannot. I am glad that the Government from their own experience of decontrol have come back to the old position and decided to reintroduce controls. We hope that the Government will see that the controls work satisfactorily. I have great pleasure in seconding the motion of Dr. John requesting the Government to obtain from the Government of India ten lakhs of tons of foodgrains. We all know how last year

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for want of sufficient food several parts of our province were put to great difficulty and how there were some deaths due to starvation in some places. I must congratulate the Hon. the Minister for Food for rushing food supplies then especially to places like Tinnevely and Ramnad and averting further starvation deaths. The Government must urge on the Government of India the necessity of further supplies of food so that the people may be enabled to keep their body and soul together.

"Sir, I understand that the world food situation is not so difficult as last year. News received from Australia, United States of America and Argentina show that the wheat crops there have been unprecedented and that the problem is not one of shortage but of finding markets for disposal. Therefore the Government of India must take early steps to get the necessary wheat from those countries. They need not have to pay heavy price as they did last year as there is keen competition among those countries for marketing their wheat. Last year the United States of America refused to accept the recommendations of the Food and Agricultural Organization of the United Nations. Now there is a possibility of the Congress of the United States agreeing to the recommendations of the F.A.O. We may be able to get large quantities of wheat this year. As the Hon. Sardar Patel said at Benares, we have to pay heavily even for freight. But we have to save the people from starvation and we have to spend huge amounts in getting the grains from abroad until we are able to produce sufficient food in our own country by improved methods of agriculture. It is true that various irrigation schemes are now contemplated, but till they come into operation there will be difficulty in making the country self-sufficient. The available irrigation sources will have to be used with greater results. The agriculturists may be supplied with the necessary electric power, manure and implements quickly.

"Sir, I must congratulate the Government on having decided to increase the price of paddy and rice. It is a very necessary step. We have been requesting the Government to do it, especially as the cost of living and the cost of cultivation have increased enormously. This increase ought to have been made long ago, but the Government of India did not allow our Government to do it. Now I am glad that our Government have been able to induce the Government of India to allow an increase in the price of paddy. I do not know whether it is sufficient to meet the situation. If any further increase is necessary, the Government must look into the matter.

"As regards procurement, intensive procurement has been introduced in certain areas, and the statement of the Food Secretary says that; 'Informal rationing should be reintroduced in all the districts where intensive procurement is restored as soon as sufficient stocks are built up. Meanwhile, the relief shops will continue to supply rations to non-producers.' Will that be enough? On the one hand, stocks are taken away from the people; on the other

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hand, they are not given the minimum quantity required for them to make both ends meet. Is the supply given through relief shops sufficient? The other day when a question was put on the floor of the House, the Hon. Food Minister said that whatever supply the Government had had been distributed among the people. Is that enough? Should you not supply the people with the necessary amount of foodgrains? You take away the foodgrains from them, and at the same time you do not see to it that they get the necessary amount of food during the interval between intensive procurement and the introduction of informal rationing. This is a matter which should be looked into by the Government seriously. How are the people to maintain themselves until the necessary stocks are built up when only you will introduce rationing?

"One other small matter to which I should like to call the attention of Government is this: among the directions given by the Government of India, there is one relating to the polishing of rice. It is said: 'Polishing of rice should be banned so as to increase its nutritive value as also the quantity available for distribution.' We are all rice-eaters and we all know how people are anxious to have polished rice. Many people won't even touch rice which is not polished. Even the lowest class of people, the street dwellers, get their rice from the ration shop and polish it before cooking it. (A Member: 'Polished rice will bring beri beri.') The old theory was that polishing of rice would cause beri beri, but later the scientists have found that that theory is wrong, that beri beri is not caused by polishing of rice and that it is caused by something else. I think the Government of India issued a communique to that effect, if my recollection is not wrong. Sir, this question of prevention of polishing has been introduced by people who are not themselves accustomed to take rice. Looking to the general opinion prevalent among the people of this province, they should be allowed to polish rice for the purpose of cooking; otherwise, they will feel it very difficult to take rice. In fact, if you go along the streets of Madras, you will find the street dwellers polishing the ration rice. I have great pleasure, Sir, in supporting the motion."

DR. V. K. JOHN:—"This is my resolution (handing over the resolution to Mr. President)."

* SRI D. KRISHNAMURTI:—"Mr. President, Sir, the food situation is very grave to-day and requires the immediate attention of Government. We are only getting 8 oz. ration. At the instance of Mahatma Gandhi, the province gave up the rationing system except in the case of a few municipalities. The Government now want to retrace their steps and introduce rationing. I am one of those who do not believe that the situation could be improved by retracing our steps. In the municipal towns where rationing continues to-day, it is a matter of common knowledge that the Government have miserably failed to put down black marketing. Eight ounces rice ration given to us plus 2 oz. of other grains is hardly sufficient to make an individual live on it. This is responsible for a good deal of malnutrition. Nonetheless people are getting

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on because they are depending upon black-marketing. It is a matter of common knowledge that in places where there is no ration, prices have gone very high and people are getting what they want, except the poorer classes. That is the situation to-day. If you want to put down black-marketing once for all, you have to find out the causes that support this black-marketing and root them out once for all, so that it may not thrive again. There are two causes: one is the black-marketeer cannot sell rice in the market unless he gets his stock and he gets it from some place, naturally from the producers. Producers sell their grains to this person probably with the connivance of some underlings of Government at prices higher than what they get otherwise. One of the reasons for the producer to sell his grain to the blackmarketeer is that the price he gets is higher while the price offered by Government is hardly sufficient to meet his production costs. Wages have gone up very high and the ryot finds it very difficult to produce gram at the rate at which he is permitted to sell. Therefore, to make good the loss he would otherwise sustain, he is obliged to sell it to the black-marketeer. We must apply our minds to this problem from two standpoints; one is to introduce very severe legislative measures to put down blackmarketing and make it punishable with severe punishments, so that the merchants and others may not resort to it. There is no prospect for us to get more than 8 oz. ration for the next two or three years, because the situation around us in Burma, China and other places wherefrom we get rice, is bad; difficulties are being created there and it is likely they may be multiplied in the future. The 'grow more food' campaign has not produced any appreciable results. My hon. Friend Dr. John was just mentioning to the House the case of the Imperial Valley Scheme in the United States of America where production is carried on a large scale. In this connexion, I am glad to mention to this House that the Ramapadasagar project—which is being talked of very frequently in the Press—is capable of irrigating more than a million acres, thereby adding to the area of wet cultivation. (A Member: '15 years hence.') May be it is a question of the future but is there any chance of your meeting the food situation without increasing the production of rice? It is very unfortunate, Sir, to learn from some persons that the Government at the Centre is very lukewarm about this project. I ask; where is the prospect of our making ourselves self-contained with reference to food unless and until we do something to increase the production of foodcrops which is very vitally necessary? Ten years hence we may perhaps be able to get the required quantity of rice; but for the last four years we have been getting on on 10 oz., 8 oz. and probably it will become 6 oz. hereafter and we do not see any rosy picture or hope for the future unless and until the international situation improves. Therefore I suggest that the Government should pay more attention to the prevention of black-marketing and also to the enhancement of production by taking up immediately big irrigation projects.

"One thing more I want to say is that after decontrol was established there were not many cases of starvation in the areas where rice is grown and Government by their methods of procurement and transport have been able to transport paddy to places of

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scarcity and thus avoid instances like the Bengal Famine in this province. Much credit is due to the Government in that respect and I do not see why that system is to be changed. By the re-introduction of control the Government, the underlings of Government will only add confusion and our experience of these controls in various respects is very bitter indeed. I have been to several places in the mufassal where there are no controls and people there are not complaining that they are not getting what they want; their complaint is only about the prices. Government should therefore direct their attention to the control of prices. Another fact which stares us in the face is that even in areas where there is no control to-day, food is available either in the open market or in the black-market. That goes to prove that the total quantity produced is not so insufficient as the official figures of Government placed before us show, but the ryot does not give up his grain and it is being secreted. In the villages the karnam and the village munsif, the lower strata in the hierarchy of Government"

MR. PRESIDENT:—"Your remarks do not apply to the deficit districts?"

* SRI D. KRISHNAMURTI:—"I do not know about that; but I know that in East Godavari, West Godavari and Krishna, there are large quantities available, and people there do not find it very difficult to maintain themselves. And so long as the people get enough quantity of foodgrains, be it in the open market or in the black-market, the proposition stands proved that production is not insufficient to cope with the consumption in the province. What I suggest therefore is that the Government should pay more attention to this aspect, viz., the question of control—not control of rationing, but control of production and transport, so that the situation may ease. I do not very much believe that the Government of India will come to our rescue and give us more than six lakhs of tons of grain as they did last year. Our deficit is large, viz., six lakhs and the situation is not very hopeful. The Government must take the responsibility to see that there is no famine in any part of the province. As I said, the fact that there is sufficient quantity produced in the country is proved by the supply available in the blackmarket which unfortunately has escaped the vigilance of the Government in spite of their best efforts. My suggestion to the Government is that they should pay more and more attention to see that the ryot is satisfied, that he sells his grain in the open market and not in the black-market and that the persons who distribute in the black-market are penalized so that they may not hereafter resort to black-marketing. With these words, Sir, I support the motion of hon. Dr. John."

* SRI C. N. MUTHURANGA MUDALIYAR:—"Mr. President, Sir, at first I had no desire to intervene in this debate. It was usual for us to use, in connexion with the Congress resolutions some time ago, the words 'hardy annual.' Similarly, in this House we are having this hardy quarterly. Every time the Legislature meets, we have made it a point to discuss about food, and every

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time we discussed, we had the same point and we have not proceeded any further. (A member: 'Whose fault?') Everybody's fault, I think, from the villager upwards. Sir, I neither support nor oppose the resolution of my friend the Leader of the Opposition. The contents of the resolution have already been sent to the Government of India. The Madras Government have asked for ten lakhs of foodgrains for the Madras Presidency in order to manage the situation. But I am sorry that we should be content to ask for doles from the Government of India or from foreign countries and to distribute what we get among the people through ration shops or relief shops. Sir, we have all forgotten to follow Mahatma's teachings though we remember the name of Mahatma Gandhi.

"Sir, Mahatmaji, while he was alive, was advising everybody to produce their food and their cloth and be self-sufficient and never to wait upon foreigners to make these supplies. But we did try to produce ourselves and we also managed with the imported goods, sending a lot of money to foreign countries to purchase rice at a very high cost. Ultimately, Mahatmaji pressed the country to remove these controls, rationing and all that, primarily to put down the dishonest people of this country. Sir, people have become so dishonest that they began to corrupt officials. People are willing to corrupt the officials in order that they may earn money and the officials are willing to take money and shield them. That is how corruption and black-marketing are increasing and it is for that primary reason that Mahatmaji advised us to remove controls and accordingly controls were given up. But what has now happened? The Government of India have pressed upon us to the need for re-introducing controls. I do not know the advisers to the Government of India who initiated this move. They pressed upon the Government of India to re-introduce controls and the Government of India pressed it upon the Provinces and food control has been introduced in this Province. What is going to be done, I ask the Madras Government. Are they sure now at least, while introducing this control, their officers will behave in a straightforward manner and their agents will give up black-marketing and they will procure the maximum amount of foodgrains which the Government fix as target. I am not sure, Sir, that they will do so.

"Sir, I can quote one or two instances which occurred in recent days. Once the Firka Supply Officer had visited one of the relief shops near my place. When he was there, the people of the village collected together and told him that black-marketing was going on and foodgrains were being sold at higher prices. The Firka Supply Officer then looked into the account, measured the stock and found that 140 measures of rice were left unaccounted for in the account book. He made some fuss and the ration shop-keeper thrust ten ten-rupee notes into his pocket and everything dissolved. The Firka Supply Officer then went away to the disappointment of these villagers.

"Sir, wholesalers are given rice in large quantities for distribution among the relief shops. As soon as they take rice from the Government godowns, some portion of that stock is being put into lorries

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and sent to Madras straightaway. They purchase rice from the Government at Rs. 29 a bag but they sell it in black-market at the rate of Rs 58 a bag. This kind of thing goes on everywhere. It is not one relief shop that does it. Most of them do like that. If this thing goes on even now when control is being introduced, do you expect your rationing to be successful? Do you expect that the consumer will have his quota properly? Do you expect that the consumer will be satisfied if the price of foodgrains is increased? Now the consumer gets a measure of rice for 10½ annas or 11 annas according to the Government rate. Of course, in the relief shops it is sold at a higher rate without the officials knowing it or conniving at it. If the present price is increased by another 25 per cent, it will further hit the consumer. So far as I am concerned, I am not a consumer in the sense that I do not go to a relief shop. I am a producer. Of course, the increase given will benefit me. But what will the consumer think? Will the consumer be able to purchase it at a higher price? Already one of my friends on the other side was saying that the increase announced by the Government is not enough. Of course, there must be some increase so that the agriculturists may produce more. But what will the consumer think? Will he be able to purchase it at that increased rate? He cannot. So that must also be considered.

“ Under these circumstances, Sir, is it right or is it good to have this control? You may say that when you abolished the control, the prices soared up. True, we all know it. If you had left it for some more time, the prices would have fallen. Already it has begun to fall from Rs. 1-8-0 to Re. 1 or even 14 annas a measure. By bringing this control, you are indirectly helping the merchants. As soon as they hear that control is being introduced, they immediately rush to the villagers and purchase paddy for Rs. 30 or Rs. 35 a bag when the Government rate comes to Rs. 12 a bag. Having purchased it, they indulge in black-marketing. This is one of the questions that must be considered.

“ Now, what I would suggest to the Government is to produce more. How to produce more foodgrains? Give all the facilities to the agriculturists to produce more. The means are there. You gave subsidy for the sinking of wells. Wells were sunk. But did you find out how many wells are capable of producing more water? Did you find how many wells have been installed with electric pumps? Did you find how many wells have been installed with piccottahs? You have not done anything in this matter. I want to know how many villages were supplied with electricity till now? Whereas in the Madras City, so many cinema houses are supplied with electricity; so many oil mills are supplied with electricity; and so many printing presses are supplied with electricity. Government have done nothing to supply electricity to the villages. So, that is the chief thing we have to consider. What I would suggest is, give electric current to all the wells. Then, you can expect even second crop and the lands will yield more. This year, we have not got much rain and the harvest season is also approaching and we cannot expect a good harvest. But if you give electricity to villages and

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if you supply the villagers with good manure, they will also cultivate the second crop called ‘sornavari’—in Tanjore it is called ‘kuru-vai’ crop—and that will be sufficient to make each district self-supporting.

“ Even this is not sufficient. You must remove all inter-district and inter-provincial controls and allow merchants to import rice from Burma, Siam and other places. Then, the imported rice and the local rice will compete with each other and prices will come down. Sir, that is the thing that we must do if we want to bring down prices. We cannot expect any great help from the Ramapadasagar Project or from the Krishna-Pennar Project or from the Tungabhadra Project. They will take some years. The minimum thing that we can do to-day is to improve the irrigation facilities, to sink more wells and to supply villages with electricity.

“ In this connexion, I am impelled to quote what Mahatma Gandhi used to say whether it is relished in this House or not when he referred to villages. He used to say that ‘hitherto villages were helping the cities. Now, cities must help the villages.’ This is what Mahatma Gandhi was saying.

“ My hon. Friend Mr. Krishnamurthi was saying that eight ounces plus two ounces of ration were being given. But what is our lot in the villages? We are given four ounces plus two ounces. Is that enough for us? ”

MR. PRESIDENT :—“ Certainly not.”

* SRI C. N. MUTHURANGA MUDALIYAR :—“ Sir, we have been given six ounces and four ounces of ration and now informal rationing is coming. Are they going to increase the ration? According to the statement placed on the table of the House, it is proposed to increase it only in the statutorily rationed areas and not in the informally rationed areas. I ask, Sir, is this ration sufficient for a labourer working in the field who has to toil throughout the day. Whereas in the case of the citizens of Madras, they are given eight ounces plus two ounces, and it is going to be increased to 12 ounces. In the City, the people can live somehow or other. They have got other amenities. They can go to coffee hotels and take as much food as they like. They can even have ‘chota hazri’. But what about the man working in the fields? Is the ration of six ounces or four ounces sufficient? Certainly not. Where can he get ‘chota hazri’? He can have only his ration of four or six ounces. Even 16 ounces of ration is not sufficient for him. But you give him only this meagre ration. With this ration, how can he produce more foodgrains? We cannot extract more work from him. So, I want to impress upon this House and the Hon. Minister for Food the need for an increased ration in the mufassal places even to the detriment of the City people. Let him lower the ration in the City so that he may increase the ration for the villager who has to labour in the fields and produce food for the citizens here.

“ One other point on which I want to speak . . . ”

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MR. PRESIDENT :—"The hon. Member has already taken twenty minutes."

* SRI C. N. MUTHURANGA MUDALIYAR :—"Then, I resume my seat."

12-45 p.m. ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Mr. President, Sir, I am thankful to the Hon. Minister for Food not only for giving us this opportunity to discuss the food situation but also for proclaiming that the policy of the Government is in favour of recontrol. In the discussion of the food situation on the 13th of August last, I spoke against decontrol. At that time you were pleased to put me the question 'The central point of the hon. Member is that the Government must re-introduce control, is it not?' and I answered in the affirmative. To-day wisdom has dawned on the Government, though belated. It was at the instance of the Central Government that this Government were stampeded into introducing decontrol. The Central Government were moved, if I may say so, by blackmarketers who wanted to take advantage of decontrol. As I foreshadowed at that time, immediately after decontrol the price of foodgrains and other necessities of life rose abnormally high before the very eyes of this Government, but they were not able to take any action against the people who were responsible for it. We are thankful to the Government of India and the Government of Madras for reconsidering the question and deciding in favour of recontrol."

"What passes my comprehension and what, I feel, a man with ordinary common sense cannot understand is the following passage in the note on the food position :—

'As regards procurement prices for the next kharif year, the Government have, after careful consideration of the representations received by them and of the increase in the cost of living as well as in the cost of cultivation that have taken place since last year, decided to increase the existing village-site prices suitably taking care to see that the price to the consumer is not increased by more than Rs. 2 per imperial maund of rice.'

To prevent an increase in the cost of living, the Government are careful to see that the increase of price to the consumer is not more than Rs. 2. An increase of Rs. 2 per maund of rice works out to an increase of two annas per measure approximately. A man who now pays 11 annas or 12 annas will have to pay hereafter 13 annas or 14 annas. Is this lessening the cost of living as the Government seem to suggest? Is it not increasing the cost of living? If the common man is asked to pay for the increase, his lot will become worse. Therefore I suggest that whatever the increase may be, it must be borne either by the Central Government or by the Provincial Government.

"Another point which I should like to impress upon the Government is about the polishing of rice. I do agree that consumption of polished rice may result in malnutrition. But all people are not like my friend Mr. Muthuranga Mudaliyar who gets fine rice from his fields. Men like me have to purchase from relief

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shops. The quality of rice sold in these shops is so bad that it is impossible to take it. It produces indigestion, diarrhoea, and other stomach troubles. If the Government are bent upon preventing people from polishing, let them see that a better quality of rice which does not require polishing is supplied.

"My hon. Friend Mr. C. N. Muthuranga Mudaliyar very pertinently asked the question : Why is there this deficiency? The Government of India are preventing the Provincial Governments from taking up the initiative and acting independently in the matter. Formerly merchants were allowed to import foodgrains and other articles from whatever place it was possible for them to get. There was competition and therefore the merchants were selling at a lower price. What prevents the Government of India from giving freedom to the Provincial Governments is a matter on which we have to get enlightenment either from the Hon. Food Minister or from the Government of India. To a lay mind like mine it appears that if the Provincial Governments are given freedom and they in turn give freedom to the merchants, the merchants would import from Burma and other places, compete in the local market and sell at a cheaper price."

"Then, there is blackmarket. Blackmarket will certainly prevail until the Government take stringent measures to prevent it. To some extent it was prevented by control during former days. I do not say that it was altogether non-existent during days of control, but it was very difficult to blackmarket. In spite of it, people were able to purchase foodgrains from ration shops. Now there are relief shops, and in them there is no proper control and organization. The organization set up for control has been abolished to minimise expenditure. Now the Government want to reimpose control, and once again they have to employ more or less the same number of officers."

"Once again I impress on the Government the need to prevent blackmarket as far as possible and thank them for giving this opportunity for discussion."

"With these words, I support the motion of the hon. Leader of the Opposition."

SRI M. D. T. KUMARASWAMI MUDALIYAR :—"I thank the Government for the steps taken by them to reimpose control and enforce strict procurement. In connexion with intensive procurement, I have to request the Government to instruct their officers to procure only from producers and not from the poor villagers. During harvest season, the villagers labour and get their wages in the shape of grains. The officers procure the whole quantity available with the villagers and show a procurement figure of 10 kotas and 15 kotas per day. The value of it will be about Rs. 200 to Rs. 300. This is done by the officers in their anxiety to show a good record and not with the idea of saving the country. By such procurement, they make the poor people suffer. Especially in villages, poor are in larger numbers than the rich, and they are not able to purchase foodgrains for their requirements. The rich can afford to buy at any price but the poor cannot. If only procurement from the producers is done in the proper manner and at

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the proper time, the poor need not be made to suffer. Officers generally start procurement fifteen or twenty days after harvest. In the interval, the produce goes underground. If they commence in proper time, even more quantity can be procured.

"As regards the subsidy for sinking wells, it is a sheer waste of funds. One big well will be of more use than a number of small wells. In an acre of land, two or three wells are dug and the result is there is very little water in each well.

"With these words, I support the motion of Dr. John."

* Mrs. MONA HENSMAN :—"Mr. President, Sir, it is my duty and privilege to say a few words about the food problem in this Presidency. The Hon. Minister has made a very clear statement which we can easily follow. But he has omitted the last paragraph which he usually adds in which he appeals to the producers to co-operate with the Government in the matter of procurement.

"One year ago we stood here and said that rationing was rational and non-rationing irrational. Sir, we have to bring that point to the notice of the Hon. Minister for Food once again. Although rationing gives only eight or ten oz., or 12 oz., yet it gives an assured quantity of food. I think there is control of prices only in districts where rationing prevails. Price control was urged very strongly by the members who spoke before me. So I will not dwell very long on that subject. In non-ration districts, the price has not fallen. In Chingleput, the price of one measure of rice is as high as Re. 1-6-0, 1-4-0 or 1-2-0 (Interruption) and though the hon. Member says that it has gone down to 14 annas I have not found it so. But under the system of rationing, the price of even the best quality of rice was never more than eight annas or ten annas inclusive of sales tax. Therefore the villagers will be glad to have rationing re-introduced in their areas. During decontrol days we found that the available rice did not circulate in proper quantities for distribution and that is the reason why we are urging the re-introduction of rationing.

1 p.m. "Sir, I will not labour this point any more, because members who possess more brains than I do, have already dealt with it.

"Sir, rationing prevents blackmarketing, but hon. Members who spoke a little while ago tried to show that rationing has increased blackmarketing and the hon. Leader of the Opposition said that a tremendous machinery would be required to suppress blackmarketing. Sir, in my opinion, no such tremendous machinery is required to suppress blackmarketing, because we have got the cheapest machinery for the purpose available within ourselves. If we, each of us, make up our minds to see to it that we do not go in for blackmarket rice, under any circumstances, if we only make up our minds to refrain from encouraging those who indulge in blackmarket rice, we can surely put an end to this blackmarketing. If by chance some friends or relations come into my house, and if the ration that is given to me has got used up, I would simply send for some meals from the various hotels which are selling meals and if all of our friends did likewise, and for those

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extra people who come to their houses if they should buy their meals from the hotels, we need not have to go in for blackmarket rice and encourage it by paying higher prices. That is the sure way of putting down blackmarketing.

"Another way to stop blackmarketing is that whenever we go out of the City, for any reason, we should give notice to the Rationing authorities accordingly and should not draw ration for those days. If such information is given to the Rationing Centre, the ration shop-keeper will not be given our ration of rice and he will not have the opportunity to sell such rice in the blackmarket. Therefore the blackmarket is not a matter for the machinery of the Government alone to deal with. It is a matter for each individual to co-operate with the Government and to make up their minds to prevent the same by all means in their power. Government have, no doubt, employed a number of officers, such as inspectors, supervisors and other staffs to check blackmarketing, and are spending a large sum of money over them, but that alone will not effectively tackle and put down blackmarketing, unless people also co-operate with them in their efforts.

"Now, Sir, let me come to the question of loans and finances. I was surprised, Sir, at the suggestion of the hon. Leader of the Opposition in asking us to take a loan from a country which has more than half the total quantity of bullion in the world on a twenty-year basis. Sir, I know that America is the richest country in the world where they have got more than half the gold in this world and if we are to seek a financial accommodation from them, we will have to bind ourselves for our life-time and not only that, but we shall have also to bind our sons and daughters, because I do not know what will happen twenty years hence. If we seek to obtain anything like five hundred million dollars from America at the rate of 6 per cent per annum, we would be putting ourselves into the same plight as other debtor countries in the world are now put to, and undergo the same sufferings, hardships and handicaps as they are undergoing, and this policy would involve this country into a long-term debt. We would get into a national debt, not for any capital machinery or implements which we so badly need for our country, but merely for food, which we are unable to produce in this country. Surely, Sir, we cannot think of getting into such a thing, because we are seeing how another eastern country has got into all sorts of troubles and difficulties through getting gold and some financial accommodation from western countries. They have had to introduce indirect taxation by inflation. Therefore the Government should be doubly careful in entering into such sort of arrangements which will bind ourselves and our posterity for decades together."

DR. V. K. JOHN :—"I did not say six per cent interest, Sir. I only said six per cent as the maximum dividend that should be paid on the foreign capital invested in this country. I did not mention either loan or interest, Sir."

* Mrs. MONA HENSMAN :—"I beg the hon. Member's pardon, Sir. I probably misunderstood him. Then what is it that

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he wanted this country to get from America? I will ask the hon. Leader of the Opposition if he did not mention the sum of five hundred million dollars as the possible amount that might be borrowed by this Province or by this country? "

Dr. V. K. JOHN :—" I did not say that this Province or this country should borrow from America. I simply suggested that the American capitalists might be attracted to invest their capital for the industrial development of this country on which we might pay a dividend up to a maximum of six per cent. That is all what I have said, Sir."

* Mrs. MONA HENSMAN :—" Then, Sir, I regret I have not understood him properly, but I repeat, Sir, that we cannot contemplate heavy foreign loans."

" Then, Sir, as for the 10 crores of rupees that was referred to yesterday as the Japanese reparation for war damages to this country, it was with very great pleasure and interest that I heard the proposal of the Central Government and the promise they have made to this Province that they would give Rs. 5½ crores out of that amount as our share of compensation for the loss sustained by this Province, during the war, and I hope that some constructive schemes will be worked out by this Government and placed before those in authority in the Central Government, by means of which we will get this additional 10 lakhs tons of rice that we require year after year without payment till the 5½ crores is absorbed."

Mr. PRESIDENT :—" The Hon. Minister for Food wants about half-an-hour for his reply. I hope that the hon. Lady Member will soon finish, so that the Hon. Minister's reply to the debate may be finished before lunch."

* Mrs. MONA HENSMAN :—" Sir, I have got only one more thing to say and it is this. I trust, Sir, that the present system of rationing may be worked out on a sound basis, so that the unpleasantness, hardships and difficulties that were caused to the people during the earlier period might be removed and that rationing is not only brought forward now, but continued for many years, so that we do not get into this destructive element again and encourage the worst in human nature."

SRI M. NARAYANA RAO :—" Mr. President, Sir, as the Hon. Minister for Food is to make his reply soon, I shall finish my speech as early as possible. I want to bring only a few facts to the notice of the Hon. Minister for Food. Sir, the increased price for paddy is proposed to be given by the Government from January next, but the short-term crop in the districts of West Godavari, Krishna and East Godavari has come into the market even a month before. People have sold their produce in the market at a lower price. I say that in fairness to them, they who have helped to ease the food situation earlier should be treated fairly by the Government, and the Government must consider their case and see that the difference in price is paid to them. This is only a very reasonable request. They have sold their short-term produce even from the 15th October. So, I would once again request the

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Hon. Minister for Food to consider their case sympathetically and see that they also get the benefit of the increased price which is proposed to be given to the producer.

" Sir, another thing I want to bring to the notice of the Hon. Minister for Food is that the Andhra Congress Committee and the Andhra Kisan Congress Committee have resolved that Rs. 9 per maund should be the least price that should be fixed by the Government for paddy. I would request the Government to reconsider this question and see if their representation could be accepted."

" One more thing, Sir. As regards the Nellore special quality rice, the Government seem to have given a higher price for it than to the first quality rice that is purchased from Kistna, East Godavari and West Godavari districts. When I pointed out last time to the Hon. Minister for Food that in the Kistna, West Godavari and East Godavari districts, we have got the same quality of rice as is supplied by Nellore, he said that it was too late at that time to consider the matter, and that he would consider it next time. Therefore, I want to bring this to the notice of the Hon. Minister for Food to see that our rice is also paid the same price as the price paid for Nellore rice."

" Finally, Sir, I wish to point out that no strong case has been made out for the re-imposition of controls, except that the Government of India want that it should be adopted as an All-India policy; and that the Government, if left to themselves, would not have consented to this re-imposition of control. But I submit, Sir, that at least in surplus districts, no rationing need be enforced, because people were happy without rationing. If rationing is absolutely necessary, and if Government are afraid that prices will go up again and that food may not be available except at blackmarket price, I may suggest, that rationing may be confined to deficit districts. Sir, with these remarks, I close my speech."

* THE HON. DR. T. S. S. RAJAN :—" Mr. President, Sir, I am very grateful to the hon. Members for the criticisms they have made on our food policy. On the whole, I feel, both the Opposition and the Members of the Congress Benches are exactly in a mood to support the attempts of this Government to tide over the present food crisis. I am indeed grateful to them for all the suggestions they have made and for sympathising with the Government in their plight to get over the food situation. Before replying to the various points raised in the course of the debate, I should like to make one or two general remarks. First of all, I want to tell this House, and I hope they realise it, that ours is a deficit Province in the matter of food. That is really the crux of the whole situation and that is the main reason for all our troubles. We want, as far as possible, and as far as it lies in our power, to make this a surplus Province. Then alone would we be able to see the end of our difficulties and when once we are able to produce more food than we require, prices will naturally come down and the food situation will be greatly eased and the Government will then be able to stipulate and fix a fair sale-price for the foodgrains and take all the necessary measures to ensure adequate supply and also check rice in prices and thus handle the situation very easily. Until then we have got to control

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the food and unless it is controlled, we will not be able to have a fair and equitable distribution. Under the present circumstances, what the Government can do is to procure as much as possible from the surplus districts and make an equitable distribution of the food which is procured and which is necessary for our very existence. That alone the Government can commit themselves to. The Government must therefore be permitted to take all measures to secure as much foodgrains as possible by means of intensive procurement and to distribute the food at their disposal equitably and at fair prices.

" Sir, it is a very difficult thing to speculate upon food production, because it depends upon various factors which cannot be determined beforehand and which is beyond our control. The rains, for instance is a factor on which depends food production. Then there is the pest which has a great part to play with regard to production. Then again the fertility of the soil and the nature of the land; the provision of manure and the availability of agricultural implements and the interest the ryot takes to produce more—all these are factors that go into play in the matter of increased food production. In dealing with this question, I must here and now state that without the protective hand of the Government of India, with regard to import and bulk purchase from outside the country, it will not be possible to deal with the food situation properly and satisfactorily. It is not a question of mere import from a particular country outside, Sir. India has got to go to all countries where there is a surplus of food to be exported, and it is the International Food Council which stipulates the quota, fixes the price and arranges for the import and distribution of food from surplus countries of the world; and the Government of India which has a place in the International Food Council has to play a very important part in the matter. It is not such an easy matter, as some of the hon. Members think, that could be handled by our importing merchants in Madras. Perhaps from here and there, our importing merchants in Madras may be able to bring the food necessary for us in the City and that too at a tempting price, but they will not be able to secure such a large quantity as to feed the whole population of this Province. They may feed a few individuals here and there, but it is a very huge task to feed the entire population and it will not be possible for them to manage it. Therefore the argument that if private merchants are allowed to do so, they would tackle the problem effectively is not at all correct. Under this International arrangements, we get the minimum prices that could be charged for the foodgrains coming to us by the International check and International arrangements. As I said just now, the price is already fixed by the International Council, and since we have to arrange for shipments and meet the incidental expenses on it, we have necessarily to put up our costs on it and fix a price at which we can distribute it to the people. Therefore we have necessarily to control our prices. We cannot with any privilege ask the International Food Council to give us whatever quantity of food we want and at whatever prices we like, when we ourselves are not able to produce the necessary food within our country and when

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we are ourselves not able to procure foodgrains at a lower price within the country. Therefore, Sir, price control is very necessary in our food control policy.

" Therefore it is that every time we put up the prices of foodgrains we have got to get the consent of the Government of India before we do so. It is not as if one can say : I will pay so much price for paddy. It is the Government of India who have got to be satisfied with the prices that are given because it is they who negotiate with the international countries with regard to our prices on the basis of which their import prices are settled. I am just trying to explain the relation of the Government of India with the various other Provincial Governments that have got to deal with the situation. The whole question of food is one for the Government of India and we as a Province have got to give our complete co-operation to the Government of India with regard to production, etc. So it is that we have got to go and meet very often; sometimes we meet once in two or three months in consultation with the Government of India and more than twice in a year with the Government of India and the States and decide upon our prices and upon our policy and upon our production. All these things are connected with food production. Sir, the Government of India also are buying enormous amounts of foodgrains and they are paying large amounts for such purchase. They have been paying to such an extent that it made them seriously think whether they should go on procuring at this rate. The whole of the revenues of the Government of India or at least a major portion of it goes only for buying foodstuffs from the International market to make our people live. When a good portion of it is taken away by this, very little is left for the Government of India in the finances of the country to meet other demands that are made. Therefore they have been obliged to go into the question of food control very often. They tried decontrol and they gave it a fair trial. Whether they did investigate the provincial position or not is not the question. They decided to decontrol and we fell in line with them simply for the reason that we could not afford to have a separate food policy. Let us see what has happened to the decontrol. Hon. Members in the House said that we did not allow people to die and there is no famine coming. Quite true. But will the same set of conditions continue this year is a point that we will have to consider. I am afraid to say, Sir, that we are nearly at the breaking point with regard to the rising prices of foodstuffs in the country on account of decontrol. That must be said clearly and if I agreed to a complete reintroduction of control it was because we have by this one year's experience found that we were not able to control the rising prices. It is true that producers get a little more price. There is no denying the fact. But it must also be known that the price of foodgrains went beyond the capacity of the ordinary poor man. That is what happens. There are 99 poor men as against one rich man who can afford to pay high prices. Therefore the Government of India has to see that the whole lot of our people are given at least their minimum quantity of food. So, Sir, they decided that the only way to control this

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galloping prices beyond the control of the ordinary man was to control the food that we have got at our disposal and securing food from the various other sources where it can be got and then distributing it pro rata according to the rationing system. It may be true that a few producers here and there may not like our going back to rationing. But as against them a large number of people who are also producers are there. As it is, Sir, agriculture, except in a very few cases where people own large tracts of land and employ labour, is not found to be a profitable concern. The agricultural industry is not a profitable concern for a small holder owning an acre or two or less than 5 acres. Therefore when control becomes necessary the control of prices also becomes necessary particularly in securing to the Government all the foodgrains from the surplus producers. Yesterday, Sir, Sardar Patel was saying in Benares that we must give up our selfishness and go and meet our people with a generous heart, particularly people who need our help and we should not resort to blackmarketing. This is very good advice. But for some inexplicable reason people's appetite for making more money has become so great in this country in all walks of life and much more so with regard to foodgrains. While they do not produce food themselves, still they hope to procure enormous profits by selling food and foodgrains. That is one of the important lines of the merchant classes to-day. What happened last year? They went from town to town and procured from the producers all the available quantity of foodgrains by all means and stored them and then by distributing them made profits. That is not good at all. That is really blackmarketing that happens. It is not as if all our people take a delight in blackmarketing on a stuff so necessary for life as food. Yet we can see what is happening to-day. It is true they go to that extent in spite of the measures that we take and the amount of law that we bring to play with regard to these controls. We are not able to deal with this question because it is a universal proposition concerning every man, woman and child. And nothing in the world will prevent our people from getting the food if they could get it. Therefore in a commodity like food which becomes a necessity of life control becomes very very difficult and therefore it is necessary for us to bring pressure and secure all that could possibly be secured. But it has been proved that when the control was on the prices of foodgrains were less than when they were decontrolled and after decontrol the prices went up to 200 or 300 per cent and that cannot be permitted again. Therefore it has become necessary that this control should be reintroduced. But in introducing this control again we cannot but be benefited by past experience so that in the introduction of control again we can as far as possible tide over the many pitfalls that we experienced in the last control period. Whether that proposition would alleviate the cry of our people or would make us all more generous and less selfish is a problem which I cannot answer. But we can all try and see what we are able to procure is at least shared with the common man and give him such an amount that is possible to give. Therefore we argued with the Government of India when the question of

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control was reintroduced: 'For God's sake we cannot continue this 8 oz. and 6 oz. in our country. It may be we have kept our population on a margin of starvation for a long time but we cannot go on very long like this. You must now allow us to work on a minimum of 12 oz. at least.' And that was our condition for taking back control. So working at the rate of 12 oz. we have put our demand to the Government of India and that demand has come to about 10 lakhs of tons. All these years we have been drawing from the Government of India up to a margin of 2½ lakhs tons on an average. This year we have drawn as much as 6 lakhs of tons because we had a famine and the failure of the monsoon last year. And for the coming year we have made a demand for over 10 lakhs of tons working on the rate of 12 oz. as the minimum requirement per capita for our people. (Sri N. Venkatachalamaji: Dehusked rice or polished rice?) Dehusked rice, Sir, contains 5 per cent more food. I am not talking about that now, Sir. I am talking on general terms. When we get rice whether it is dehusked or polished it does not matter.

"This 10 lakhs of tons is there which we have asked for. That is our contention with the Government of India. In regard to this question, Sir, we will have to see whether the Government of India could give us 10 lakhs of tons. That is a matter on which all Provincial Governments will have to depend upon the influence of the Central Government. It might however happen that the Government of India may not be able to give the full quotas allotted by them under certain circumstances beyond their control. They may not be able to fulfil their obligations to the Provincial Governments. It is just possible. (An hon. Member: What is the ration in other Provinces?) It varies from Province to Province. As far as we are concerned we do not want to give 6 oz. and 8 oz. like last year. Now we have increased the ration to 10 and 12 oz. In the budget, we have prepared we have estimated the food requirements of our people at the rate of 12 oz. from January 1949. But even now we have already increased our ration from 8 to 10 oz. But on this scale of ration we should not think that everything is all right. We as a Government are giving foodgrains in rice, in ragi, in cholam and in kambu. Last year there was a hue and cry with regard to the grains that we supplied. People said: We are not used to these grains which you are shoving on us. I must say this, Sir. When food is a scarcity and to procure it is so much more difficult, would it be given to a hungry nation to say, 'I want one particular food which I am used to?' We cannot satisfy people, Sir, on that score. We are trying to secure as much rice as we can but if we cannot secure that there are other grains available and I request the public of this Province to condone the Government and try to help us as far as possible by taking as many grains as we can secure and give them. But unfortunately in the Madras Province we are all rice-eating people, at least a majority are. We know there was an effort the year before last when the Government wanted to popularize foodgrains to which we are not accustomed and wheat was imported. To-day we have educated our people to accept wheat though reluctantly. Therefore, if we

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give cholam or kambu, it is because we have got only that and people have got to take themselves to them. Otherwise, they will have to go starving. Between these two alternatives, which is better?"

K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—" The villagers are not accustomed to wheat so much as rice."

THE HON. DR. T. S. S. RAJAN :—" It is not a question of villagers liking it or not. I am talking of the food problem. The food problem has reached such a stage when we cannot look to the tastes of the people who live in particular areas. It is not a question of taste. I find several criticisms in the papers saying that we are not at all mindful of the tastes of our people. When there is the threat of starvation, it is not the time to think of taste. If it is possible to control the prices so that people can pay, people should not think of taste. They can take anything to satisfy their taste by paying big amounts and Government have no objection to it. As my hon. Friend, Mr. Muthuranga Mudaliyar said, there are hotels where one can get 'Chota Hazri' in the morning. But how many people are prepared to go to the hotels? That is a factor which we have to consider. We are not concerned with people who want to go to hotels for their food or who want to go to coffee houses."

MR. PRESIDENT :—" Is the Hon. Minister likely to take some more time? "

THE HON. DR. T. S. S. RAJAN :—" I would like to continue after lunch but I just want to finish this portion of my speech. Therefore, Sir, people should take and accept the food that the Government are able to procure. We are doing our best to procure rice but if we cannot procure sufficient rice, then, there must be some merchants or members of the public at large who should take up this question of procurement of rice."

MR. PRESIDENT :—" The House will now adjourn and meet again at 2-30 p.m."

The House then rose for lunch.

(After lunch-2-30 p.m.)

THE HON. DR. T. S. S. RAJAN :—" Sir, just at the commencement of the debate, the Leader of the Opposition asked for information on many points. I was not able to give the information immediately but I have since obtained the information and I would give it for the benefit of the House. The allotments of foodgrains from the Government of India for years commencing from 1943 are as follows :—

	TONS.
1943-44	73,000
1944-45	146,000
1945-46	604,000
1946-47	251,000
1947-48	596,600

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Then, Sir, he wanted the amount of subsidy borne by the Madras Government. This subsidy relates to the price of imported grains. It is as follows.

" The subsidy borne by the Government of Madras up to 1st October 1948 is Rs. 3.26 crores. From 1st October 1948, it is Rs. 32,25,000. The total amount of subsidy borne by the Madras Government is Rs. 3.58 crores.

" Then, Sir, taking the surplus districts alone into account, the percentage increase in the cost of cultivation ranges from 114.3 to 209.6 since 1939 and by 10.7 to 48.9 as compared with that of last year. The increase in prices as at present sanctioned represents an increase of 275 per cent over the pre-war prices. This also takes into account the increase in the cost of essential commodities other than rice which ranges from 259 to 315 per cent. As compared with the prices just before control was introduced, the increase in the wholesale price of rice now sanctioned works out to about 100 per cent. I am glad the Leader of the Opposition called for these figures. Sir, people who ask for foodgrains and more foodgrains should remember what these more foodgrains cost. Not only it costs the Government of India but it also costs the Government of Madras Rs. 3.58 crores, which represents one-third the loss during the period 1st January 1948 to 30th September 1948 and one-fourth from 1st October 1948 onwards. Therefore, hon. Members can understand that the Government of India have paid more than three-fourths on this item and the amount spent by them will easily come to about 12 to 15 crores, if worked up properly. Altogether this amount was spent from Government resources, both the Government of India and the Madras Government put together. I am just thinking what amount of injustice and injury is done to society as a whole and to the tax-payer by these blackmarketers and others who sell foodstuffs at high prices. They trade not only on the foodstuffs procured in this Province by the Government but also on the food imported into this Province and given to this Government by the Government of India for which we have to pay about 3.58 crores. These blackmarketers in foodgrains are selling at 200 or 300 per cent profit, and this is a horrid injustice to society. This blackmarketing in grains either by ordinary merchants or those who take part in blackmarket businesses is an intolerable thing and no Government can go on under these black-marketing conditions.

" Sir, here is a resolution which the Hon. Dr. John wants to move and which says : ' That this Council recommends to the Government to press upon the Government of India to allot 10 lakhs of tons of foodgrains over and above the allotments already made this year to tide over the serious food situation in the Province.' I am thankful to him for that resolution and the Madras Government have already taken action on that. They have asked the Government of India to make up this deficit and I hope this resolution going to the Government of India from this Legislature will certainly help us if we need such a help. But,

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apart from that, we want the legislators to realize how much money we will have to pay if this import of ten lakhs comes through the Government of India. Till recently, till two years ago, the Government of India bore the whole burden for these imports, last year, they have been asking us to pay one-third and now they have reduced it to one-fourth. That means to say that out of the enormous prices which the Government have got to pay for all those imports, we have to contribute one-fourth. We could have imports as much as we can but we have to pay a large price. I just want to remind Dr. John whether any private merchant, if he is allowed to import, can pay this amount. Even when the Government of India are making purchases in the international market at protected rates, we have to give this subsidy. Then, would an ordinary purchaser be able to get those imports? I am saying this just to show that it is not at all possible for the Government to allow private merchant to import these foodgrains. Barring his ability to do so, there is the utter impossibility under the existing conditions. Here, it is a question of the whole nation that has got to be fed and therefore I put it to the House to realize what these food import mean. Unless the burden is borne by the tax-payer all over the country and unless the Government of India give the first priority in regard to it, these food imports could not be got. That is why, Sir, the Government of India are more anxious to see that more food is grown in this country. There were remarks made by hon. Members here about the poor response with regard to increased production. I must say till the question became so very acute and the problem of import also assumed such tremendous proportions, the consciousness of our people and the Government also was not awakened to the real fact about our food production. Previous Governments existed for hundreds of years but they were more bent upon collecting the revenues rather than increasing production. When other countries are producing large quantities of foodstuffs, our country has done very little. It is only during the last two or three years, the Government are devoting their attention to more production. The Government of India are now encouraging 'Grow More Food' and they are subsidising the Grow More Food Campaign year after year for the last five years. They have provided sums to the tune of nearly five crores of rupees for this campaign of more production and the Grow More Food Scheme, as it is called.

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p.m.

“ Sir, there was another gentleman here who said that this well-sinking subsidy scheme is a nonsense and that it has proved futile. I do not know on what basis he made that statement. Sir, with regard to the number of wells sunk, we have got the figures ready. In all these wells, there is water also. But the real question is how much acreage of land, the water in these wells would serve to irrigate. In fact that is the bigger problem. But as it is, we expect that these newly sunk wells would help in producing nearly a lakh of tons more of rice, spread over a period of two to three years. Even supposing there are these wells, and also the water necessary for irrigation of the fields, still food

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does not come all at once, because the ground has to be ready and then only the foodcrops could be grown on it. And it will, no doubt, take quite a long time, before we could realize our target. When we take this Grow More Food Campaign, I might at once say that we are now in the very initial stages of agricultural improvement, neglected for the past 400 years or so, and taken up now by a national Government. But the responsibility of the national Government to feed the people does not cease on that account, and therefore it is that we are obliged to be carrying on procurement of all that we need and are decided upon getting.

“ I know a lot of corruption has crept into the services, and in areas far remote from the cities. The village officers have to go about levying a toll of foodgrains. I admit that this affects the poor man. But while making our calculations in regard to procurement, we have been very careful to see that the requirements of the producers themselves are well provided. We have issued instructions—and I hope these instructions are carried out, because it is our own men that carry out these orders—regarding this procurement of foodgrains. The general public also has got to know that they have got certain rights with regard to what they produce. They must realize that it is not all they produce, that is wanted by the Government. And after all Government are buying these foodgrains not for themselves, but only for distribution to hungry people. So these producers must come out, and give all that they have less what portion they are permitted by the Government to retain for their own use. We have provided for as much as one pound per day per head; the seed grains also have been provided for. The demands of those who work for him in the production of food, also have been provided for in the amount that is allowed to be retained by him. If a man still comes and says: 'All my food has been taken away', it means only this, that he is such an ignorant fool that does not know what the Government want, or that he is a knave that does not tell the truth. But the fact remains that the quantity of food that is ordered to be left with him, by the Government has been very specifically laid down in the instructions which have been issued to the officers of the Department, who are to carry out these.

“ Recently a month back, I had a conference of these producers of this Province, then I went into the whole question in great detail, and all these facts that I have now placed before you, I have placed before them also. It is not as if they know nothing about it. They know these fully well. Besides, I had a conference in two batches of the District Collectors from all over the Presidency, when I spoke to them for nearly two hours every time and detailed very clearly how this procurement policy has to be carried out. Literally, I made as much as to say that there is so much of corruption prevailing, and explained how it prevails, and how that could be put down. These Collectors have noted down all these, and so are quite clear about the instructions that we have given them.

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" Besides, Sir, there are District Committees in every district, all of which have been revived, and have been asked to consider the food situation in each locality and make recommendations to the Government with regard to the stocks held by the people of that locality and their requirements.

" Having said these things, I am aware of the fact that there are still a large number of people who have to be fed. And here the village officials have to be watched. In fact, I know in some villages, they were only very happy to learn that controls are going to be introduced. It is because, they could have an income of their own. Food laws being so strict, and being laws which could not wait for appeals, but demand for executive action immediately;—there is no provision of law which can empower the court to go into all these things—we have necessarily to fall back upon our own men to do the work. The pity of it is they are all our own men, we cannot now accuse them, because they are no longer under a foreign Government, they are now under their own Government, and are to collect the food required for their own people. This is the real picture.

" Having made this picture quite clear, and done our best to secure all that we want from the producers of our own Province, and from imports from other countries, we have now to ask the Government of India to give us some quota. There are Provinces in India which could give us some foodgrains. It is therefore not as if we merely secure the foodgrains available in our own Province by way of procurement. We are also commandeering foodgrains from those other Provinces that constitute the Union of India, which could spare some foodgrains for us. Only the Government of India have the power to say how much quantity of foodgrains shall move from one surplus Province to another deficit Province. So, there is this inter-Provincial movement of foodgrains, imports from outside, and also commandeering of the production in the home Province. I have already acquainted the House with the efforts we have already made to produce more food, and the information as to how the Grow More Food Campaign is working.

" There is only one other thing, to which I would like to draw the attention of the hon. Members of the House. It is this. The Government of India are not issuing any bonuses to the producers, as they did in the past few years. No doubt, the Government of Madras got a bonus of about As. 8 per maund of rice that they procure. But the Government of India stipulated that these As. 8 should be spent in producing more food, in developing the land, and in encouraging the food production in the way best suited to the Province and in meeting the loss incurred in the distribution of foodgrains. That is the understanding with which we are given these eight annas. Therefore, in all these matters, we have fallen in line with the Government of India for we have felt not only the need, but the justice of the demand that we are making, and the claim that is made by the people of this Province.

" There were a few other statements, Sir, made without sufficient thought, to the effect that the food situation is not critical. I may tell the persons responsible for that statement,

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that the case is just the other way about. I want to remind this House of the Bengal tragedy. Millions of people died of starvation; but the most gruesome picture is that they did raise sufficient food in Bengal; and while there was plenty of food, people died of starvation. This is something which nobody can explain. But those unscrupulous people who hoarded the grain for trade purposes and refused to put them in the market for purchase, and committed the crime, are people who held very high places in the ministerial sphere. They were all in league with these black-marketeers, with the result that lakhs of people died in Bengal, and the Bengal tragedy got an international reputation. I may say, one of the results it has produced is that the International Food Conference has gained concrete reality, and the Government of India have been able to have their say in this International Food Conference, with regard to their demand for food.

" Sir, I think I have practically answered all the questions that have been raised. I have explained clearly, as far as it is in my power to do so, the implications of the food policy of this Government. But there is one other question which I have not so far touched, and that is concerned with prices. I have already given statistics as regards the percentages of increase. A cry has been made and particularly from responsible quarters, for instance from Malabar, the President of the Kerala Congress Committee has written an article on the subject in "Mathurbhoomi"—that the Madras Government have been unfair to Malabar, simply on account of the policy of prices which they have announced recently. I am very sorry to learn that from him. I must say that the policy of prices has to be announced at certain times in the year, and has to be in force, for say, one year or more. If people who have given paddy to the Government have given it some fifteen days or three weeks ago, they may not be getting the advantage of this increased price. But in the next instalment of paddy they give us, they will be getting this increased price. It is absolutely unfair to say that we had a motive in fixing up a date for announcing our policy regarding increased prices. These prices, Sir, were issued after very deep consideration. The Collectors of the Province, the Agricultural Department, and the reports of various villages and districts, on the prices that are prevailing now, and the personal requirements of the families of these producers, have all been of very great use to us. After this only, we fixed the target for our prices. I say, that the Government of India were not agreeable to this. They said that the prices we have fixed are too high, and therefore should not be allowed. But we said that in the interests of our procurement campaign, this price at least has to be given; otherwise, our procurement campaign will be retarded in its progress. I have consulted a number of producers, and in fixing the prices. I myself, who claim to be an agriculturist, and the Hon. Premier of the Province, have bestowed our great attention on this problem for days together, have had a good deal of correspondence with the Government of India on the subject, and then only fixed these prices. I should perhaps emphasize the fact that these prices are no mean prices. Our agriculturists are pleased with them, and are prepared to give us foodgrains at these rates.

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They do not think they have been unfairly treated. It may be that they do not get the profits of the industry, which they would have got, if the prices had been allowed to soar according to the market fluctuations, but we cannot allow that, and it is therefore that we said that this fair price shall be fixed. That is the best that Government could do. And when we fixed these prices, we had absolutely no district in our mind. We had the whole Province in our mind, while thinking of the target that we had to fix. We had also in mind the tragedy which occurred in Malabar some years ago, and the loss in life that was occasioned in that famine-stricken area. Sir, Malabar does not produce enough food for its inhabitants, some 440 lakhs or so, in number. It is a chronically deficit area, which lives only by imports that are supplied to them by the Provincial Government. Therefore, Sir, it is our pleasure and pride to say that we have not so far allowed Malabar to get into a state of famine. Nor have we allowed this Province to get into any starvation tragedy. With the failure of the monsoon, with districts dry for months, with tanks without a drop of water for a year or more, particularly the districts of Tinnevely, Madura and Ramnad have been faced with the threat of a famine, and this indeed was very startling. But we have been able to manage the situation, on account of the Government of India's goodwill, by keeping so many centres where foodgrains have been stored. And to-day I may say we have got about two lakhs of tons at our disposal in those granaries. It is because of this policy of ours in having storage centres, that we have been able to avert the famines that were about to make their ghastly presence. We could move these foodgrains on from these centres to any districts that are in need of them, and may come to the rescue of the starving millions of our Province.

3 p.m. "I want Malabar to realize that they of all the districts have no reason to complain. We have been very fair with them. We have not tried to deprive poor Malabar people of their just rights. This procurement will go till the end of the year. The price programme is for the Kharif year—from the end of October to the beginning of November next year. It has been suggested that the kharif year should be changed into fasli year. We have to keep in step with the Government of India. We are now in communication with the Government of India whether the kharif year can be changed into fasli year. But as long as the price is fixed for a whole year, there will be no injustice to anybody.

"Sir, this procurement is a very painful process. We are not all very happy about it. But we want and we seek the complete co-operation of everyone in this Province—the co-operation of the producer to produce as much as he can, the co-operation of the merchant to sell the produce to the Government and not to sell it in the black-market. Treat us fairly. That is my appeal to the merchants. We want to be impartial and it is not our intention to withhold food from anybody. We seek the help of the press, the help of the man in the street, the help of the politician and the constructive worker. It is only in that way we can go on, carrying on till such time as the country becomes normal with regard to

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food requirements. I expect this would be in another two or three years. I plead in this House and through this House to the public at large, that whatever may be our differences in politics and many other things, there should be no politics in the question of food, there should be no question of linguistic divisions here. Food is the property of all the people. The Government, if it is worth anything, has got to secure food for the people and we want to secure it with the best will in the world."

DR. V. K. JOHN :—"I said there was no politics in food."

* THE HON. DR. T. S. S. RAJAN :—"There is, if you only see it. I do not want to go into that question now. I want all parties and agencies whatever may be the differences of opinion, to help us in the campaign of food procurement."

DR. V. K. JOHN :—"What about my suggestion regarding the encouragement of private agencies for irrigation?"

* THE HON. DR. T. S. S. RAJAN :—"That is not quite germane to the question before us.

"With regard to the distribution of manure, the Government have not enough manure to honour the coupons they have given. They have already decided to give cash. There are some difficulties in procuring manure and selling it cheaply. We decided to fix the price of manure. What happened was this: people began to trade in manure coupons. They gathered a number of coupons from ignorant villagers, bought our manure at controlled rates and sold it in the black-market at four to five times the price. To what depths the public conscience would descend was shown by this. This will give you an idea of the main difficulty we have to contend against. We are seriously thinking of decontrolling groundnut cake altogether so that there may be a free market and people who want it may go and purchase what they like. By our manipulations we will not put up the prices. The manure will be available to whomsoever wants it and he will not have the necessity of going to the black-market. Simply because we have an undertaking to supply manure at controlled rates, the poor agriculturist has been cheated of his dues and the manure intended for the land went into the black-market."

SRI N. SANKARA REDDI :—"Are the Government having complete control of groundnut cake?"

THE HON. DR. T. S. S. RAJAN :—"It is 40 and 60 per cent. Even that we are seriously considering to give up."

SRI N. SANKARA REDDI :—"Is bonus given for procurement of millets?"

* THE HON. DR. T. S. S. RAJAN :—"The bonus is given on the total quantity of foodgrains procured. Sir, an hon. Member asked about the polishing of rice. It is a crime which we are committing unconsciously in this country. Polishing was not at all known before and when we were taking whole rice without

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polishing we were more healthy and lived longer. (An hon. Member: We can't eat this unpolished rice.) Just imagine an hon. Gentleman saying that he can't eat this wholesome and good rice! I know how much mud and rotten stuff is adulterated with this rice by unscrupulous millets and that the quantity is reduced by polishing. We have now increased the price of rice only by Re. 0-1-4 per measure. It is not much considering the level of commodity prices. Sir, the difficulties of the food administration are so many that we cannot possibly carry it on successfully for any length of time unless we get the co-operation of the people."

MR. PRESIDENT:—"The question is—

'That the food situation in the Province be taken into consideration and upon such consideration this Council recommends to the Government to press upon the Government of India to allot ten lakhs of tons of foodgrains over and above the allotments already made for this year to tide over the serious food situation in the Province.'

"I suppose the Government have no objection."

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

The motion was put and passed unanimously.

III.—TEXTILE CONTROL POLICY OF THE GOVERNMENT.

* THE HON. SRI H. SITARAMA REDDI:—"I move, Sir, that the Textile Control policy of the Government be taken into consideration.

"Sir, I have just now circulated a note on the subject to hon. members. I am sorry it could not be done earlier. If it is the wish of hon. Members that I should read it, I shall do so." (Hon. Members: 'Not necessary.')

MR. PRESIDENT:—"I think the intention is more to criticise you than to hear you. You may hear them speak and then reply."

* THE HON. SRI H. SITARAMA REDDI:—"Then I make the formal motion. Sir, when I just entered the House the Hon. the Leader of the Opposition gave me certain questions and asked for information on certain points. I shall give it here as it will be useful to the House.

"The quantity of cloth required for consumption in the Province in a year is 384,000 bales on a per capita basis of 12 yards which was the consumption in pre-war years. The quantity of cloth produced by mills in the Province in a year is 79,700 bales. The quantity of cloth produced by handlooms in the Province in a year is 288,000 bales. I have no information ready with me regarding the quantity of khaddar produced in the Province in a year. The quantity imported annually into the Province from other Provinces and also from outside India is 180,000 bales from Bombay surplus area, but no figures are available about imports from foreign countries. With regard to the quantity of cloth exported from the Province, 4,000 bales used to be exported every month

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until recently. Now on account of the accumulation of stock, freer exports have been permitted and larger quantities have gone out. The actual figures are not available. This is so far as handloom cloth is concerned. No mill cloth is allowed to go out of the Province except 1,000 bales of Binny's for which we get replacements from outside mills. This is the information that I have. So far as the steps taken to make the Province self-sufficient are concerned, licences have been granted for several people to establish mills in this Province and they are awaiting the erection of the mills to improve production in the Province.

"Then there is the question whether there is price control for all varieties of cloth imported and sold in the Province. So far as foreign cloth and yarn is concerned, I have already stated that there is no control. The Government of India do not propose to have control over foreign imported cloth and yarn. That has been made clear by me in answer to a question this morning. If there are any further points raised in the course of the discussion, I shall answer them in the end. Then, Sir, the other question put to me is whether there is any patronage in the production, importation and distribution of cloth and if so, the extent of the patronage. My reply is, there is no patronage. The hon. Member did not mean it and I am sure he was not serious when he put the question. I formally move the motion, Sir."

* DR. V. K. JOHN:—"Mr. President, Sir, I expected the Hon. Minister to thank the Opposition and thank the Opposition sincerely for giving him an opportunity . . ."

MR. PRESIDENT:—"He will do it later on."

* DR. V. K. JOHN:—"But unfortunately, he did not thank us for the opportunity given to him. But I think the statement he has given will supply the information which is sought after by the public very much. I wish, Sir, that this statement had been given to us at least last evening, as the Hon. Minister for Food chose to give us a statement on the Food policy yesterday. We have had no time to study this note and assist the Hon. Minister in the policy which he has adopted. I want to assure the Members of Government that the Opposition, at any rate the Opposition in this House, always wants to co-operate with them in their attempts to improve the lot of the common man, the public, and we would be only very pleased if we can give any assistance to the Hon. Minister for Industries. But unfortunately, this has been placed too late in our hands and I suppose by the time I finish, some of the Members will be able to study and give out their points of view. Apart from this, one thing which has struck me is that this Government are not taking adequate steps to encourage production of cloth and yarn in the Province. Before this particular Government took up office and when Mr. Prakasam's ministry was in office, instead of assisting production, there was a trade against textile mills in the Province and every discouragement was placed in the way of their producing the required quantity of cloth and yarn in the Province and it was

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said that this was done in order to encourage khadder. But I read in the papers the other day that about six hundred thousand yards of cloth have been manufactured but there is no sale for them. Only less than half the quantity has been sold. Supporters of khadder have advanced many arguments, but they also expected that khadder cannot compete in price with mill-made cloth or even hand-loom cloth and also the quality is very coarse and people go in for mill-made cloth if they can or hand-loom cloth, but not khadder. They do not follow the advice of the khadder propagandists. I ask the Government, now that we are free, do not try to compete with machinery. Machinery has come to stay in textile industry; you cannot have hand-made products in this industry to compete with machine-made products. Hand-made motor cars and hand-made aeroplanes cannot compete with machine-made motor cars and machine-made aeroplanes. Sir, machinery has come to stay in this industry. What I would suggest to the Government is, let them have as many mills as possible started in the Province on a co-operative basis. A number of villagers can come together, Government can help them to have a mill on a co-operative basis; they can work the mill and they can take the profits, and there will be more production. What I want to emphasize is this: What is the quantity consumed, you said?"

THE HON. SRI H. SITARAMA REDDI:—"Three hundred and eighty-four thousand bales."

DR. V. K. JOHN:—"The quantity consumed, according to the Minister, is nearly four lakhs of bales, but the quantity produced is a very small portion of the quantity consumed, with the result that we have to depend on other Provinces and also other countries for our cloth. There is no control at all for imported cloth; so, if a person imports cloth at Rs. 2 per yard, he can sell it at Rs. 10 a yard, and there would be black-market there and Government do not seem to help people from black-marketing in cloth.

"Now, Sir, cloth is as necessary or nearly as necessary as food. Every man requires cloth and the Government's policy regarding cloth is in my opinion very unsatisfactory. We have not heard anything at all from the Government as to how they help the production of cloth. In fact, in this statement, I read nothing at all regarding the encouragement given to production of cloth in the mills as well as in hand-loom. I ask the Government to have a policy which will enable this Province to be self-sufficient in the matter of the cloth that we want for this Province; let us not import cloth from other Provinces of India or other countries of the world.

"Again, Sir, I am not sure that in the recent policy of giving licences, there has not been some injustice. Sir, this statement shows there were 22,177 retailers in cloth, but only 12,446 out of them have been selected and 1,542 new dealers also were given licences. Nearly half of the old retailers are without their former

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business at all. Similar is also the condition of the wholesalers. It may be that these retailers were not up to the mark, but they had a job and Government it appears have taken away that job from them in working out the scheme of licensing. When this licensing system was introduced in the City, Members of the Legislative Council were asked to recommend dealers. A large number of dealers came to me, particularly Muslim dealers in cloth. The Muslims had an apprehension whether they would get licences; and I assured them that as far as this Government was concerned, I know the Collector and also the Textile Commissioner—to whom I must pay a very good compliment—there was no communalism at all but they would not believe it. Later on, I recommended a few whom I knew and I found out that that apprehension was not justified at all and there was no discrimination against the Muslim dealers. Therefore, I am glad that while Government have made no discrimination at all on the ground of community—they might have made discrimination on the ground of merit—still, there is always a sort of patronage in the licensing and giving of permits and it is likely to be abused. If the Hon. Sitarama Reddi can go into every paper regarding the giving of licences and matters connected with it, of course there will be no patronage and I shall have no complaint whatever; but the position is that neither the Hon. Minister nor the Collector nor the Textile Commissioner can personally attend to everything. It is only a subordinate official who puts up the papers and I am not quite sure whether there has not been any serious injustice done. I have had many complaints in writing also which show that their jobs have been taken away and injustice has been done. In all these cases, injustice is likely and the best course to adopt is not to have this sort of licensing system which leads to patronage, but to produce sufficient cloth in the country and to make the cloth go into a buyer's market and not into a seller's market. To-day all necessities of life including food, cloth and everything else are in the sellers' market and not in the buyers' market. The best thing the Government can do to avoid criticism and to be just and fair to everybody is to encourage production. I ask them to do everything they can possibly do to encourage the mills in existence and the handlooms in existence and also to assist more mills and more handlooms to come into existence and thus solve the cloth problem in this Province by increasing the production and not by distribution and patronage, which is unavoidably and regretfully connected with that kind of distribution where the article is in short supply."

* SRI R. SURYANARAYANA RAO:—"Mr. President, Sir, within the short time we had to glance through the statement kindly furnished by the Hon. Minister for Industries, I have picked out a few points on which I seek information. Regarding the movement of cloth and yarn from the surplus areas we find from what has been narrated here 'the movement is not as quick as we wish it to be'; I would like to know what steps Government have taken to see that the allotted quota for each month is received in this Province, so that cloth may be available to the

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only cotton cloth throughout the year and should therefore get a larger quantity of cotton cloth than the people in the North who use woollen cloth in certain parts of the year.

"Sir, regarding handloom cloth, the Hon. Minister for Industries said that, since this Province is given large quantity of yarn to be woven into cloth, our quota for mill cloth is reduced so that the consumption of handloom cloth may be increased. Sir, it would be unfair to say that because we manufacture a large quantity of handloom cloth in this Province, we should be compelled to have handloom cloth only and should be deprived of a large proportion of mill cloth. Sir, any casual perusal of the past history of the handloom industry must convince anybody that this industry does not owe its survival to internal consumption but mainly to exports to foreign countries like Ceylon, Burma and Federated Malay States. When during the last war, export of handloom cloth from this Province to those countries was stopped, we know to what hardships the weavers were subjected to on account of the cessation of exports. At that time, the Government were even driven to the necessity of giving relief to the weavers under the Famine Code. The Muslim League and some other philanthropic organizations also came to the rescue of these unfortunate people and organized relief for them. There is no doubt that the handloom industry of this Province owes its existence to exports to foreign countries. That being the case, we must see that a fair percentage of handloom cloth produced by these handloom weavers is exported to foreign countries. Now, Sir, on account of the recent ban on the export of these handloom products consequent on the inclusion of handloom cloth in the rationing scheme, a very large quantity of handloom cloth is lying stagnant in this Province. The merchants engaged in this trade have got on hand a large quantity of handloom cloth worth lakhs of rupees and they are incurring a heavy loss thereby. The various kinds of cloth which are accumulated now cannot be consumed by our Province. They are manufactured solely for the purpose of being exported to foreign countries. I do know, Sir, that the Hon. Minister for Industries would say that it is in the hands of the Government of India to lift the ban on exports. But is it not his duty to see that this industry does not suffer on account of the policy adopted by the Government of India? Is it not incumbent on his part to represent to the Government of India the grievances of the handloom weavers here and see that handloom cloth is allowed to be exported to the Far East and other countries? Sir, this is a matter which is seriously affecting an important section of the people of this Province and, therefore, I appeal to the Hon. Minister for Industries to take steps for relieving the sufferings of both the weavers as well as the merchants engaged in this trade.

"Sir, regarding yarn, I must say that the yarn given to weavers does not last even for ten days in a month and hence for twenty days in a month they go without work. Thus they are not able to get even a living wage. Therefore, it is necessary that

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the Government of Madras should try to impress upon the Government of India the need for a higher quota of yarn for handloom weavers in this Province. Sir, yarn produced in our Province is sufficient to meet the requirements of handloom weavers here but a portion of it is being exported to the Far Eastern countries. Cannot the Madras Government prevail upon the Government of India to allow us to retain all the yarn which is produced here?"

MR. PRESIDENT:—"That is all, I suppose."

* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR:—"Sir, the handloom industry deserves encouragement at the hands of the Government of Madras and I would appeal to the Hon. Minister to take early steps to see that a proper quantity of yarn is allotted to the handloom weavers so that they may carry on their work throughout the month.

"Sir, as regards making our Province self-sufficient, I know that, when the Congress Government came into office, attempts were made in this Province, by certain persons, to start spinning mills. But on account of the policy pursued by the then Government, those mills could not be started. Even persons who were about to float limited companies for the purpose had to give up their idea. If only the Government had extended their helping hand, lakhs of rupees would have been invested and so many mills would have been started. Further, the then Government were not able to get the quota of spindles necessary for our Province from the Government of India.

"Sir, regarding the question of dealers, only 12,446 retailers out of 22,177 have been given licences. This is unfair. These people have been engaged in the trade all their life and what you are going to do for these and their employees who will now be thrown out of employment? Sir, have they been found guilty of grave malpractices?"

"So, also in the matter of yarn dealers, the Government should seriously consider whether it is necessary for them to carry out this policy of throwing out of employment, these dealers numbering thousands. The Hon. Minister has not explained in his note the basis on which the wholesale and retail dealers for cloth and yarn have been selected. Is the selection left to the whims and caprices of the Collectors or have any qualifications been laid down which the dealers should satisfy for selection? My hon. Friend, Dr. John, said that he was satisfied that Muslims had not been left out. If figures about the total number of Muslim dealers in the Province and the number selected under the Textile Control policy are given, it will enable us to verify the correctness of the statement of Dr. John."

MR. PRESIDENT:—"I think the hon. Member need not take time fishing out points. If he has points ready he may speak on them."

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* K. T. M. AHAMED IBRAHIM SAHIB BAHADUR :—“ With regard to the distribution of yarn, this morning a complaint was made about the non-availability of finer counts of yarn. But I have been receiving complaints, especially from weavers in the Tirunelveli district, that they are not able to get lower counts of yarn which they have been accustomed to use in their handlooms. I request the Hon. Minister to consider this point.

“ As regards the distribution of yarn through the Madras Handloom Weavers' Provincial Co-operative Society, I have to point out that the Society is new to this kind of work and it has not got sufficient number of depots. Anybody can witness hundreds of weavers waiting at the Walajah Road Emporium of the Society from 8 a.m. to 12 noon, and returning disappointed. Weavers residing in Krishnampet and Triplicane have to come all the way to the Walajah Road Emporium. It would have been better if depots had been opened in the quarters of the weavers themselves, instead of making them walk several miles wasting their time and return disappointed. I have received similar complaints from Tenkasi, Kadayannallur and several other places in Tirunelveli district. I request the Hon. Minister for Industries to see that the distribution is so arranged as to facilitate the weavers in securing their quota.”

SRI M. K. SUNDARAMA AYYAR :—“ தலைவர் அவர்களே, ஜவுளி நூல் கட்டுப்பாடு விஷயமாக கனம் மந்திரியவர்கள் மிகுந்த சிரத்தையுடன் சிறந்த முறையில் நடத்திவருவதால் ஏதோ கஷ்டப்பட்டுக்கொண்டிருந்த நெசவுக்காரர்களுக்கும் பொதுஜனங்களுக்கும் அனுகூலங்கள் ஏற்பட்டிருக்கின்றன. ஆனால் இதை அமுல் நடத்துவதில் சில குறைகள் இருக்கத்தான் செய்கிறது. முதலில் லைசென்ஸ் கொடுப்பதில் சர்க்காருடைய திட்டம் வெளிவந்தவுடன், அது புதிதாக இருந்ததால், ஒவ்வொரு ஜில்லா கலெக்டர்களும் ஒவ்வொரு ஜில்லா சப்சபை அங்கத்தினர்களைக் கலந்து ஆலோசனை செய்ய வேண்டுமென்று கூறப்பட்டதால் அவர்களைக் கூப்பிட்டு யோசனை செய்தார்கள். சர்க்காருடைய உத்திரவுப் பிரகாரம் ஒவ்வொரு லட்சம் ஜனங்களுக்கும் ஒவ்வொரு மொத்த ஜவுளி வியாபாரியும், ஒவ்வொரு ஐய்யாயிரம் ஜவர்கள் கொண்ட ஒரு area-வில் ஒரு சில்லரை வியாபாரியும் நியமனம் செய்யவேண்டுமென்று உத்திரவு இருந்தது. அப்படி பார்க்கும்போது மதுரை ஜில்லாவில் 26 லட்சம் ஜனத்தொகை இருக்கிறது. ஏற்கனவே பழய கட்டுப்பாடு இருந்த காலத்திலும் சரி பின்னாலும் சரி மதுரை ஜில்லாவில் சுமார் நூறு பெரிய வியாபாரிகளும் 500 சொச்சம் சில்லரை ஜவுளி வியாபாரிகளும் இருந்தார்கள். இப்பொழுது வந்த உத்திரவுப்படி ஒரு லட்சம் ஜனத்தொகைக்கு ஒரு பெரிய ஜவுளி வியாபாரிபென்றால் நம் மதுரை ஜில்லாவிற்கு இப்பொழுது 26 மொத்த வியாபாரிகள் தேர்ந்தெடுக்கப்படவேண்டியிருக்கிறது. நம் முன்பு நகரத்திற்கு ஜனத்தொகை ஈழபடி இப்பொழுது ஆறு பேர்களைத் தான் தேர்ந்தெடுத்திருக்கிறார்கள். இதைத்தவிர இன்னும் எவ்வளவோ யோக்கியதையுள்ளவர்களும், கண்யமுள்ளவர்களும் இருக்கிறார்கள். அந்த தன்மையுடைய வியாபாரிகள் இன்னும் பலர் நம் நகரத்திலும் சரி பக்க கிராமங்களிலும் சரி இருக்கிறார்கள். அப்படி இருக்கும்போது டவுனில் தேர்ந்தெடுக்கப்பட்டவர்கள் ஆறுபேர்கள்தான். மீத முள்ளவர் களுக்கு கிடையாது. நல்ல யோக்கியமுள்ளவர்களுக்கு லைசென்ஸ் கிடைக்கவே இல்லை. ஆனால் மதுரை ஜில்லாவிலும் எல்லா தாலுகாக்களிலும் புதுவியாபாரிகளைத் தேர்ந்தெடுத்து அவர்களுக்கு லைசென்ஸ் கொடுக்கப்பட்டன. இதனால் பழய வியாபாரிகளுக்கு எவ்வளவு கஷ்டம் ஏற்படும் என்று சர்க்கார் அறியவேண்டும். பழய வியாபாரிகள் என்ன

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செய்வார்கள்? அவர்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள். நகரங்களிலும் கிராமங்களிலும் துண்டு துண்டாக வியாபாரிகளை நியமித்தார்கள். இப்பொழுது தேர்ந்தெடுக்கப்பட்டிருக்கும் முறை பார்த்தால் அங்கே வியாபாரம் ரொம்பவும் பாதித்துவிட்டது. இப்பொழுது நகரத்தில் தேர்ந்தெடுக்கப்பட்ட மொத்த வியாபாரிகள்தான் அங்கேபோய் வியாபாரம் செய்ய வேண்டியதாக இருக்கிறது. இதனால் அவர்கள் மிகவும் பாதிக்கப்பட்டு கஷ்டப்படுவார்கள். இதைப்போலவே சில்லரை வியாபாரிகளும் பாதிக்கப்பட்டிருக்கிறார்கள்.

“ இன்னும் இப்பொழுது இருக்கும் ஜவுளி கட்டுப்பாட்டினால் ஜவுளி விலை நாளுக்குநாள் இறங்கிக்கொண்டே வருகிறது. இதனால் கைநெசவு ஜவுளி ரொம்பவும் பாதிக்கப்பட்டிருக்கிறது. கைநெசவு ஜவுளி ஏற்றுமதியாவதே இல்லை. அதற்குக் காரணம் நம் தேசம் பூராவும் மில்ஜவுளி விலை குறைந்து விட்டதால் கைநெசவு ஜவுளிகளுக்கு கிராக்கி இல்லை. இன்னும் இப்பொழுது தூல்களுக்கு மந்தம் ஏற்பட்டிருக்கிறது. ரக்யகாரணம் நம்மாகாணத்திலிருந்து கைநெசவு ஜவுளிகளை ஏற்றுமதி செய்ய வசதி இருக்கவேண்டும். ஆனால் அதற்கு இப்பொழுது பர்மிட் வைத்திருக்கிறார்கள். இந்த பர்மிட் வாங்குவதற்கு இப்பொழுது ரொம்பவும் கஷ்டமாக இருக்கிறது. அதற்காக ரூபாய் ஐந்து ஆயிரம் கஜத்திற்கு டிபாதிட் கட்டவேண்டியதாக இருக்கிறது. ஒவ்வொரு வியாபாரியும் வேண்டிய அளவு போட்டு பாரத்தில் எழுதி பூர்த்தி செய்து பர்மிட் பெறுவதற்கு இன்னும் கஷ்டமாக இருக்கிறது. இம்மாதிரி கஷ்டங்கள் சில்லரை வியாபாரிகளுக்கும் இருக்கிறது. மொத்த வியாபாரிகளுக்கும் இருக்கிறது. பர்மிட் என்பது இல்லாமல் வைத்திருந்தால் அவர்கள் சௌகரியமாக வெளியே ஏற்றுமதி செய்வார்கள். ஆகையால் பர்மிட்முறை என்பது கூடவே கூடாது, இன்னும் சிலர் உபயோகம் செய்யாதவர்கள் அநேகம் பர்மிட்கள் வாங்கி வைத்துக்கொண்டிருக்கிறார்கள். அவர்கள் வாங்கிவைத்துக்கொண்டிருக்கும் பர்மிட்களை இப்பொழுது உபயோகிக்காமல் பின்னாடி அவகாசம் கிடைக்கும்போது அதை லாபத்திற்கு உபயோகித்துக்கொள்ளலாம் என்று அப்படியே வைத்துக்கொண்டிருக்கிறார்கள். அதனால் ஏற்றுமதி கணக்கு கண்டுபிடிக்க சர்க்காரிடம் சரியான கணக்குக்கிடைக்காது. ஆகையால் ஜவுளி ஏற்றுமதி விஷயத்தில் பர்மிட் முறை தேவை இல்லை என்று நினைக்கிறேன்.

“ இதுபோக கைநெசவு ஜவுளி பெரும்பாலும் நல்ல நூல்களும் பெரிய நகரங்களாகிய மதுரை, கோயமுத்தூர், சேலம், காஞ்சிபுரம் முதலிய இடங்களில் உற்பத்தியாகிறது. இந்த இடங்களில் 60, 80 என்ற ரக நூல்கள் தயார் செய்யப்படுகிறது. நம் மாகாணத்தின் கோட்டாவைப் பார்த்தால் 1,220 பேல்கள்தான். இன்னும் அதிகமான பேல்கள் நம் மாகாணத்திற்கு தேவையாகியிருக்கிறது. நமது மாகாணத்திற்கு சன்ன நூல்கள் அதிகம் தேவையாக இருக்கிறது. ஆகையால் கனம் மந்திரியவர்கள் மத்திய சர்க்காருக்கு தெரிவித்து, எழுத்துமூலமாக எழுதியோ அல்லது நேராகப்போகும்போதோ சொல்லி இன்னும் அதிகமான சன்ன நூல்கள் நம் மாகாணத்திற்குக் கொடுக்கும்படி கேட்டு கைநெசவு தொழிலை ஆதரிக்கும்படியாக கேட்டுக்கொள்ளுகிறேன். இன்னொரு விஷயம் சொல்லப்படுகிறது. மில்லில் உற்பத்தியாகும் சன்ன நூலை அதிகமாக கிடைக்கும்படி செய்யவேண்டுமென்று. அதற்கு ‘no one can help in this matter’ என்று (யாரும் உதவி செய்வதற்கு இல்லை என்று) சொல்லப்படுகிறது. ஆகையால் இது விஷயமாக சர்க்காரே சிரத்தை எடுத்துக்கொள்ளவேண்டும். சர்க்காரே கவனிக்க வேண்டும். சர்க்காரே இதற்குக் கடைப்பிடிப்பிருக்கிறார்கள். தற்காலிக டைய நிலைமை ரொம்பவும் பன்னத்திலிருக்கிறது. ஏற்கனவே மில்ஜவுளி களின் விலை குறைவால் அவர்களுடைய கைநெசவு ஜவுளி சரியானபடி விற்கப்படாமல் உற்பத்தியான சர்க்குடன் அப்படியே கடையில் இருக்கின்றன. இப்பொழுது பணக் கஷ்டம் ஏற்பட்டிருப்பதால் மில் நூல் வாங்க முடியவில்லை. அவர்கள் வசிக்கும் இடங்களுக்கு வாடகை ஜாஸ்தியாக இருக்கிறது. இப்பொழுது நடைமுறையில் இருக்கும் control-லினால் ஒரு தற்காரருக்கு 80-ம் நம்பர் நூல் 5 பவுண்ட்தான் கிடைக்கிறது. மாதா

[Abdul Latif Farookhi Sahib Bahadur] [27th November 1948]

will book the goods to the wholesale consignees in each district, who will take delivery and arrange to distribute to the wholesalers in the districts in this Province'. But, Sir, in the announcement that was made in the Press about this arrangement, there were only the wholesale consignees, but the representative buyers were not there, and people deposited money and made selections. Subsequent to that, I find a notification issued by the Government in the Development Department, dated 10th November 1948. In that there was an amendment to this effect namely, that the 'wholesale consignee' means the person who receives a specified number of bales, etc. Therefore, Sir, in this note, we have got what is known as the representative buyers, being introduced. May I know from the Hon. Minister for Textiles how these people came in subsequently, who are going to appoint them and what are their functions?

"Then the other question is this. It is further stated in this note that the 'Government have addressed the Central Government for the increase of quota for this Province from 21,000 bales to 30,000 bales per month and as soon as the increased quantity is sanctioned, the number of wholesale and retail dealers will be increased correspondingly'. Are the additional people going to be appointed by inviting applications? These are the two questions I want to ask. Are the Government going to appoint these additional wholesale and retail dealers after announcement and after people have made money? Will not the ordinary people in the country naturally think that patronage is being distributed by the Government in this matter? I should like the Hon. Minister to throw some light on these two points, Sir."

SRI S. A. S. RM. RAMANATHAM CHETTIYAR:—"தலைவர் அவர்களே, நூல் ஜவுளி விஷயமாக முதலில் கனம் மந்திரியவர்கள் சொல்லியதையும் மற்றும் எல்லோரும் பேசியதையும் கேட்டுக்கொண்டிருந்தோம். நமது கனம் மந்திரியவர்களுக்கு நல்ல முறையில் ஜனங்களுக்கு சௌகரியம் செய்யவேண்டும் என்றும் **black market** இல்லாமலும் செய்ய வேண்டுமென்று மனப்பூர்வமாக எண்ணம் இருக்கிறது. அது அப்படி இருக்கிறது என்பது எனக்கு நிச்சயமாகத் தெரியும். அதற்கு வேண்டி சர்க்கார் ஒரு விதமாக உத்திரவு போட்டாலும் பக்கத்திலுள்ளவர்கள் அதற்கு வேறு விதமாக அபிப்பிராயம் கொடுத்து அதன்படி அமல் நடத்துகிறார்கள். சிப்பந்திகள் இவ்விதம் வேறுவிதமாக அர்த்தம் கொள்வதால் ஜனங்களுக்கு கஷ்டங்கள் ஏற்படுகின்றன. இதை சீர்திருத்தம் செய்யவேண்டியது கனம் மந்திரியவர்களுடைய பொறுப்பு."

"இரண்டாவதாக **blackmarket** கூடவே கூடாது: ஏற்கனவே கைநெசவுக் காரர்கள் கஷ்டமடைந்து கொண்டிருக்கிறார்கள். இப்பொழுது 40, 80-ம் நம்பர் நூல்களை ரூ. 45-க்கு வாங்கி ரூ. 80-க்கு மேல் **blackmarket**-ல் விற்பனை செய்கிறார்கள். இன்னும் சில சமயங்களில் அதிக விலைக்குக் கூட கிடைக்க வில்லை. ஆகையால் முதலில் **blackmarket**-ஐ ஒழிக்கவேண்டும். இன்னும் நூல்களை அனுப்புவதில் கஷ்டங்கள் ஏற்படுகின்றன. காஞ்சிவரத்திற்கு 80, 80 நம்பர் நூல்கள் வேண்டும். அங்கே 40, 30 நம்பர் நூல்களை அனுப்புகிறார்கள். அதேபோல் சீரானாவிற்கு 40, 30 நம்பர் நூல்கள் தேவையாக இருக்கும்போது 100, 80-ம் நம்பர் நூல்களை அனுப்புகிறார்கள். இவ்விதம் மாற்றியனுப்புவதால் ஜனங்களுக்கு கஷ்டம் ஏற்படுகிறது. இவ்விதமான கஷ்டங்கள் ஏற்படுவது அதிகாரிகளால் தான். உத்தியோகஸ்தர்களை I.C.S. படித்தவர்களைப் போடுவதால் அவர்களுக்கு வியாபாரத்தின் தோஷம் தெரியாது. அதனால் வியாபாரிகளும் ஜனங்களும் கஷ்டப்படுகிறார்கள்."

27th November 1948] [Sri S. A. S. Rm. Ramanatham Chettiyar]

வியாபாரிகளில் நான்கு பேர்கள் கொண்ட கமிட்டியை நியமித்தால் அவர்களுக்கு தொழிலின் அனுபவம் தெரியும். தொழில் அனுபவம் தெரிந்தவர்களை நியமித்தால் ஜனங்களுக்கும், வியாபாரிகளுக்கும் சௌகரியம் ஏற்படும். நமது நண்பர் வாலாஜா ரோடில் அநேகம் பேர்கள் நூல் வரப் போகிறது என்று காத்துக்கொண்டிருக்கிறார்கள் என்று இப்பொழுது சொன்ன மாதிரி கஷ்டங்கள் ஏற்படுகிறது. இன்னும் அதிகாரிகளைப் போய் நூல் வேண்டுமென்று கேட்டால் அவர்கள் ஜனங்களை மரியாதையாக நடத்துவது இல்லை. திருப்பி ஏதாவது கேட்டால் 'போ, ஐயா, போ' என்று அதட்டுகிறார்கள். அதிகாரிகள் ஜனங்களிடத்தில் அன்பாகப் பழகும்படி சொல்ல வேண்டும். அதிகாரிகள் ஜனங்களுக்கு நூல் கொடுத்தாலும் சரி கொடுக்காவிட்டாலும் சரி இனிமையாகப் பேசி அனுப்பவேண்டும். இன்னும் கூட்டுறவு ஸ்டோர்களுக்குப் போனால் கேட்கவே வேண்டாம். அவர்களுடைய அதிகாரம் சர்க்கார் அதிகாரங்களைவிட ஜாஸ்தியாக இருக்கிறது. மணி 8-5-க்குப் போனால் கிடைப்பது, வெளியே போ என்று சொல்லுகிறார்கள். முன்னால் போனால் மணி 4 ஆகவில்லை என்று அதிகாரம் செல்கிறார்கள். ஆகையால் இப்பொழுது இருக்கும் நிலைமையில் நூல் வாங்குவது என்பது ரொம்பவும் கஷ்டமாக இருக்கிறது. கூட்டுறவு சங்கங்களால் ஜனங்களுக்கு சௌகரியம் கிடைப்பது. ஏனென்றால் அவர்களுக்குத்தான் பணம் கிடைப்பதே. சர்க்காரிடம் கடன் வாங்கித்தான் நடக்கிறது? ஆகையால், அவர்கள் சரிவர நடக்கும்படி ஏற்பாடு செய்யவேண்டும். ஒரு விஷயம் சொல்லுகிறேன், **Mr. Farookhi Sahib** கவனிக்கவேண்டும். மவுண்ட் ரோடில் ஒரு கூட்டுறவு ஸ்டோர் இருக்கிறது. அங்கே போய் பார்த்தால் ஜவுளிகள் சாக்கு மூட்டைகள் மாதிரி கிடக்கிறது. குப்பை கூளமாகப் போட்டிருக்கிறார்கள். அவைகளை யெல்லாம் எலிகள் கடித்து மோசமாகக் கிடக்கிறது. அவைகள் ஏன் அப்படி இருக்கிறது என்று கேட்டால் அவைகளையெல்லாம் கப்பலில் அனுப்பப்போகிறோம் என்று சொல்லுகிறார்கள். கூட்டுறவு சங்கங்களுக்கு வியாபார அனுபவம் இல்லை. ஆனால் வியாபாரிகள் சரக்குகளை நன்றாக காப்பாற்றி வைப்பார்கள். கூட்டுறவுக்கும் வியாபாரத்திற்கும் ரொம்ப தூரம். பெரிய பெரிய வியாபாரிகளால் நடத்த முடியாதபோது இந்த கூட்டுறவு சங்கங்கள் எப்படி நடத்த முடியும்? இன்னும் இவர்கள் டிபாசிட் ரூ. 2,000 கட்ட வேண்டியதாக இருக்கிறது. ஒரு wholesaler விற்குல் அவனுக்கு ரூ. 3,000-க்கு 90 லாபம் கிடைக்கிறது. ஒரு retailer விற்குல் நூற்றுக்கு ரூ. 6 வீதம் ரூ. 180 லாபம் கிடைக்கும். இன்னும் sales-tax போட்டிருப்பது ஒருவிதமாக இருக்கிறது. ஒட்டக் கூத்தன் பாட்டிற்கு இரட்டைத் தாப்பான் என்பதுபோல் ஒரு wholesaler அவனை retailer ஆக இருந்தால் அவன் இரண்டு வித sales-tax கட்ட வேண்டியதாக இருக்கிறது. Wholesale-க்கு ஒரு தடவையும் retail sale-க்கு ஒரு தடவையும் கட்டவேண்டுமா? இரண்டுவித sales-tax எவ்விதம் வருகிறது என்பது தெரியவில்லை. அது சந்தேகமாக இருக்கிறது. எந்த விதத்திலும் இந்த **blackmarket** ஒழிய வேண்டும். அதை ஒழிக்க முதலில் வழி தேட வேண்டும். அதை ஆதரிக்கவே கூடாது. இப்பொழுது ரூ. 45-க்கு வாங்கும் நூல்களை ரூ. 80, 85 என்று வாங்கி வருகிறார்கள். ஆகையால், ஜனங்களுக்கு கஷ்டப்படாமல் சௌகரியமாக நூல் கிடைக்கும்படி செய்ய வேண்டும். ஜவுளி லைசென்ஸ் எடுத்துக்கொள்வதாக இருந்தால் ரூ. 5,000 கட்டவேண்டியதில்லை ரூ. 2,000 கட்டினால் போதுமா. அதிகாரிகள் ஜனங்களை அனுசரிக்காததால் ஜனங்கள் ரொம்பவும் கஷ்டப்படுகிறார்கள். ரொம்பவும் திண்டாடுகிறார்கள். அதிகாரிகள் கனம் மந்திரியவர்களுடைய எண்ணத்தை மனப்பூர்வமாக நிறைவேற்றி ஜனங்களுக்கு எந்த விதத்திலும் சௌகரியமாக சிரமம் இல்லாமல் நூல் ஜவுளி எல்லோருக்கும் கிடைக்கும்படி செய்யவேண்டுமென்று கேட்டுக் கொள்ளுகிறேன்."

SRI M. D. T. KUMARASWAMI MUDALIYAR:—"Mr. President, Sir, I wish to submit that the piecegoods that we get from outside this Presidency are not at all suited to our requirements. All the surplus cloth from other Provinces is dumped in this Province and we are compelled to go in for it on account of the scarcity of cloth in this Province. Ordinarily we, in this Province, require 4½ to 7 cubits length of dhoties, but we get

[Sri M. D. T. Kumaraswami Mudaliyar.] [27th November 1948]

8, 9 and 10 cubits dhoties which are commonly used in the North. Only very few people in the southern districts wear these long dhoties. But the majority of the people in this Province do not wear such cloth, but still we have to purchase it, because there is no other go. I would, therefore, request the Government to consider this aspect of the matter and see that arrangements are made to import only dhoties between 4½ to 7 cubits in length, so that the public need not unnecessarily purchase these lengthy dhoties and pay more money."

SRI N. SANKARA REDDI :—" Mr. President, Sir, I would not have intervened and taken part in these discussions, but for the charge laid down by certain hon. Members that the previous Congress Ministry by its policy has retarded the progress of production of mill yarn and mill cloth. I have to say that it is not true, Sir. I should like to ask the Government whether those spindles which were expected to arrive were received by the Government, how many mills have been started and how many new companies were floated. What is the position with regard to those spindles now? Are they going to come at all? Where are they going to come from—From America, or England or Japan?

" Apart from that, Sir, even if some mills were started, should not the quantity of yarn that the Madras Province gets from outside bear some ratio to the spindlage that was proposed to be supplied to this Province?

" Now, Sir, both food and cloth are the two most important things which our country needs and which are indispensable to every man. The previous Congress Ministry had done its best to tackle these two problems and had laid down schemes and programmes with great ambition and if it had continued in office, it would have done something in that direction. Those schemes were undertaken according to the policy of the Congress and they were intended to give work to the millions of our agricultural labourers and other tillers of the soil in the villages, whose earning capacity is very small and to add something to their income in the lean months of the year. You know, Mr. President, that our country has increased in population, but that increase is mainly confined to big towns and cities. The population has not increased proportionately in the villages. Only in very few villages has the population increased during the last decade, but even if all the ryots and peasants get into the land and try their best to increase agricultural production, they cannot produce enough to feed the population, because labour is not readily available there.

4-15
p.m.

" Sir, our agriculture has become extensive but not intensive. We are trying to produce more but the result is not so. During weeding season for want of labour our agriculture is not properly done. Though the preparations are good, if weeding is not done we will have only grass and not food. That is the result and that is the kind of agriculture that is going on in the villages and in the country. What I appeal to the people is that this clamour

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for mill cloth must be given up. Already the export to Africa, Burma and Ceylon of our handloom cloth has been reduced or restricted. The weavers are going without work and they are not able to earn anything to make both ends meet. Sir, it is the duty of the Government to feed these weavers and the agricultural labourers. They must revigourate the village and give occupation to the agricultural labourers and the small peasant and fix him on to the land and to the production of cloth. Cloth is the only main industry after agriculture and the production of food must be correlated to the production of cloth. Then only, Sir, we will have peace in the country and the poor agricultural labourer will have the capacity to live in the village. Or else everything will be going wrong and we will be heading towards disaster. Cloth is not the only important thing, Sir. If our food production is not made sufficient, every year we will have to go to the Government of India with our bowl for a million tons of food. Wherefrom can the Government of India get if we are not able to produce the food in our own lands and in our own Province? This kind of agitation for more and more mill cloth and this kind of criticism and allegation that a certain Government retarded the progress of the production of mill cloth and yarn should be given up at least by the intelligent strata of people. With these remarks, Sir, I resume my seat."

* SRI D. KRISHNAMURTI :—" Just as in the case of food, Sir, in the case of cloth also this Province is a deficit province and we have to depend upon the Bombay and other Provinces"

MR. PRESIDENT :—" May I know from the Hon. Minister for Industries how much time he would require for his reply? "

THE HON. SRI H. SITARAMA REDDI :—" Half an hour, Sir."

* SRI D. KRISHNAMURTI :—" The Hon. Minister has told us just now that calculating at the rate of 10 yards per capita, the 1939 basis, we want as much as 4 lakhs of bales of cloth."

MR. PRESIDENT :—" I think he said 12 yards."

* SRI D. KRISHNAMURTI :—" But to-day's population must be considerably more and so the quantity required must be much more. We are now depending upon other parts of India for mill cloth. Sir, the controls were abandoned on the recommendation of Mahatma Gandhi and now things were fast improving in the country. When one wanted any cloth he could get it from the market if he paid the price for it. I cannot understand, Sir, why controls are again sought to be introduced by this new control order. One patent fact seems to be that out of 2,900 wholesale dealers about 600 get the patronage of the Government for selling and 2,300 wholesale dealers would be thrown out of employment. Sir, they have been merchants carrying on their

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trade for a number of years and there is no special reason why they should close their shops and why the patronage should be restricted to a considerably small number of people. In the matter of yarn the difficulty is much more.

"Coming to distribution of yarn by the co-operative societies, Sir, I know several handloom weavers who are suffering to-day for want of proper distribution of yarn. As a matter of fact in the East Godavari district in Chirala and Mangalagiri where there are two looms there is only one loom working now for want of supply of yarn. I cannot see, Sir, any advantage by the introduction of the system of control except it be that you keep these people at the mercy of a few merchants who are under the good books of the Government. No useful purpose would be served, Sir, at this stage to blame the previous Government for not producing adequate mill cloth, because these things cannot be done in an hour or two. By introducing this method of textile control we are going from bad to worse. I ask, Sir, do the Government really want this method because it will confer valuable advantages upon the people? Sir, by taking this step, the Government will create a serious situation in the country by swelling the numbers of unemployed, as now there are already people unemployed in the different walks of life, namely, the tappers, the agricultural labourers, etc. And we will add to this number the retail cloth merchants and the wholesale merchants and yarn merchants. So far as benefit to the consumer is concerned, it remains to be seen how far any person would be able to take advantage of it apart from the Government. Therefore, I strongly oppose the policy of control, now to be introduced by the Government as it will produce more harm than good and it is not to the best interests of the general body of public."

MR. PRESIDENT:—"I think the bell may be rung so that the Hon. Minister may have a better audience."

The bell was rung.

* THE HON. SRI H. SITARAMA REDDI:—"Mr. President, Sir, let me first thank the hon. the Leader of the Opposition and the other hon. Members of this House who have taken pains to study at such short notice the notes circulated and the helpful criticism that has been offered to the Government. I am indeed grateful to them for the various suggestions that they have made and for pointing out some of the difficulties that have been experienced in certain places in the Presidency and also generally about some of the alleged defects pointed out. I take this opportunity, Sir, of explaining to the hon. Members of the House the views of the Government in regard to this matter. Let me first take the question of controls about which the hon. Member who spoke last referred. It is not as though this Government or the Central Government are very fond of controls. No Government is fond of controls. They would like to avoid it if they can. But in the interests of society certain things have to be done by the State and this is one of them. I would like to bring to the

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notice of the hon. Members, how the prices of yarn and cloth soared high before these controls were reintroduced by the Government. They went up in some cases to 300 per cent more than the pre-control period in the case of superfine cloth and I believe in some cases it went up to even 400 per cent. Even the coarse and medium counts which are ordinarily required by the common man went up by 40 to 60 per cent. Then, Sir, there was the criticism levelled against the Government, namely, that they did not realise their duty to the common man and people clamoured for controls and then the controls came. To-day there is again a criticism by some section of the people that there should be no control. This is a very difficult question and it is very difficult to please the various sections of the people. But so long as the Government feel that it owes a duty to the common man to see that he gets his cloth at a fair price, certain steps have to be taken and to-day the controls have been introduced to achieve this object.

"Coming to the question of licences, Sir, a certain criticism has been levelled that there were a large number of wholesalers and a large number of retailers and they have all been thrown out of employment. It looks from the remarks of hon. Members as though the Government had a desire to make them suffer. Let me assure hon. Members of the House, Sir, that the Government are as sympathetic as the hon. Members to the plight of the people who are thrown out of employment. It is not the desire of the Government to throw anybody out of employment if they can help it. But let me remind hon. Members, Sir, that 50 per cent of the yarn has been allotted to the Handloom Weavers' Co-operative Societies. Out of this 50 per cent the Handloom Weavers' Co-operative Society was already handling about 25 per cent and what has been given is an additional allotment. That is, the Handloom Weavers' Co-operative Society has been given another 25 per cent of the quota more than what was previously given. Therefore, the number of retailers or wholesalers in yarn who have been affected is comparatively very much less.

"Then I come to the question of cloth. About one-third of the provincial quota has been given to the co-operative societies to enable the Government to see that the sales are effected in various places where the societies are located—in rural areas also—at fair prices, so that they may act as a check upon private trade and also to see that the consumer gets the cloth at a fair and reasonable price. In fact, Sir, there was a criticism levelled against the Government that we did not entrust the entire dealing in cloth and yarn to co-operative societies and that we ought to have tried this as an experiment and given at least yarn fully to the co-operatives. They suggested that at least 50 per cent of the quota should be given to the co-operative societies. Knowing the hardships it would cause to trade and also knowing the difficulties of the co-operative societies in dealing with these large quantities of cloth and yarn, and after due consideration of certain other

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aspects of the matter, the Government decided to entrust one-third of the cloth quota and 50 per cent of the yarn to co-operative societies. Naturally this led to the number of the original wholesalers and retailers coming down and this could not be helped. Sir, I should like to bring to the notice of the hon. Members that this large increase in wholesalers and retailers took place during the last control period and I believe before the controls were introduced the number of wholesalers and retailers in the whole Province was very much less. And so the people who have been really in the trade for a long time and who have been affected by this control are not so considerable as it looks from the figures that have been furnished.

-30
m. " I have not got the exact figures with regard to the number of retailers just before the control. But, the number of retailers was not more than 850 or 900 in the whole Province. Anyhow, their number was not so much as now.

" Then, Sir, I feel that in a few months and indeed in a very short time, we can expect an additional allotment of cloth and yarn for the Madras Province. Representations have been made by this Government to the Government of India for this additional quota of cloth and yarn. When this additional quota is received, Government propose to increase the number of people who are to be licensed, whether it be for wholesale or retail. Therefore, every effort will be made to see that as few a people in the trade as possible are displaced, so long as they had behaved well in the past and are likely to behave well in the future.

" Then, Sir, the Hon. the Leader of the Opposition raised the question of production. He asked, 'Has the Government done anything to increase production?' For the information of this House, I may say that in this Province, most of the mills producing yarn have gone on to the third shift. There has been some trouble in the production of yarn in the Madras Presidency during the last few months. But, hon. Members will realise that adequate steps have been taken by this Government to relieve the handloom weavers. It will certainly be appreciated by hon. Members when I say that we are able to claim more yarn quota for this Province and that we have taken efforts to increase the production of cloth. We have been pressing on the Government of India that we should be allotted 30,000 bales, while allotment for this Province has been only 21,000 bales. We have made out a case for the increase in the quota of yarn based on the large number of looms that are working in this Province. I hope, Sir, that this increased quota of 30,000 bales will be received and that we will be able to increase the production of cloth in this Province.

" Then, Sir, some hon. Members mentioned that there was scarcity of certain finer counts. But, Sir, in the matter of yarn, I must point out that certain difficulties are found about the supply of finer counts of yarn. There is bound to be difficulty so long as the allocation of the finer counts of yarn to this Province is less than what we need. I should like at this stage to inform

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this House that the Government of India propose to restrict the production of finer counts. That is one question that is being examined. In fact, there may be a decision by the Government of India to reduce the production of counts of 80s and above. As I have already said in my statement, counts of 100s are not at all coming in now. If we got a few bales, it was during the last control. That is a fact which the handloom industry should take note of and perhaps adjust itself to the new setup. It is natural that Government should be reducing the finer counts to help greater production of yarn. The production of finer counts depends always on foreign cotton. The prices of foreign cotton were so high that some mills had to give up production of finer varieties of yarn. There has been a strong feeling that in the production of finer varieties of cloth, there has been some laxity. But, Sir, if we are able to get adequate supplies of finer counts of yarn, we can produce such varieties. But, there is some difficulty in producing the finer counts of yarn. I should like those people who clamour for these finer counts that it is not as if the Government are unaware of their difficulties and that they do not want to help them. We have got our limitations in that we have to get our allocations made from the All-India Pool and the limited quantity that is made available to us is being distributed equitably to the various areas. We are trying to get more of these finer counts of yarn and to satisfy those people who clamour for those particular types as far as possible. But, I should state that in view of the possibility of the Government of India restricting the production of finer counts, it is better for the industry to adjust itself even from now and to weave the coarser counts, say, the 40s, 36s or the 19s, and so on, because adequate supplies of these types of yarn will be available. I was really surprised to hear the hon. Member from Tirunelveli when he said that they felt great difficulty in getting yarn to the mills in that area. In fact, I received a report from one district recently that in one or two taluks of that district, the movement of yarn has been rather slow but, that is because the weavers found that they are not able to sell the cloth that they had already produced out of the rougher counts of yarn supplied to them. Perhaps, the other reason why there has been some difficulty felt in certain areas is the smuggling that was taking place for some time into the Hyderabad area. That is one of the reasons that was responsible for the non-availability of cloth. But, with the introduction of controls and with stricter supervision over distribution, I am sure, the difficulty will disappear day by day. We are taking all steps to see that smuggling which is likely to take place is prevented as far as possible.

" Then, Sir, the hon. the Leader of the Opposition spoke about khaddar. Yes, Sir, we have been pushing through the Firka Development Scheme in order to help production of khaddar as much as possible. I do not know the amount of yardage that is there but I know that there is a good quantity of yarn which has not yet been converted into cloth. Sir, we have been finding some difficulty in some places to get the weavers to

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weave hand-spun yarn because the weaver is rather reluctant to weave hand-spun yarn into cloth and we are persuading the weavers to weave cloth out of hand-spun yarn. During the last control period, there were certain areas wherein the handloom weavers were not given any supply of mill-yarn but they were made compulsorily to weave cloth from hand-spun yarn. I do not know whether such a need is felt at the present moment but if any such need arises, I am sure, we will be able to get a few weavers exclusively to weave this hand-spun yarn, perhaps compensating them properly for the trouble that they have to undergo, because, these weavers may not be able to earn as much as they earn by weaving mill yarn."

Dr. V. K. JOHN :—"Compensate from public revenues?"

THE HON. SRI KALA VENKATA RAO :—"It will be shifted on to the consumer."

THE HON. SRI H. SITARAMA REDDI :—"That is a question that will have to be tackled."

Dr. V. K. JOHN :—"May I know why they find it difficult to utilize the hand-spun yarn?"

MR. PRESIDENT :—"It is not quite so uniform."

THE HON. SRI H. SITARAMA REDDI :—"Sir, difficulty has been felt in persuading some of those people to weave hand-spun yarn because it is much easier for them to weave cloth out of mill-yarn and also for weaving mill-yarn, the payment is made on the yardage."

MR. PRESIDENT :—"I wish all hon. Members will wait till the Hon. Minister finishes his reply."

* THE HON. SRI H. SITARAMA REDDI :—"Then, Sir, my hon. Friend asked that when machines are available, why should we encourage hand-made cloth. For the information of the hon. Member, I may say that even in England—perhaps he knows about England and Scotland much more than I do—there is the production of a particular type of hand-spun and hand-woven cloth that is very much fancied. It is not as if there is no scope for hand-spun and hand-woven cloth. There is always scope for particular types of hand-woven clothes in every country and in every part of the world. In spite of the machines that we may get, there will be scope for hand-spun and hand-woven, fine varieties of cloth. I wish my hon. Friend sees some fine varieties of khadi that is available in Chicacole and in certain special areas of the Vizagapatam district where beautiful varieties of khadi are produced; which are much more durable than the ordinary khaddar. Therefore, this cloth woven by the hand has always got a pride of place in spite of the fact that machines may come in large numbers. So, Sir, there is no need to discourage or eliminate production of khaddar as was suggested by the hon. Member."

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"Then, Sir, another question was raised as to why we should not make an attempt to make this Province self-sufficient in the production of mill cloth. Sir, we have specialized in this Province the production of handloom cloth. As I have already said, our production of handloom cloth is very considerable. It comes to 288,000 bales per year. If each Province goes on thinking in terms of self-sufficiency then, who is to buy our handloom cloth? It is a question that has to be borne in mind. Therefore, there cannot be the question of self-sufficiency for a particular Province. Now, we must think in terms of national and international interests and in terms of the Indian Union as a whole. I am sure my hon. Friend will appreciate this. We have got also to exchange our handloom goods with those of other Provinces. If we work out this policy of self-sufficiency as my hon. Friend suggested, then it is likely that other Provinces may start their own production of handloom cloth with the result that a large number of handloom weavers who produce specialized varieties of cloth in this Province will be thrown out of employment. That is one fact which I would like the hon. Member to bear in mind. The principle of self-sufficiency cannot be applied to small areas, say for each district or for each Province, because this principle of self-sufficiency will be very difficult to work out in practice. I therefore feel that there must be a sense of 'Give and Take'."

"Another criticism that was levelled was, why should this Province be saddled with this large amount of handloom cloth while cheaper mill cloth is made available in other Provinces. It is true that during the last controls, our quota of mill cloth was about four yards per individual and the rest of the requirements had to be made up by handloom cloth. This question we have now taken up with the Government of India and have suggested to them that the handloom cloth produced in this Province must be allowed to be exported to other Provinces in certain proportions that quantity should be replaced by mill cloth from other Provinces. I hope the Government of India will agree to our proposal that at least fifty per cent of the handloom cloth produced in this Province should be allowed to be exported to other Provinces and it should be replaced by mill cloth so that the ordinary man here may be enabled to get cheaper cloth. That is one of the things which the Madras Government have taken up with the Government of India and they are trying to persuade the Government of India to agree to this proposal. These are questions which we have still to consider. No permanent allocation of cloth and yarn have been made to this Province as yet and when permanent allocations are made, I am sure, all these aspects will be taken into consideration."

"One hon. Member put a question as regards the basis on which this quota of 12 yards was arrived at. The answer is this. This quota was arrived at by the Government of India, on the basis of the pre-war consumption of the various Provinces. As I have already stated, the present proposal has not yet been finalized, and allocations have not yet been finally decided. But it has been proposed by the Government to allocate cloth on a uniform basis"

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of 18 yards for each person in urban areas, and 12 yards in rural areas. I believe this allocation will give us a few more bales than what we have been receiving hitherto. It has been accepted by the Government of India that there should not be any difference between one Province and another, but there should be a difference between the urban and the rural areas, because it is said that the urban people are likely to use more cloth than the rural population. It is on the basis of this calculation that the Government of India have fixed the future mill cloth allocations for our Province. It will also depend on the percentage of the handloom cloth that the Government of India would agree to be sent to other Provinces from ours.

"My hon. Friend Mr. Farookhi Sahib raised two other points. Where did these representative buyers and wholesale consignees come into the picture? He felt as though some great wrong had been done, and somebody has been taken by surprise. But let me draw his attention to the statement that I made in the Legislative Assembly, where I said that the question relating to the number of dealers, and the agencies for the procurement of cloth was still under consideration. But the fact that a representative buyer and a wholesale consignee have come into the picture, does not in any way alter the structure that we have had so far. These representative buyers were in existence during the previous controls, and they were doing the functions of a procurement agency for selling cloth and yarn from the various mills, such as in Ahmedabad or Bombay. I think there were about 47 persons during the last control. Now there are about 36 persons who go about and buy from the mills, the allotted quota, keep them in the godowns, and then move them on to the various districts, in railway wagons. If these people are not there, it is not possible for the wholesalers to procure their quotas. They could not go to the various places, and in fact it was their desire that there should be this system of representative buyers going to the various mills, to secure their quotas. So, Sir, these representative buyers were necessary for the smooth and swift working of the system, and for facilitating easy movement for equitable distribution. They were already there in existence during the previous controls, and what we have done now is to simply continue that precedent.

"As for these wholesale consignees, it was felt that if we had one such person in each district, who could receive the entire quota for the district in wagon loads, it would facilitate the quick movement of cloth. Otherwise there would be a lot of delay in that the representative buyer would have to consign to the various wholesalers in small lots, and there would be the difficulty of providing adequate wagon facilities. It was felt that if there was at least one man who could receive the quota on behalf of each district, the entire quota of the allotted number of bales, and consigned to him by the representative buyers, he could easily take these bales and without breaking them, on the basis of the number of bales allotted to each wholesaler, distribute them to these wholesalers.

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Of course, he is allowed a small margin of about 0.75 per cent. There have been complaints that this is a very small margin of profit, and therefore it is very difficult to secure people to do this job. It is true that these wholesale consignees were appointed by the Provincial Textile Commissioner in consultation with the Collectors, and neither the legislators nor the people were consulted in this. But let me assure this House, that the consumer is not going to be affected by this in any way. It was the interests of the consumers that this system had to be introduced, so that the distribution of cloth may be quickened. I am saying once again that there is no question of patronage at all, since the Provincial Textile Commissioner has felt some difficulty in securing persons for this job. I do not know; whether even those that have been secured now, will, after some experience, stick on the job. At present, a few people have agreed to do this; and I hope they will help to quicken the process of cloth distribution, both in the stages of receipt and dispersal."

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—"Are these people to be appointed in all the districts?"

* THE HON. SRI H. SITARAMA REDDI :—"Yes, Sir.

"Then, Sir, a question was raised by another hon. Member that there has been some communal representation in this matter. I may assure this House, that there is no communal representation in trade. I think this is one of the points which have to clear up. I may tell the hon. Leader of the Opposition that so far I have not received any complaints that any discrimination has been made. If any case of discrimination is brought to my notice, I shall see that justice is done. I hope no injustice has been done to any person on the ground that he belongs to a particular community. Government do not look at this problem from the communal point of view, and I therefore appeal to hon. Members not to think in terms of communalism in trade.

"The whole question was left to the Collectors of the various districts, and may that be in some cases they have made some mistakes without perhaps knowing all the facts. I have been receiving a few complaints here and there, that some injustice has been done. And these, I am forwarding to the respective Collectors, asking them for the grounds or the reasons why a particular person has not been chosen. We shall try to inquire into these matters, and do our best to see that no injustice is done."

DR. V. K. JOHN :—"I said, Sir, that many Muslims that approached me assured that there was no discrimination on account of community. I only wanted that to be brought to the notice of Government."

SRI M. NARAYANA RAO :—"Have any concessions been given to the Harijan people?"

* THE HON. SRI H. SITARAMA REDDI :—"I thought that this question also will be raised by some hon. Member. Now that

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it has been raised, it is my duty to answer it. During the previous controls there was some complaint that Harijans did not get any opportunities of coming into the trade. So, certain orders were passed by the Government enabling some of them to come into the trade. Now, the various Collectors have seen to it that such of those as were there during the previous controls, have been given an opportunity to come into the trade. We have been trying to secure as many of those as were in the textile trade during the previous controls, in as large a number as possible, since a greater number of bales of cloth are likely to move in. We shall also see to it that there is as much absorption of these people as possible, leaving no room for complaint that some of them have been thrown out of their own trade.

“My hon. Friend Mr. Suryanarayana Rao raised a question as to the slow movement of cloth in these few months. He pointed out certain figures from the statement that has been circulated. But I may recall that as soon as this new set-up of things was brought into existence, we had the Hyderabad troubles, which resulted in the movement of cloth from Ahmedabad and Bombay being slowed down. Attempts were made, however, to move these cloth bales by steamer, but there was some difficulty felt in the matter. Naturally therefore, the movement was not very satisfactory in these few months. But now the position has changed very much, and I expect, that with our representative buyers and wholesale consignees, the allotments that are made to this Province will be made available to the dealers as quickly as possible. I may once again assure hon. Members that all this will not certainly affect the price to be paid by the consumer.

“Mr. Suryanarayana Rao raised some points as regards the working of these co-operative societies in these few months, and the manner in which they have discharged the responsibility that has been thrust upon them, in the matter of the distribution of cloth and yarn. Originally we thought that with the first allotment of cloth and yarn, the new people that have been selected will come into the trade, but there has been some delay due to the extension of time by the Government for the unstamped cloth to be sold. But yet, on the whole, I should say these co-operative societies have done well, and have dispersed the cloth to the various districts satisfactorily; they have also taken care to see that people visit these societies frequently. All this has had a very good effect on the price structure, so that even people who were selling unstamped cloth at high prices have reduced these prices very much. On the whole I should say they have done well. They have dispersed the cloth to the various districts. I have been getting reports that people have taken kindly to the sales societies. It has had very good effect on the price structure. The price of cloth has gone down due to the movement of cloth by co-operative societies. Recently the Registrar of Co-operative Societies held a conference of the co-operative wholesale stores and certain suggestions have been made to modify the quota of cloth to be moved from outside the Province. They have also suggested, in view of

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the fact that they have been receiving more cloth than was originally contemplated, that they would like to give up the quotas for November and December. From January onwards the percentage of cloth to be taken by the societies from outside the Province will vary. On the whole the societies will continue to distribute the cloth to the same extent as before. I hope, Sir, I have been able to cover most of the points raised by hon. Members.

“Sir, the question of the export of handloom cloth is a matter for the Government of India. The Government of Madras have been taking an active interest in the welfare of the handloom weavers. We have been able to persuade the Government of India a few months ago and get a special allotment for export of handloom cloth. The quota was the largest that was ever given to the co-operative societies. The Government of Madras have always been trying to help the handloom weavers in exporting their cloth outside. Recently certain representations were made by the Handloom Weavers' Organizations and the handloom weavers themselves that they must be given special facilities for export of cloth in view of the accumulation of certain types of cloth. We have taken up the matter with the Government of India. This Government is fully aware of all the difficulties of the handloom weavers and the needs of the handloom weavers. We are constantly watching the interests of these people. Every effect will be made by this Government so far as it lies with them, to take care of the interests of these people.”

MR. PRESIDENT :—“As there is no definite motion before the House, I declare that this motion is talked out.”

DR. V. K. JOHN :—“Sir, I should like that we have a discussion on the educational policy of the Government at the earliest time possible, if possible after question time on the first day of the next session. We are adjourning to-day and the matter is an important one.”

* MR. PRESIDENT :—“I hope the Government will consider the request of the Leader of the Opposition and allot a day for the subject as early as they possibly can.

“Before I adjourn the House, I should like to say a few words to the House. In my opinion the session which has just now concluded or is about to conclude is one of the very important ones we have so far had, because the House has now helped to put on the statute book some very important measures which, I am sure, will be very much appreciated by the whole country.

“Of all the measures which we have just now passed, three are very important, namely, the Zamindari Abolition Bill, the Public Libraries Bill and perhaps also the Aliyasantana Bill. Of these three, undoubtedly the most outstanding is the Zamindari Abolition Bill. Myself coming from a zamindari area and as a lawyer having had very much to do with the litigation under the Estates Land Act, I should like to mention my reactions to the Bill and I think it would not be misunderstood as entrenching upon

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things which are not the special duty of the President to do. I heartily congratulate the Government and especially the Hon. the Revenue Minister on this achievement. This is an epoch-making measure which is almost revolutionary in its nature and intended to benefit a large mass of people and I am sure will rank as the most outstanding achievement of the Ministry. In fact, I do not think I will be wrong if I say, taking the history of not only this Legislature but also of all the legislatures that went before, there have never been any measure passed by them which could rank with this either in its importance or in its effect on the country. I therefore think that the Government deserve all praise for having pushed it through with single-minded devotion and without avoidable delay.

“ The main purpose of the Bill is to bring the land tenure in zamindari areas on a line with that in ryotwari areas and thus help in improving the economic condition of the zamin peasantry. It cannot, of course, be said, that the Bill is perfect in every way and I do not think even the Government make that claim. There are no doubt important defects but in a measure of this kind, it is not possible to expect perfection straightaway especially when time is an important factor to be considered. The Province, as it is constituted to-day, consists of two well-defined portions, namely, the ryotwari area and the zamin area. Ryotwari area must also at one time have formed part of the dominions of Indian Rulers, but on political grounds they were liquidated and Government took over direct control and the administration of such areas. The rest of the area was allowed to continue as zamin area also on political grounds. If you look at them from the point of view of the ryot, the difference is striking and very disadvantageous to the zamin ryot. The land revenue is a tax whether it is paid by the ryotwari ryot or a zamin ryot. Whereas, in one case, it becomes public property and is intended to go back to the public by way of expenditure on various public services; in the other cases, it was converted into the private property of a private individual subject only to a demand from the State. This difference is indefensible. The attempt therefore to abolish it is laudable. I have no doubt, this reform will improve the condition of the zamin ryot. It will put him in direct relation to the State, it will give him the same facilities for redress of grievances as are being enjoyed by his brother in the ryotwari area, put an end to the ruinous litigation in courts to which he is now subjected and above all, it will enormously help his representative in the legislature to function effectively. I know from experience that such a representative is powerless now to make the Government do anything. Whether it be the repair of an irrigation source, fixing of a proper rate of rent or even proper survey and demarcation, the remedy lies only under the Estates Land Act in courts of law and I know of many cases in which ryots put themselves to ruinous expenditure and received no benefit ultimately. It is hoped all these things will disappear and the Executive will hereafter function as impartially, quickly and effectively as they are supposed to in ryotwari areas.

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“ While on this point, I may say a few words on compensation as well. An idea is expressed in this House and elsewhere that the ryot who is to be benefited should be made to pay. I have no hesitation in saying that there is absolutely no reason or justification for this. What little I have said above is enough to bring home to everyone that the troubles which the zamin ryot has been suffering all these days were not of his making but were forced on him by outside agency. They were solely due to an indefensible Act of State. If the State now recognizes its mistake and corrects it, it is doing nothing more than what is justly due to the ryot. It is in no sense conferring any benefit on the ryot but only removing an injustice to which he had been subjected for ages and to ask him to pay for such a thing is only adding insult to injury. The State will be perfectly justified in spending its funds for such a purpose. But let us examine the question further and see if, in fact, anyone else than the zamin ryot himself is paying for this relief.

“ The Government are sure to get an income from the estates. Though the amount of the income is disputed, the Rs. 49 lakhs which represents the peshkush is still there. Can it not be construed that the Government is paying this compensation from out of this amount. If the Government borrows the amount, they can repay it in instalments from this sum. If the Government set apart this Rs. 49 or Rs. 50 lakhs a year for at least 20 years—I do not think it will work for a longer period—the amount can be repaid. But in fact the Government is sure to make a profit and there can be no doubt that really nobody else but the zamin ryot pays for his own emancipation. Even if we take it that the net result will be that the Government cannot get anything more even in the future, the Government will be justified if it uses the whole amount for compensation. The amount of compensation now being paid can be considered to be repaid from this amount. The Government will be perfectly justified in losing this income and using it for such a laudable object intended to improve the economic condition of two-thirds of the ryot population, even as they are foregoing Rs. 17 crores for prohibition and spending enormous sums on such unremunerative but nation-building services as Education, Health, Sanitation and Communications. The theory therefore that the whole nation is paying for this reform has no basis at all to stand. While on this I may say another word. The Government will be well advised if they expedite the payment of compensation even in their lifetime. New constitution may come into force very soon and none can prophecy who will be in charge of the future destinies of this Province. Therefore the reputation of the Government is at stake and the sooner it is done the better. The ideal of the Congress is not to impoverish any particular class of society but to raise all classes to the proper level. It would therefore be consistent with Congress ideals if the present Government devises methods to see that this measure is fully implemented even during their own lifetime.

“ Unfortunately, the cordial atmosphere of the House was disturbed while discussing the amendment relating to the rules to be framed under the Bill. The original Bill provided that the

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rules should be approved by both the Houses, but was changed in the Select Committee. The Government of India Act has no doubt made a difference between the two Houses in some respects. But short of that, I am particularly anxious that nothing should be done to injure the prestige of either House. Both the Houses are but two limbs of one whole organization. I daresay that they will be ready and willing to co-operate with the Government in every way and help them in going forward with their programmes. Anything which gives rise to a sense of inferiority or superiority between them should be scrupulously avoided. Rivalry between the two Houses should be wholly deplored. Bills, resolutions and various other motions have to come before both the Houses and the present Bill itself was approved by both the Houses. While so, why should the rules alone be excluded from this House? Why should such a change be made in the Select Committee? The result of the change has been that this House was obliged to vote against its own prestige. This should be avoided at all costs. I have no objection whatsoever to the Government carrying forward its policy with the help of its majority. It cannot function otherwise. Even the Opposition cannot object to it. But when it comes to the prestige of the House, I think the Members of this House on the Committee and on the Cabinet should be particularly careful to see it is not in any way affected. I quite see the anxiety of the Hon. Revenue Minister that the Bill should become law without any delay. Utter confusion prevails in the zamindaris and the sooner the Bill becomes law the better both for the zamindars and the ryots. But at the same time, I wish this difference was not allowed to creep in. The Hon. Minister said that personally he did not like the change. I wish he had brought forward suitable amendments in the Assembly and got it through along with other amendments and I am sure he would have done so if his attention had been drawn to it. I am sure that all this confusion was not deliberate or intended by anyone. This aspect seems to have escaped the notice of everyone—Select Committee members, Members who are on the Cabinet and perhaps myself. When the Hon. Minister promised to rectify it in one of the ways suggested by him, I think the Opposition ought to have been satisfied. I am sure the Government is anxious to take the whole House with them including the Opposition. The fact that in spite of their assured majority the Hon. Ministers take great pains to explain things and convince hon. Members is proof positive that they do not want to rule by majority. That is as it should be. Otherwise it is no democracy. If this is conceded, the Opposition should be ready to understand the Government's difficulty and meet them half-way and not non-co-operate with them especially in a matter like this which seems to have escaped the notice of everybody.

“The other two Bills passed in this session are also important in improving the social conditions of society. The Libraries Bill is a good one; the library movement, we all know, is a very good movement; and the whole world owes a great deal to this movement; but I wish there were no separate organizations set up in

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this Bill. Committees of local bodies, with co-opted members, including ladies of course, would have been enough. A separate organization means a separate office, a separate establishment for management and collection, and it may eat away the meagre amounts at their disposal. Again, I wish the surcharge also was avoided. It may become not only unpopular but very difficult of collection and possibly expensive, especially in the rural areas.

“I hope that the Government will see that this Library Bill is fully implemented in all its aspects, and I sincerely trust that it would help in removing illiteracy in this country.

“The other Bill, the Aliyasantana Bill, is intended to improve the social condition of a particular class of people, and I hope that will also conduce to the well-being of that particular community and would be of great benefit to an important section of the population of this Province.

“I intended to say something about the Bigamy Marriages Bill; but that Bill has been put off.

“I thank the hon. Members including the Opposition for their great diligence and devotion to duty which have been expressed in so many ways in this House. I hope the remarks which I made just now and which I thought I ought to make, especially about the Government, will be taken in the spirit in which they were intended, and I sincerely trust such instances will not be repeated in the future. I may just say how anxious I am to retain the good relations between the two Houses. I have always refrained from referring to the Assembly as the ‘Lower House’ though perhaps we may be justified in calling it the ‘Lower House’; according to the Constitution. I have always called it the ‘Other House’ and I hope they will also do the same thing with regard to us. I am anxious to retain the good relations between the two Houses, and I request the hon. Members of the other House will take my remarks in the spirit in which they were intended; and I also feel that the Hon. Minister will bring in another measure to remove the defects pointed out.”

* DR. V. K. JOHN :—“Sir, with your permission, I should like to make a statement. The Opposition thanks you very much for the observations you have made regarding the protection of the prestige of this House. Sir, in a democratic form of Government, the opposition is as necessary as the Government itself; and as I have said previously I do not want to flatter you you are an ornament to this House and both sections of the House are proud of you and I trust your advice will be valued. Sir, all men in public life including Members of Government and Members of the Opposition are always on their trial. The Houses of Legislature is the forum in which the Government are tried. If this House is to function efficiently, its usefulness should not be impaired. And I, as Leader of the Opposition, am very firm in the position that anything that touches prejudicially the right, the privilege, the prestige and the usefulness of this House will not be tolerated by the Opposition. Now, I want to assure you, Sir, as you have been very unhappy on account of our non-co-operation

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in respect of the Zamindari Bill—a very important Bill—I want to assure you that the cordial relationship between the Government and the Opposition will remain and will continue, and we shall forget all that has happened; and we hope the Minister will bring forward a measure to amend section 40. I want also to draw the attention of the public to the fact that although we had given notice of many amendments to the sections following section 40 and we did not move them; the public did not suffer on that account because in the general discussion stage where the Deputy President gave us very good opportunity for a full and free discussion, we discussed everything fully and expressed our points of view on the amendments, which we intended to move in the House. Therefore, our points were not lost at all and even if we had moved the amendments, we would have simply repeated and reiterated what we said during the general discussion. Therefore, nothing was lost as far as public interest was concerned but one thing I regret and I regret very much. It was my intention and the intention of my friends also belonging to the Opposition to pay a very high compliment to the Hon. Minister for Revenue, Sri Kala Venkata Rao for his devotion, his thoroughness, his sincerity and the high level of discussions we had, and also the manner in which he piloted that Bill through this House. We wanted to give him that compliment which I do now. He is an ornament to any Government; and the Government ought to be proud of Sri Kala Venkata Rao. Although he is not a lawyer, he knew the facts and the law so well that we got all assistance from him in the discussion of the Bill. Of course, we did not agree with him in respect of many provisions of the Bill. But we are all here to express our differences of opinion and our points of view. And I am glad to find that you agreed in this measure with the Government; and perhaps if you were a Member of Government, you would have had a struggle with Sri Kala Venkata Rao to take his place in the piloting of this Bill. Sir, we forget all controversy when a Bill is passed. Actually, we are not an irresponsible Opposition. In two measures, we gave our blessings—to the Library and the Aliyasana Bills—even as we fought with Mr. Madhava Menon on the Agriculturists Relief Amendment Bill. As far as I am concerned, Sir, I am friends with all the Ministers; I do not even mister any one of them. But friendship does not count in this House at all. I am very chummy with Mr. Madhava Menon, but when the measure comes up and wherever there is to be criticism, there is neither friendship nor enmity as far as the Opposition is concerned; we discharge our duties without fear or favour. And although the Bill is passed, which according to you and many others, will be of great benefit to the people—I mean the Zamindari Abolition Bill—we do not regret it. You know, as a lawyer, we do not look at the result of the case; we argue the case and leave the responsibility for decision to courts. So, in this case, the responsibility is that of the House, and the House passed it. We welcome it; and always whenever a measure is passed, even like the Prohibition Bill, what the Opposition should do is to be do their best to implement the Bill and to assist the Government, although it might be that we opposed it when the measure was

27th November 1948] [Dr. V. K. John]

originally brought forward. I want to assure you, Sir, and the hon. Members on the other side that the Opposition is quite at peace with the Government, our relations are quite as cordial as before and we have forgotten the incident except that we hope that the Government will not repeat this and there will not be in any measure of the future any discrimination shown between the other House and this House—I do not want also to call it the Lower House.—the Assembly and the Council. If that is done, we shall not fight them; but if that is not done, we will fight them. But, as I said, I am quite sure this will not be repeated. As you said, Sir, it was a slip. Sir, you are a good judge of what happened. Nobody's attention was attracted to it and it was a mistake; I am quite sure Government will rectify that mistake and the Leader of the House must be anxious to keep the prestige of the House even more than the Leader of the Opposition.

"I thank you, Sir, very much for intervening in this matter."

MR. PRESIDENT :—"The House stands adjourned *sine die*."

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

G.O. No. 1047, Food, dated 19th November 1948, regarding reconstitution and revival of District Food Committees and Rationing Advisory Committees.

[27th November 1948]

APPENDIX.

[Vide answer to starred question No. 155 asked by Sri S. B. Adityan at the meeting of the Legislative Council held on 27th November 1948, page 709 supra.]

Old name of the municipality or panchayat board.	New name of the municipality or panchayat board.
<i>Municipalities—</i>	
1 Negapatam	Nagapattinam.
2 Conjeeveram	Kancheepuram.
3 Trichinopoly	Tiruchirappalli.
4 Bezwada	Vijayavada.
5 Mayavaram	Mayuram.
6 Cocanada	Kakinada.
7 Ellore	Eluru.
<i>Panchayats—</i>	
1 Keelamangalam (in Madura district).	Jayamangalam.
2 Kivalur (in Tanjore district) ..	Kilvolur.
3 Shiyali (in Tanjore district) ..	Sirkali.
4 Tiruvidamarudur (in Tanjore district).	Tiruvidaimarudur.
5 Adirampatnam (in Tanjore district).	Adirampattinam.
6 Anathandavapuram (in Tanjore district)	Anandatandavapuram.
7 Shermadevi (in Tirunelveli district).	Cheran Madevi.
8 Bikshandavarkoil (in Tiruchirappalli district).	Bichandarkovil.
9 Tiruturaipundi (திருத்துரைப் பூண்டி) (in Tanjore district).	Tiruturaipundi (திருத்துரைப்பூண்டி).
10 Arantangi (அறந்தாங்கி) (in Tanjore district).	Arantangi (அறந்தாங்கி).
11 Topputhurai (தோப்புத்துரை) (in Tanjore district).	Topputhurai (தோப்புத்துரை).
12 Mahadanapuram (மஹாதானபுரம்) (in Tiruchirappalli district).	Mahadanapuram (மஹாதானபுரம்).

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MADRAS LEGISLATIVE COUNCIL DEBATES

OFFICIAL REPORT

TUESDAY, 18TH JANUARY 1949

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THE MADRAS LEGISLATIVE COUNCIL.

Tuesday, the 18th January 1949.

The House met in the Council Chamber, Fort St. George, at 3 p.m., Mr. President (THE HON. SRI R. B. RAMAKRISHNA RAJU) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

The district administration of Tiruchirappalli.

* 158 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) whether it is a fact that the district administration of Tiruchirappalli is carried on in Tamil language;

(b) whether it is a fact that the Government employees who were formerly accustomed to do their work in English were suddenly asked to use Tamil;

(c) whether the staff were given any previous training in the use of Tamil language for official purposes;

(d) (i) whether the required number of typewriting machines in Tamil is available; (ii) if so, whether the typists in the employ of the Government have been given sufficient training in operating the machines with speed; and (iii) whether the stenographers in Government service were likewise given any training in Tamil Shorthand;

(e) whether the administrative machinery has slowed down as a result of the change in language; and

(f) whether the Government have made arrangements for extending the change of official language to other Tamil districts?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—“(a) & (b) In March 1948, an M.L.A. gave notice of a resolution recommending to Government that all Heads of Departments in the districts should conduct their proceedings and correspondence within the district in the regional language of the district concerned, the correspondence with the Government being carried on as usual in English. The Assembly was subsequently prorogued and consequently the resolution lapsed. The Government, however, considered the suggestion and decided that it should be tried as an experiment in Tiruchirappalli and East Godavari districts from the 1st May 1948 for a period of six months and that the decision will apply to local bodies also, but not to Courts. The Collectors of the two districts and the Heads of Departments were asked to submit a report on the working of the scheme at the end of that period. The reports are being now received, but they are not yet complete.

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"(c) No. But there used to be, even formerly, appreciable correspondence in the regional language in the Taluk offices.

"(d) No.

"(e) Yes; to a certain extent.

"(f) No. The reports from the two Collectors and Heads of Departments on the experiment will be reviewed and orders will be passed in the matter as soon as possible."

SRI S. B. ADITYAN :—" In view of the fact that the staff have had no experience or training in the use of Tamil language, will the Government appoint some teachers to teach the staff in the official type of Tamil language so that administration may be carried on in a better way? "

THE HON. DR. T. S. S. RAJAN :—" My answer, Sir, would indicate that we are not yet in a position to assess the difficulty until we get the required information. We are yet awaiting the reports from the Collectors of the districts concerned and as soon as we get the information, we shall go into the matter."

SRI S. B. ADITYAN :—" Have not the Government received a preliminary report that the Government machinery has slowed down considerably in those districts and that they require additional staff in case the administration is to be carried on in Tamil? "

MR. PRESIDENT :—" I suppose the final report will throw more light."

THE HON. DR. T. S. S. RAJAN :—" Certainly we cannot take action upon information partly received and partly awaited. For any definite action to be taken, we must know exactly from the District Officers concerned that they require such and such assistance and that they find particular difficulties. If they express any difficulties in their reports, we shall certainly go into the matter and deal with it."

SRI S. B. ADITYAN :—" May I know what preliminary steps Government took such as giving training to the staff in Tamil Shorthand and supplying Tamil typewriters? "

THE HON. DR. T. S. S. RAJAN :—" All such requirements should be brought to the notice of the Government and I expect the Collectors will do so."

SRI B. BHIMA RAO :—" May I know, Sir, in what language the reply will be sent by the Collector of Tiruchirappalli if a letter is addressed to him by the Collector of Bellary? "

THE HON. DR. T. S. S. RAJAN :—" The Court language still continues to be English. Therefore, hon. Members may easily presume that the reply will be sent in English."

SRI R. SURYANARAYANA RAO :—" May I know whether the Government have observed the rule in the preliminary posting of officers to choose those who know the language of the districts because they are the officers who have to issue orders? "

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THE HON. DR. T. S. S. RAJAN :—" Officers are expected to know the language of the district because they have got to issue orders. So far as Tiruchirappalli is concerned, I can tell the House that the Collector of Tiruchirappalli is a native of Tiruchirappalli and knows Tamil. About the other district, I am not quite sure. Still I expect the Collector of East Godavari to know the language of that district."

DR. V. K. JOHN :—" May I take it that this is a first step for the establishment of a Tamil linguistic Province? " (Laughter.)

THE HON. DR. T. S. S. RAJAN :—" I leave it to the hon. Member to draw his own conclusions."

SRI C. N. MUTHURANGA MUDALIYAR :—" Is there any difficulty, Sir, in shifting of officers between districts and districts? If any non-Tamil knowing officer is put in charge of a district like Tiruchirappalli, he can be easily transferred and a Tamil-knowing man put into his place so that the correspondence can be carried on in Tamil."

THE HON. DR. T. S. S. RAJAN :—" So far as Tiruchirappalli is concerned, no difficulties have been brought to the notice of the Government."

SRI C. N. MUTHURANGA MUDALIYAR :—" May I know whether the experiment that is carried on in Tiruchirappalli has come to an end and whether the Government intend to extend this principle to other Tamil districts? "

THE HON. DR. T. S. S. RAJAN :—" As soon as Government get the report from the Collector of Tiruchirappalli, they will think of extending it to other districts."

SRI R. SURYANARAYANA RAO :—" May I inform the Hon. Minister that the present Collector of Tiruchirappalli is a Bengal civilian and he must have forgotten Tamil long ago? "

THE HON. DR. T. S. S. RAJAN :—" I may assure the hon. Member that he knows Tamil very well and he speaks Tamil in his own house."

SRI M. NARAYANA MENON :—" May I know what is the language of the Court in Tiruchirappalli? "

THE HON. DR. T. S. S. RAJAN :—" It is the same language that has been there for so many years."

SRI M. NARAYANA MENON :—" I suppose it is English."

THE HON. DR. T. S. S. RAJAN :—" Yes. "

SRI S. B. ADITYAN :—" The Tamil language that is now being used by the officials in the Tiruchirappalli district can hardly be understood by the average Tamil-speaking population."

THE HON. DR. T. S. S. RAJAN :—" Not at all."

SRI C. N. MUTHURANGA MUDALIYAR :—" Is it not a fact that the Tamil language that is spoken in Tiruchirappalli is much better than the English language that is spoken there? "

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

[18th January 1949]

*Provincial Government servants lent for service in the
Hyderabad Government.*

* 159 Q.—SRI S. B. ADITYAN: Will the Hon. the Premier be pleased to state—

(a) the number of Provincial Government servants (in various categories) engaged in Hyderabad in the administrations of occupied territories;

(b) whether their services have been 'lent' to the Government of India; and

(c) whether their salaries during their period of service in Hyderabad are paid out of Provincial revenues?

THE HON. DR. T. S. S. RAJAN (on behalf of the Hon. the Premier):—“(a) A certain number of officers of this Government have been deputed to Hyderabad. Details are not furnished as it is not in the public interest to do so.

“(b) The services of these officers have been placed at the disposal of the Military Governor, Hyderabad.

“(c) No. The salaries of the officers are being paid by the Hyderabad Administration.”

SRI S. B. ADITYAN:—“May I know when those officers are expected to come back?”

THE HON. DR. T. S. S. RAJAN:—“We will hear from the Hyderabad Government as to when they are returning them to us.”

Food controls still in force.

* 160 Q.—SRI B. BHIMA RAO: Will the Hon. the Minister for Food be pleased to state—

(a) what food controls are still in force in the Madras Province and whether he will lay on the floor of the House a list of the same together with a summary thereof; and

(b) what agency has been appointed to detect and report about the infringement of controls?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) A statement showing the particulars required is placed on the table of the House.

SRI B. BHIMA RAO:—“May I know from what dates these orders have been in force?”

THE HON. DR. T. S. S. RAJAN:—“I do not see the dates here. The hon. Member may put a separate question.”

SRI B. BHIMA RAO:—“Sir, this is a very ancient interpolation which I sent in January 1948 when after de-control, some people were being prosecuted. After the prorogation of the Council

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in May, I repeated the questions. Therefore, it would be necessary, Mr. President, that Government should prepare a list like this every month and publish it in the newspapers so that the common man might understand what controls are in force.”

MR. PRESIDENT:—“I think the answer is dated 27th November 1948.”

SRI B. BHIMA RAO:—“In July, Government issued a Press Communiqué showing the controls then in force. But, now I find from the list that the number of controls has increased. Therefore, in the interests of the common man, the advocate and Judge who should know what controls are in force, it is expedient that Government should publish such a list every month in the *Madras Information* and also in the *Madras Dailies*.”

THE HON. DR. T. S. S. RAJAN:—“Government will consider the question when it is absolutely necessary. As far as the information about controls is concerned, I am sure that the magistracy and the judicial authorities are perfectly cognizant of the orders which the Government are issuing from time to time.”

SRI B. BHIMA RAO:—“I do not know whether the Hon. Minister is correct in his statement. Because I know there have been convictions even though some controls have been abolished long long ago. Therefore, Government have to bring to the notice of the prosecuting authorities as well as to the common man what control orders are in force from time to time?”

THE HON. DR. T. S. S. RAJAN:—“I have already answered that the matter will be considered and if there are sufficient reasons, Government will publish the necessary information.”

The price of white sugar.

* 161 Q.—SRI B. BHIMA RAO: Will the Hon. the Minister for Food be pleased to state—

(a) what the price of white sugar per ton was during the control period up to 8th December 1947;

(b) whether the price was increased subsequently, and if so, to what amount and by whom and for what reasons; and

(c) whether the Government have made any enquiry as to who is deriving the benefit of the enhanced prices—the management or shareholders or the money-lenders or the actual cultivators; and what ratio of benefit is got by each class?

THE HON. DR. T. S. S. RAJAN:—“(a) & (b) It is not quite clear as to whether the hon. Member requires the price of sugar per ton in all the important markets of the Province during the control period or in the City of Madras only. However, as the Madras City is the chief marketing centre for sugar, the price of sugar which ruled in the city might be taken as a fair index of the sugar prices in other centres also

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which followed the Madras price with slight variations due to the varying transport charges that were paid for transporting the sugar from the supplying centres to the consuming areas. The wholesale price of sugar in the Madras City during the control period up to 8th December 1947 varied from Rs. 342 in July 1947 to Rs. 643 per ton in November 1947. After de-control, the price of sugar fluctuated and after reaching a maximum of Rs. 1,187 per ton in February 1948 has been falling down with slight fluctuations. The fluctuations in the price were entirely due to the market conditions and the increase in price is attributed to the increased cost of cultivation of sugarcane and the high prices that had to be paid to the sugarcane growers by the factories.

“(c) No. The Government will, however, make the necessary enquiry referred to in this clause, if a need arises therefor.”

3-18 p.m. SRI B. BHIMA RAO :—“ May I know when the Government propose to make the enquiry because it will be necessary to have proper data for fixing the minimum price of sugarcane? ”

THE HON. DR. T. S. S. RAJAN :—“ The Government have already fixed the cane prices. I do not think the Government feel any necessity to alter the prices.”

Alleged statement made by Hon. the Minister for Firka Development.

* 162 Q.—SRI S. B. ADITYAN : Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the Government are aware of a news-item in “ The Mail ”, dated 15th November 1948, wherein the Hon. the Minister for Firka Development is reported to have stated “ The Government and its machinery had become expensive organizations; to dig a well of 6 feet width and 30 feet depth costs only Rs. 600 for a private individual whereas the P.W.D. authorities estimate it at Rs. 3,000 ”;

(b) whether the report is correct, and if so, whether the Government have taken any steps to reduce the expense of Government organizations; and

(c) if the report is not correct, what is the correct version of the speech?

THE HON. SRI M. BHAKTAVATSALAM :—“ (a) The answer is in the affirmative.

“(b) Yes. The Hon. Minister expressed only his personal opinion on the matter.

“(c) Does not arise.”

SRI R. SURYANARAYANA RAO :—“ Is it fair, Sir, to the Government that individual Ministers should go on expressing their personal opinions which may cast reflections on the working of the departments under their Colleagues? ”

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THE HON. SRI M. BHAKTAVATSALAM :—“ The Hon. Minister's observations should not be taken as a reflection on the working of the department. The Hon. Minister evidently intended to urge on the Public Works Department the need for economy in the matter of designs for wells. The difference arises regarding the designs, the nature of the soil and also the nature of the wells which have to be sunk.”

SRI S. B. ADITYAN :—“ When an Hon. Minister of the Government says that ‘ the Government and its machinery had become expensive organizations ’ and when it is not contradicted, will not the public take it that what the Hon. Minister says is a fact? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ We too are anxious to cut down the expenditure on Governmental organizations.”

SRI B. BHIMA RAO :—“ Is it not a fact that the expenditure incurred by the Public Works Department for constructing the same building is certainly more than what it would cost if a private contractor constructed it? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ It is not so. The difference would arise on account of the nature of the soil and the nature of the designs.”

SRI B. BHIMA RAO :—“ Is it not a fact, Sir, that in the Bellary Headquarters Hospital a gentleman wanted to construct a maternity home at a cost of Rs. 25,000, that the Public Works Department demanded Rs. 75,000 and that in the end the gentleman himself finished the building within the estimated cost of Rs. 25,000? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ That was because the Public Works Department insisted on a better quality of building. We could have given designs even for Rs. 15,000.”

SRI R. SURYANARAYANA RAO :—“ Will the Government permit such donors hereafter to construct the buildings themselves and hand them over instead of asking the Public Works Department to undertake the construction of such buildings? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ Yes, Sir. The Government are issuing revised rules in the matter.”

SRI S. B. ADITYAN :—“ Is it not really an aspersion not only on the expensiveness of the Government organization but also on their efficiency when it is stated that to dig a well which costs only Rs. 600 for a private individual, it would cost Rs. 3,000 for the Public Works Department? ”

THE HON. SRI M. BHAKTAVATSALAM :—“ No such aspersion was meant in the observation of the Hon. Minister.”

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Execution of the Tungabhadra Project.

* 163 Q.—SRI S. B. ADITYAN: Will the Hon. the Minister for Public Works be pleased to state—

(a) the outcome of his talks in Delhi regarding the execution of the Tungabhadra Project;

(b) whether the work on the project would be resumed, and if so, when; and

(c) whether any decisions have been arrived at to make changes in (i) controlling authority; (ii) materials to be used; and (iii) other respects; and if so, the nature of the changes?

THE HON. SRI M. BHAKTAVATSALAM:—“(a) Certain proposals were discussed in respect of the future control of the construction of the dam, material to be used and the level up to which the dam is to be constructed;

“(b) work on the project has always been going on, and there is no question of ‘resuming’ it. Progress on dam construction had to be slowed down in July and August 1949 due to the political conditions in Hyderabad then; and

“(c) attention is invited to the answer to clause (a) above. This Government are awaiting the decisions of the Government of India on the subjects discussed at the conference held at New Delhi on 2nd November 1948.”

SRI R. SURYANARAYANA RAO:—“As it has been reported in the papers, has no decision been announced by the Government of India about the controlling authority for the construction of the dam?”

THE HON. SRI M. BHAKTAVATSALAM:—“Tentative decisions were reached at the conference. The Government of India have since been reviewing these decisions in the light of certain factors.”

SRI S. B. ADITYAN:—“Have not the Government of Madras asked to be put in sole charge of the construction of the project?”

THE HON. SRI M. BHAKTAVATSALAM:—“That was what the Government of Madras suggested, Sir.”

Provincial tax collected on petrol, etc.

* 164 Q.—ABDUL LATIF FAROOKHI SAHIB BAHADUR: Will the Hon. the Minister for Finance be pleased to state the total amount collected by way of Provincial tax in the last and in the current financial years on

(i) petrol; and

(ii) lubricating and crude oils?

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THE HON. SRI B. GOPALA REDDI:—“The following are the figures:—

Year.	Amount of tax collected	
	on petrol.	on other than petrol.
	RS.	RS.
1947-48	38,33,091	8,07,005
1948-49 (up to 30th June 1948).	22,71,518	5,29,490 ”

Publication of the Madras General Sales Tax Act IX in the regional languages.

* 165 Q.—SRI B. BHIMA RAO: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Madras General Sales Tax Act IX of 1939, as amended, has been translated into Telugu and Kannada and published and made available for sale;

(b) if so, on what date the said publications were published and made available for sale; and

(c) whether the said publications are made available for sale in the taluk offices or in the offices of the Sales Tax Officers in the various districts?

THE HON. SRI B. GOPALA REDDI:—“(a) No.

“(b) & (c) Do not arise.”

Candidates sent abroad for Electrical Engineering Courses.

* 166 Q.—SRI R. SURYANARAYANA RAO: Will the Hon. the Minister for Education be pleased to state—

(a) whether candidates for further Electrical Engineering Courses were deputed by the Government to foreign countries;

(b) if the answer to (a) is in the affirmative, the names of such candidates;

(c) whether Sri Srinivasan, Lecturer in Electrical Engineering in the Engineering College, Guindy, was deputed for foreign studies;

(d) whether the said Sri Srinivasan has returned after completing his studies;

(e) whether, by virtue of his seniority in service and qualifications, Sri Srinivasan is qualified to be appointed as the Professor of Electrical Engineering;

(f) whether the Government recently made some appointments for the posts of Professors of Electrical Engineering;

(g) if the answer to (f) is in the affirmative, whether the posts were advertised and the selection made by the Public Service Commission;

(h) what the nativity and qualifications of the candidates appointed as Professors of Electrical Engineering are and whether they fulfil the qualifications prescribed for the posts;

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(i) whether direct recruitment was called for, when qualified persons were available to fill the posts by promotion;

(j) whether the aggrieved candidates represented their cases to the Government; and

(k) if the answer to (i) is in the affirmative, what the orders of the Government are?

THE HON. SRI K. MADHAVA MENON (on behalf of the Hon. Minister for Education) :—“(a) Yes.

“(b) Sri A. Srinivasan and Sri S. Srinivasan were the Government servants of the Education department sent for advanced studies in Electrical Engineering.

“(c) to (e) The hon. Member apparently refers to Sri A. Srinivasan, permanent Laboratory Assistant and officiating Junior Instructor in Electrical Engineering. He has returned to India after completing his studies overseas. Promotions to the posts of Professors in Engineering Colleges are made from among Instructors. Sri A. Srinivasan has not officiated regularly as Instructor. He has not also completed his probation in the category of Junior Instructors. Hence, he is not eligible for regular promotion as Professor. The question of his being qualified or not for such promotion as Professor does not arise.

“(f) to (h) The Government appointed Sri R. C. Advani as Professor of Electrical Engineering in the Arthur Hope College of Technology, Coimbatore. The appointment was made, not by the method of ‘direct recruitment,’ but on a contract basis for a period of three years and hence the Madras Public Service Commission had not been asked to advertise the post and select a candidate. Sri Advani is a refugee from Sind. His academic qualifications are B.Sc. degree of the Bombay University and the degree of Bachelor of Technical Science in Electrical Engineering of the Victoria University, Manchester. In addition, he possesses considerable practical and teaching experience. Contract appointments are made otherwise than in accordance with the service rules and a contract officer need not necessarily satisfy the qualifications prescribed for the post concerned in those rules. Sri Advani was considered suitable for contract appointment as Professor of Electrical Engineering.

“(i) to (k) There was no qualified candidate in service who was eligible for promotion as Professor. No officer could have therefore any legitimate grievance. Sri A. Srinivasan, however, submitted a petition to Government in the matter. He has subsequently been promoted as Professor of Electrical Engineering temporarily in another vacancy, viz., the post of Professor, College of Engineering, Anantapur.”

SRI R. SURYANARAYANA RAO :—“May I know whether in the Education Department there are certain posts for which direct recruitment is prescribed and certain posts for which promotions from the existing officers are made? May I know

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whether this post was one of those meant to be filled by direct recruitment and if it was so, whether Government passed orders taking it out of the category of direct recruitment?”

THE HON. SRI K. MADHAVA MENON :—“There is no necessity to take it out of the category of direct recruitment when a contract appointment is made.”

SRI R. SURYANARAYANA RAO :—“Did the Government arrive at a decision to make a contract appointment in respect of this post?”

THE HON. SRI K. MADHAVA MENON :—“Obviously. Otherwise a contract appointment would not have been made.”

SRI R. SURYANARAYANA RAO :—“Is it a fact that this contract appointment has since been cancelled?”

THE HON. SRI K. MADHAVA MENON :—“Not to my knowledge, Sir.”

K. T. M. AHMED IBRAHIM SAHIB BAHADUR :—“What was the date when Mr. Advani was appointed to the post on a contract basis and when Mr. Srinivasan was appointed as professor?”

THE HON. SRI K. MADHAVA MENON :—“I should ask for notice, Sir.”

Standard for the candidates seeking selection into the secondary grade training course.

* 167 Q.—SRI R. SURYANARAYANA RAO : Will the Hon. the Minister for Education be pleased to state—

(a) whether it is a fact that the Government have lowered the standard for the candidates seeking selection into the secondary grade training course and are selecting even failed S.S.L.Cs. with low percentage of marks in English and other subjects;

(b) if so, whether the Government propose to assign a separate cadre to the large number of fully qualified Intermediate trained teachers now working in secondary schools;

(c) whether it is a fact that a student who passes the eighth standard E.S.L.C. examination is admitted into Form IV on production of his pass certificate (E.S.L.C.);

(d) if so, whether it is a fact that the eighth standard course is only equivalent to III Form course taught in middle schools;

(e) whether an ordinary S.S.L.C. trained teacher is qualified to be headmaster of a higher elementary school which practically corresponds to a middle school;

(f) if the answer is in the affirmative, why an Intermediate trained teacher more highly qualified and equipped than the S.S.L.C. trained teacher is not appointed as headmaster for a middle school; and

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(g) whether the Government recognize the passing of Intermediate Examination as a higher qualification over the S.S.L.C.; and, if so, whether the Government propose to assign a higher cadre to the fully qualified Intermediate trained teachers?

THE HON. SRI K. MADHAVA MENON (on behalf of Hon. Sri T. S. Avinashilingam Chettiyar):—“(a) The Government have ordered that (1) candidates who have obtained in the S.S.L.C. Public Examination marks qualifying them for public service and (2) women candidates, candidates in backward areas and those belonging to the Muslim community and Harijans who had failed in the S.S.L.C. Examination by not more than 5 marks in only one subject other than the Regional Language or English, might be admitted into the Secondary Grade Training course.

“(b) There is no such proposal.

“(c) A pupil who merely passes the VIII Standard, F.S.L.C. Examination is not admitted into IV Form on the production of his certificate (E.S.L.C.). But Rule 37 of the Madras Education Rules provides that a pupil who has passed E.S.L.C. examination with English as an optional subject shall be eligible for admission into Form IV without further examination.

“(d) The Government have not accepted the position that the Eighth standard course of a higher elementary school is equivalent to the III Form course of a Middle School.

“(e) An S.S.L.C. Trained teacher is qualified to be a Headmaster of a Higher Elementary School. A Higher Elementary School does not correspond to a Middle School, since according to rule 37 of the Madras Education Rules a pupil coming from a Higher Elementary School shall not be admitted into a class above Form III unless he had passed the E.S.L.C. Examination with English as optional subject.

“(f) Does not arise.

“(g) There is no such proposal.”

UNSTARRED QUESTIONS.

“Grow More Food” Campaign.

24 Q.—SRI K. MANATHUNAINATHA DESIGAR: Will the Hon. the Minister for Public Works be pleased to place on the table of the House—

(a) A statement giving the details of the 103 schemes under “Grow More Food” Campaign which brought 102,732 acres newly under cultivation, district, taluk and village-war; the sources of irrigation and other details; and the area actually cultivated within March 1947 in each of the villages;

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(b) A statement giving details regarding 24,176 acres for which better irrigation facilities have been given, district, taluk and village-war; the sources of irrigation; and the area actually cultivated within March 1947 in each village; and

(c) the names of the villages and taluks in which 77,048 acres have been reclaimed under the Cauvery-Mettur Project Scheme?

A.—(a) to (c) Out of an anticipated ultimate ayacut of 102,732 acres under the 103 schemes, about 42,220 acres of additional ayacut were actually brought under cultivation up to 31st March 1947 and out of 24,176 acres for which better irrigation facilities were contemplated under the said 103 schemes about 5,478 acres were actually provided with better irrigation facilities up to the same date. The Government do not consider it possible to place district, taluk and village-war details of the above areas and of the taluk and village-war particulars in respect of 77,048 acres of lands reclaimed under the Cauvery-Mettur Project area, as the printing of the lists will involve considerable cost, etc.

Grant of lands to political sufferers.

25 Q.—SRI A. GOVINDACHARYULU: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) the number of political sufferers who have been granted lands up to now under the offer made on the eve of the Independence Day; and

(b) how many ministers, legislators and their close relatives are there among the grantees?

A.—(a) Four hundred and fifty-seven political sufferers were given lands to the end of August 1948.

(b) There are eleven legislators and one Minister among the grantees. The Government have no means of knowing who, among the applicants or grantees, are “close relatives” of Ministers and legislators since applicants are not required to state in their applications their relationship, if any, to Ministers and legislators.

Cultivation of the reclaimed area under the Cauvery-Mettur Project.

26 Q.—SRI K. MANATHUNAINATHA DESIGAR: Will the Hon. the Minister for Land Revenue be pleased—

(a) to lay on the table of the House the report referred to in his answer to Question No. 179 in the Council on the 5th December 1947; and

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(b) to state if it is not ready, how long it is likely to take to get it ready?

A.—(a) & (b) The information called for in Question No. 179 is laid on the table of the House^a.

Language Pandits in Government Colleges.

27 Q.—SRI B. BHIMA RAO: Will the Hon. the Minister for Education be pleased—

(a) to state and furnish in a tabular form, the names, degrees and other qualifications—the length of service, the present status and salaries of those teaching Sanskrit, Tamil, Telugu, Kannada and Malayalam languages in the Government Colleges in the Province; and

(b) to state whether there is any differentiation made in the status and salary of those teaching Sanskrit and Kannada in the Governments Arts College, Anantapur, and, if so, the reasons therefor?

A.—(a) The labour involved in collecting the information asked for by the hon. Member will be very great. And as the results will not be commensurate with the trouble taken, the particulars have not been called for from the subordinate authorities.

(b) The answer to the first part of the question is in the negative; the latter part does not arise.

Appointment of Assistant Panchayat officers.

28 Q.—SRI A. GOVINDACHARYULU: Will the Hon. the Minister for Local Administration be pleased to state—

(a) who is the appointing authority for the Assistant Panchayat Officers or the present Deputy Panchayat Officers and whether it is a fact that the Government have taken over the powers of the executive authorities of the district boards in the appointment of those officers and that raw men had been recruited to the posts;

(b) if so, under what section or rule of the Madras Local Boards Act the Government derive the power to terminate the services of the existing Assistant Panchayat Officers and to directly recruit raw men for the post of Deputy Panchayat Officers;

(c) how many Assistant Panchayat Officers were deprived of their posts and whether the Government will be pleased to place on the table of the House information, in a tabular form, showing the names of the persons ousted, their qualifications, caste, the period of their service as Assistant Panchayat Officers and the period of their total service in the District Boards;

(d) how many persons have been directly recruited and whether the Government will be pleased to show in a tabular form the names of those persons directly recruited, their qualifications,

^a Printed as Appendix II on page 806 infra.

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their caste and the district to which they belong and whether they have any sort of service either in any local body or under the Government and if so, its period;

(e) what the reasons are for recruiting raw-men in the place of experienced people in this field when they were appointed to the posts from a panel of persons of ability approved by the Government;

(f) whether it is a fact that Executive Officers of Panchayat Boards who are directly under the Government are appointed as Deputy Panchayat Officers under District Boards;

(g) whether it is a fact that some Municipal Commissioners are appointed as Deputy Panchayat Officers and if so, under what authority;

(h) whether the Government can transfer District Board employees, municipal employees, and Executive Officers of Panchayat Boards from one local authority to another and if so, under what authority and whether all these three services come under one service;

(i) whether any confidential orders have been issued in regard to the termination of services of the Assistant Panchayat Officers and appointment of Deputy Panchayat Officers;

(j) whether it is a fact that the persons whose services as Assistant Panchayat Officers were terminated have been appointed as Executive Officers of Panchayat Boards in three grades, i.e., (1) Rs. 50—1-1/2—65, (2) Rs. 65—1-1/2—80, (3) Rs. 80—2-1/2—100; and

(k) whether the Government have prepared a panel afresh of Deputy Panchayat Officers for appointment for future vacancies and if so, what categories of persons are included in that panel and whether the Government propose to place the list on the table of the House for information.

A.—(a) Assistant Panchayat Officers were being appointed by Presidents of District Boards under section 70 of the Madras Local Boards Act, 1920. Under the rules relating to the appointment and punishment of officers and servants of local boards issued by Government under sections 70, 72 and 199 of the Act, these appointments were subject to the approval of the Inspector of Municipal Councils and Local Boards.

The appointing authority for Deputy Panchayat Officers is also the President, District Board (Now Special Officer). Under the rules relating to appointment and punishment of officers and servants as subsequently amended, appointment to these posts shall be made by him from a panel approved by the Government.

It is not therefore, a fact that Government have taken over the powers of the executive authority of district boards in these appointments. When the

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cadre of ex-Assistant Panchayat Officers was abolished and the new cadre of Deputy Panchayat Officers was formed, such of the Assistant Panchayat Officers as were found suitable for appointment as Deputy Panchayat Officers were appointed as Deputy Panchayat Officers. Those Assistant Panchayat Officers who were found not suitable were appointed as Executive Officers of Panchayat Boards, with a small increase in pay in each case. The remaining posts of Deputy Panchayat Officers were advertised and persons with necessary qualifications from among the applicants were selected to fill them and for a panel from which future appointments could be made.

(b) The cadre of ex-Assistant Panchayat Officers under district boards was abolished and a new cadre of Deputy Panchayat Officers was created by Government in exercise of the power vested in them under section 67 (3) of the Madras Local Boards Act, 1920. Appointment to the new cadre was made by Special Officers of district boards in accordance with the rules relating to the appointment and punishment of officers and servants of local boards from the panel approved by the Government.

(c) Twenty-eight ex-Assistant Panchayat Officers were not absorbed in the new cadre. Their names, etc., as far as information is available are furnished in the statement in ^a Appendix III.

(d) Out of candidates selected for the panel of Deputy Panchayat Officers, twenty-three have so far been appointed as Deputy Panchayat Officers under district boards by the Special Officers concerned. The particulars relating to their names, caste, etc., are furnished in the statement given in ^b Appendix IV.

(e) The attention of the hon. Member is invited to the answer to question No. 137, given in the Council on 25th November 1948.

(f) Executive Officers of Panchayats are under the immediate supervision of the Inspector of Municipal Councils and Local Boards subject to the control of Government. Suitable Executive Officers of Panchayats are appointed as Deputy Panchayat Officers.

(g) Some temporary Commissioners who could not be taken on to the regular cadre of Municipal Commissioners, were selected for inclusion in the panel of Deputy Panchayat Officers under the rules referred

^a Printed as Appendix III on page 806 infra.

^b Printed as Appendix IV on page 808 infra.

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to in the answer to clause (a) above and appointments were made by the Special Officers of district boards concerned.

(h) The Government have power under section 70-A of the Madras Local Boards Act, 1920 and section 73-A of the Madras District Municipalities Act, 1920, to transfer any officer or servant of a local board or a municipality to the service of another local body. However, permanent district board employees, municipal employees and executive officers of panchayats who belong to different services and who were selected for the panel of Deputy Panchayat Officers were not transferred by Government to their new appointments as Deputy Panchayat Officers under district boards, but were appointed by the Special Officers of the district boards concerned from the panel approved by Government.

(i) No confidential orders were issued in regard to the termination of services of the ex-Assistant Panchayat Officers. The orders regarding appointments to the new cadre, however, were treated as confidential until Special Officers of district boards made the appointments.

(j) —Yes.

(k) The question of drawing up fresh panels after calling for applications is under the consideration of Government. It will not be in the public interest, to furnish the names of candidates in the existing panels who are awaiting appointment.

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

II.—MESSAGE FROM THE ASSEMBLY.

MR. PRESIDENT :—“ I have to announce to the House the following message received from the Hon. the Speaker of the Madras Legislative Assembly, dated the 18th January 1949 :—

“ In accordance with rule 108 of the Madras Assembly Rules I transmit a copy of the Madras Aliyasanthana Bill, 1948 (L.C. Bill No. 1 of 1948), as agreed to by the Assembly without any amendment and signed by me.”

III.—ADJOURNMENT OF THE HOUSE.

ABDUL LATIF FAROOKHI SAHIB BAHADUR :—“ Mr. President, I am giving a Tea Party this afternoon in honour of my esteemed and distinguished friend, the Hon. Sri Kala Venkata Rao. I have invited the hon. Members of this House and I would therefore request you to be kind enough to direct the House to rise at 4-30 p.m. to-day. If any hon. Member has not received the invitation, I would request him to take this as an invitation and attend the Party.”

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MR. PRESIDENT :—" I suppose the House will have no objection to rise at 4-30 p.m."

IV.—STATEMENT OF DEMANDS FOR GRANTS FOR EXCESS
EXPENDITURE IN 1945-46.

THE HON. SRI B. GOPALA REDDI :—" I present the statement of Demands for Excess Expenditure in 1945-46.

" Hon. Members are aware that during 1945-46, there is excess expenditure under certain demands and that has to be regularized by the Legislature. I suppose the discussion is to take place on the 22nd."

SRI B. BHIMA RAO :—" Mr. President, might I ask what is the necessity for a discussion; it is something like a post-mortem examination; this occurred during the Adviser's Government."

MR. PRESIDENT :—" Now the statement has been placed before the House and on the point he has raised, he might address when it is taken up for discussion and comment upon it."

NON-OFFICIAL BUSINESS.

3.30

p.m. V.—THE MADRAS HINDU BIGAMOUS MARRIAGES PROHIBITION
AND DIVORCE BILL (L.A. BILL No. 6 OF 1947) AS PASSED BY
THE ASSEMBLY.

MR. PRESIDENT :—" The House will now resume consideration of the Madras Hindu Bigamous Marriages Prohibition and Divorce Bill. The House will remember that the general discussion on this Bill went on for one full day and at the close of the day some hon. Members expressed their desire to participate in the further discussions of the Bill and that is why the discussion was postponed. If any hon. Member is desirous of offering his remarks, he might do so now."

* SRI S. B. ADITYAN :—" Mr. President, there is one point on which I seek clarification from the Government. Since the discussion last took place, a note appeared in the newspapers to the effect that the Madras Government have taken a definite stand in the matter of reform of the Hindu law. They have said that the Hindu Code is very near completion and it is expected to become law within a matter of weeks and so the reform of the Hindu law, as for instance, the Thiya personal law, would not be proceeded with. Having stated that, may I know if there is any alteration in their attitude to this Bill?"

MR. PRESIDENT :—" When did it appear?"

SRI S. B. ADITYAN :—" Some ten days ago, Sir. In view of the fact that the Hindu Code is very near completion and its passing by the Central Legislature is imminent, they said they would not proceed with any reform of personal law and they mentioned the Thiya personal law in particular. Might I know if there has been any change in their attitude since then?"

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MR. PRESIDENT :—" But this is not a Government Bill in the first instance."

THE HON. SRI K. MADHAVA MENON :—" Mr. President, it is true the Hindu Code is very near completion but the circumstances under which the Note appeared require explanation. The Government appointed a Committee on the Thiya Makkathayam Bill and they sent a report with a draft Bill and even the Committee said that they have taken the Hindu Code as a model. The consent of the Governor-General was needed for its introduction here because there were certain provisions repugnant to other enactments. The Government of India replied that it would be mere waste of time to introduce it in the Provincial Legislature because the Hindu Code will cover the reform of the Thiya personal law. In fact the Committee themselves said that they were taking certain provisions from the Hindu Code as a model for their draft Bill. That is the reply we got and so the statement was issued.

" So far as this Bill is concerned, this is a private Bill and just as the Aliyasanta Bill which has been passed by the Assembly and may become infructuous if the Hindu Code is passed. It is for the House to decide whether we can proceed with the Bill or not."

MR. PRESIDENT :—" I suppose the Government are not taking any definite stand on the matter?"

THE HON. DR. T. S. S. RAJAN :—" When the Bill was introduced I explained the Government's view point. This is a non-official Bill and as far as the parties are concerned, the Government have not issued any Whip and have given the Members the liberty of voting as individuals and might vote as they please. As far as the Government are concerned, this is a non-official Bill and they are not directly interested in it and we have allowed the Members to vote as they like."

SRI C. N. MUTHURANGA MUDALIYAR :—" Mr. President, I am sorry I have to raise a point of order once again. We were given to understand that the demands for grants for excess expenditure would be taken up and we did not know that the Bigamous Marriages Bill will be taken up for consideration to-day. Moreover, it is a non-official Bill and it is not the usual practice to take up non-official Bills on official days. We are not prepared for it and as a matter of fact, I am not prepared for it and I cannot say for others. The agenda was not sent to me and I have not seen the agenda yet in which this Bill has been set down for to-day. I submit, Sir, it is not fair to bring it now. I was all along under the impression that the Bill will be taken up on a non-official day, the next non-official day. So, I request that the consideration of the Bill might be postponed."

MR. PRESIDENT :—" So far as the first point is concerned, the statement of Demands for Grants for Excess Expenditure has

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already been presented to the House and a discussion has been announced to take place on the 22nd instant and there is no need for a notice to be given of the date on which the discussion will take place.

"As regards this Bill, the agenda has been circulated to the Members to their local addresses and it has been stated that the discussion on the motion for consideration of the Bill will be resumed. I do not know why the hon. Member has not received it. It was sent to the Members to their local addresses day before yesterday."

SRI C. N. MUTHURANGA MUDALIYAR:—"It was only with reference to the excess expenditure."

MR. PRESIDENT:—"The agenda includes this Bill also and if the hon. Member thinks it is not there, I do not know which agenda he looked into."

THE HON. SRI K. MADHAVA MENON:—"If the hon. Member wants more time, he can take another day for offering his suggestions and meanwhile discussion of the Bill might go on."

MR. PRESIDENT:—"But I just want to know from him if he is correct in saying that this is not found in the agenda."

SRI C. N. MUTHURANGA MUDALIYAR:—"That is my recollection; I have not seen it, Sir."

MR. PRESIDENT:—"But have you seen the agenda?"

SRI C. N. MUTHURANGA MUDALIYAR:—"I saw the agenda, Sir."

MR. PRESIDENT:—"The agenda contains this item also."

SRI M. NARAYANA MENON:—"It is there in the copy received by me, Sir."

MR. PRESIDENT:—"I do not know how it is that it is not in the copy received by the hon. Member."

MRS. MONA HENSMAN:—"Presumably the hon. Member did not turn over the page to the other side. Certainly, Sir, you do not expect those of us who have already spoken to speak to-day."

MR. PRESIDENT:—"I do not want any help from you in that matter! No."

"As a matter of fact, Mr. Muthuranga Mudaliyar has already spoken on this Bill and I do not think that this unpreparedness is going to have any effect upon the Bill now."

SRI C. N. MUTHURANGA MUDALIYAR:—"Even then, Sir, I may be permitted to speak on the amendments."

MR. PRESIDENT:—"The only question before the House now is that it should be taken into consideration. I have already told the House that we shall be rising at 4-30 and I do not expect

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that the motion for consideration would be finished to-day. Therefore, I programmed to take this Bill to-morrow also and if any hon. Member is not prepared to take part in the discussion to-day, he can have the opportunity to-morrow and so, no Member need be anxious that he will not have enough time to discuss this Bill to the extent he would like. The discussion will now proceed and if it is the opinion of the House that the discussion on the motion might be continued to-morrow also, I have no objection."

THE HON. DR. T. S. S. RAJAN:—"Apart from the statement of excess expenditure, there was not much work for the Council to-day. I was approached by Members who were interested in the Bill with a request whether I will not allow this non-official Bill to be taken up to-day and I agreed and therefore, it is that the discussion has been put down in the agenda for to-day. We are quite willing to carry on if necessary the discussion to to-morrow also but in the interests of quick disposal, I think it would be better that this Bill is discussed now."

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR:—"தலைவர் அவர்களே, இப்பொழுது . . ."

MR. PRESIDENT:—"மைக்குக்கு கொஞ்சம் தூரமாக இருந்து பேசுங்கள்."

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR:—"தலைவர் அவர்களே, இப்பொழுது இரண்டாவது தாரமாக கல்யாணம் பண்ணிக்கொள்ளக் கூடாது என்று ஒரு 'பில்' வந்திருக்கிறது. நியாயமாக இருந்தாலும் அல்லது அவசியம் ஏற்பட்டால் சரியான காலத்தில் இரண்டாவது கல்யாணம் பண்ணிக்கொள்வது அவசியம். அப்பொழுதுதான் தேசத்தின் சைன்யம் உற்பத்தியாகும். ஏனென்றால் தேசத்திற்கு பணம் எவ்வளவு அவசியமோ அவ்வளவு சைன்யங்கள் வேண்டியதும் அவசியம். இதரர்கள் எவ்வளவோ கல்யாணங்கள் செய்துகொள்ளுகிறார்கள். (Some interruption) ஏதாவது நான் பேசுவதில் கஷ்டமிருந்தால் நான் நிறுத்திவிடுகிறேன். சத்தம் பெரிதாக இருக்கிறது. நான் இங்கிலாந்தில் பேசினால் எல்லோரும் சும்மா இருப்பார்கள். தாய் பாஷையில் பேசுவதால் எல்லோருக்கும் அலட்சியமாக இருக்கிறது." (Laughter.)

DR. V.K. JOHN:—"நீங்கள் தெலுங்கில் பேசுங்கள்."

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR:—"எனக்கு தெலுங்கு தெரியாது."

MR. PRESIDENT:—"நீங்கள் தமிழிலேயே பேசுங்கள். எல்லோரும் கேட்பார்கள்."

* SRI S. A. S. RM. RAMANATHAN CHETTIYAR:—"இரண்டாவது கல்யாணம் பண்ணிக்கொள்ளவேண்டியது நியாயமாக இருந்தால் அவசியம் தான். அதை மறுக்கவே முடியாது. எவ்வளவோ பேர்கள் இதர மதத்தினர்கள் 4, 5 கல்யாணங்கள் பண்ணிக்கொண்டு 20, 25 குழந்தைகளைப் பெற்று தேசத்தின் சைன்யத்தை வளர்த்து வருகிறார்கள். இப்பொழுது சைன்யம் ரொம்ப இருக்கின்றன, ஜனங்கள் ரொம்ப இருக்கின்றன. இனி மேல் வேண்டாம் என்றும் அதற்காக Birth Control வேண்டும் என்றும் சிலர் சொல்லுகிறார்கள். நாம் இப்பொழுது சுயராஜ்யம் அடைந்திருக்கிறோம். இப்பொழுது தேசம் இருக்கும் நிலைமையில் சைன்யங்கள் ஜாஸ்தி வேண்டியதாக இருக்கிறது. இப்பொழுது இருக்கும் குழந்தைகள் துப்பாக்கி யைக்கண்டு பயப்படுகிறார்கள். இது வரையில் அன்னியருடைய ஆட்சியிலி

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குந்ததால் அவர்கள் துப்பாக்கியைக்கண்டு பயந்துகொண்டிருந்தார்கள். இப்பொழுது நாம் சுயராஜ்யம் அடைந்துவிட்டதால் இப்பொழுது குந்தே சைன்யத்தைப் பெருக்கி குழந்தைகளை துப்பாக்கிக்கு பயம் இல்லாமல் கொண்டுவரவேண்டும். ஆகையால் சைன்ய உற்பத்திக்கு சரியான படியாக இரண்டாவது கல்யாணம் செய்து கொள்ளவேண்டியது அவசியம் தான்.

“தவிர விவாக ரத்து விஷயமாக நமது தேசத்திற்கும் மற்ற தேசத்திற்கும் கொஞ்சம்கூட பொருத்தமே இல்லை. வெள்ளைக்காரர்களுடைய தேசத்திலிருக்கிறது என்றால் வெள்ளைக்காரர்களுடைய தேசத்தில் ஆண்களும் பெண்களும் சரிசமமாக படித்தவர்களாக இருக்கிறார்கள். இப்பொழுது நம் தேசத்தில் பார்த்தால் படித்தவர்கள் ஆண்களில் நூறுக்கு 12 பேர்களும் பெண்களில் நூறுக்கு 3 பேர்களும் தான் படித்து இருக்கிறார்கள். இந்த நிலைமையில் கல்யாணரத்து வேண்டுமென்று சொல்லுவது சரியல்ல. அது ஏற்பட்டால் சாதாரணமாயுள்ளவர்கள் மனுப்போட சந்தர்ப்பம் ஏற்படும். இந்த வெள்ளைக்கார நாகரீகத்தை பத்து வருஷங்கள் நிறுத்தி வைத்து நம் தேசத்தை நன்றாக வாழவிடவேண்டும். நம் தேசம் நல்ல நிலைமைக்கு வந்தவுடன் அவசியமிருந்தால் இதைச்செய்துகொள்ளலாம். ஆகையால் தயவுசெய்து இந்த ‘பில்’ை பத்து வருஷங்களுக்கு தள்ளி வைக்கும்படியாக கேட்டுக்கொள்ளுகிறேன்.”

3-45 P.M. MR. PRESIDENT :—“ May I request Mr. Muthuranga Mudaliyar to look into the agenda before him and tell me if that is the kind of paper he received before? ”

(AN HON. MEMBER :—“ That is all over.”)

MR. PRESIDENT :—“ That is not the point. I want to know whether things are done properly in the office or not.”

SRI C. N. MUTHURANGA MUDALIYAR :—“ No, Sir, I have not seen this paper. I am seeing it for the first time. (Laughter.) If hon. Members disbelieve my statement I cannot help it.”

MR. PRESIDENT :—“ The hon. Member need not be angry with me or with the hon. Members. I shall be much obliged if he will kindly check the paper in his hand and say whether he had received the same agenda paper that is now before him or not? ”

SRI C. N. MUTHURANGA MUDALIYAR :—“ I will certainly check it up at my house and let you know the same.”

* SRI B. BHIMA RAO :—“ Sir, I want to make a few observations with regard to the Bill sponsored by my old friend, Mr. Kaleswara Rao. We have got almost similar provisions in the Hindu Code which was introduced in the Central Legislature and which might have been passed into law by this time but for the accession of various States, whose opinion also, the Legislature thought it fit, should be ascertained before enacting the measure. There is one important provision, Sir, in the Hindu Code Bill No. 42 of 1947 which nullifies legislation like this eventually. I am referring to clause 4 of that Hindu Code which runs as follows :—

“ Save as otherwise expressly provided in this Code, any law, rule or interpretation of Hindu Law, or any custom

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or usage or any other law in force immediately prior to the commencement of this Code shall cease to have effect as respects any of the matters dealt with in this Code.”

Hence, Sir, the House will see that the object of the Central Legislature is to pass a uniform measure of Hindu Law applicable to the whole Dominion of India. Therefore, if measures like this are passed eventually, it will be practically of no utility whatsoever. And I do not think it will take much time for the Central Legislature to enact the measure which has already been introduced and it may be passed within six months or by the end of the year.

“ Now, coming to some of the detailed provisions, I have to point out that the present Bill is only a part of the measure contained in the Hindu Code. For instance, Sir, clause 4 of the Bill before us, is a replica of clause 28 of the Hindu Code. Similarly, the portion thereof under sub-clause (2) of that clause corresponds to clause 25 of the Hindu Code. Similarly also clause 5 of the present measure corresponds to clause 30 of the Hindu Code. So also clause 5, sub-section (4) corresponds with clause 42 of the Hindu Code. I need not enumerate all the other details. The other clauses are taken from the provisions contained in the Hindu Code. Only the Hindu Code deals more elaborately. It contains more conditions and clauses than are contained in this Bill. Therefore, I request Mr. Kaleswara Rao to consider the necessity of proceeding with this measure when a like measure is before the Central Legislature and which will be enacted into law in the near future. I leave that decision to him.

“ As for the merits, I do not think there will be any difference of opinion as the provisions contained in the Bill are also found in the Hindu Code. I feel that we can avail more by the passing of the Hindu Code into law than by the present Bill. And if that is not accomplished soon, then we may consider the present measure.”

SRI M. NARAYANA MENON :—“ Sir, I feel that this legislation should be taken up even now. It is true that the Hindu Code or rather the Codification of the Hindu Law is before the Central Assembly. As a Bill it may be passed or it may not be passed. Of course, the provisions here and the provisions in that Bill are practically the same. If the present Bill is passed into law, the persons aggrieved will get the benefit of this Bill. Now, if this is not passed into law, we will have to await the result of the Hindu Code in the Central Legislature. Hence, there is no harm in passing this measure. I submit, therefore, that this legislation may be taken into consideration and not simply be put off in view of the fact that the Hindu Code is under consideration in the Central Assembly.”

MR. PRESIDENT :—“ I suppose the discussion is over.”

SRI N. RANGA REDDI :—“ Sir, I would like to reply.”

MR. PRESIDENT :—“ Yes, you can speak.”

SRI N. RANGA REDDI :—“ Mr. President, Sir, this Bill has been debated at very great length by the hon. Members of

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this House. So far as the points that have been raised in this Bill are concerned, I have already answered those objections when introducing the Bill. One or two points I would like to say at present. My hon. Friend, the Leader of the Opposition, attacked the provision relating to divorce on the ground of lunacy."

DR. V. K. JOHN :—" Why do you refer me as the Leader of the Opposition? "

SRI N. RANGA REDDI :—" You said that you were speaking as the Leader of the Opposition."

DR. V. K. JOHN :—" I did not say so."

SRI N. RANGA REDDI :—" Very well. Sir, one of the main provisions of the Bill is that a husband can seek a divorce if his wife has been a lunatic for five years, as she will not be fit for marital functions. Instead of curing her mentally, he can get a divorce and then keep her away from his company. Dr. John says that that should not be the case. He wants to give the man the right to marry again. Let me answer his point. He may get a divorce from his wife but still he has got the burden of supporting her till that divorced wife marries a second husband and it is a matter of serious doubt whether a divorced wife who is insane can secure another husband. Therefore, I do not think that a husband can take the step of divorcing her and further even if she is divorced, she can get suitable maintenance and that maintenance is based on various factors such as the status of the husband and so on. Hence, I submit that the provision relating to lunacy also is quite justified and I do not think that the husband can easily divorce his wife.

" Another point mentioned by Dr. John was with regard to monogamy. According to that practice, Dr. John wanted that that man also be allowed to marry. There is no need to enforce a provision like this. So far as this point is concerned, so many members of this House have spoken on it. If you want to prevent this bigamy and if you want to make monogamy the rule or law, when a woman refuses to marry, then there is no need to legislate at all. I submit, we have to provide for cases where these girls are not independent and who cannot choose their own husbands but who are made wives of other people not of their own free-will but by the consent of the interested people and very often they are married to old people. I am really surprised at the opposition to this Bill mainly coming from the old members of this House. The Bill having been passed by the younger members of the Assembly, I thought that there would not be any opposition to this Bill in this House. But now I see that old members of this House are vociferous in their opposition to this Bill."

DR. V. K. JOHN :—" Mr. Muthuranga Mudaliyar has started the opposition."

SRI N. RANGA REDDI :—" Another objection is that, for the sake of progeny if the first wife does not bear any children, the

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husband must be allowed to marry a second time. I have nothing more to say except that this point has been answered by Mrs. Mona Hensman and other Members of this House. Besides, there is no guarantee that the second wife will bring forth any children.

" In some quarters it has been contended that very often the second marriage is being arranged with the consent of the first wife. I really wonder what else the first wife can do under the circumstances. When the husband has already decided to marry again, she has no other option but to give her consent gracefully in order to keep her dignity, honour and integrity. She may not voluntarily give her consent out of her own free will. Then, Sir, my hon. Friend, Mr. Suryanarayana Rao, while giving his 4 p.m. entire support to the Bill said that there was no provision in it relating to judicial separation. I want to remind him that this is not a comprehensive Bill in the sense that provisions relating to marriage and divorce are found in one and the same Bill. If you want to search for provisions relating to marriage, maintenance and the like, you do not find all those things here. This Bill mainly deals with the prohibition of bigamous marriages and divorce. For other provisions you will have to go to the Hindu Code. I may also submit that there is already a Central Act of 1946 called the Hindu Married Women's Right to Separate Maintenance and Residence, according to which a married woman can get maintenance and live separately from her husband on various grounds which I have already enumerated when I introduced this Bill. Therefore, it will tantamount to judicial separation and my hon. Friend Mr. Suryanarayana Rao need not think that there is no provision in this Bill for judicial separation.

" Then, Sir, my hon. Friend, Mr. Govindachari, said that educated girls will be at a disadvantage because young men may not like to marry before the ages of 22 and 25. If really an educated girl thinks of marrying and can get a suitable husband she will certainly marry. I do not think all young men are marrying between the ages of 22 and 25 and there are people who marry much later and such boys will certainly prefer to have an educated wife and so I do not think that girls will be at a disadvantage and that they will not be able to secure husbands.

" What I beg to submit in this connexion is, that it is the economic dependence, as it were, of the woman on the man that makes her practically a slave. She is not able to assert herself in all things that affect her welfare and therefore the consent she gives cannot be taken as true consent. She has not got any property of her own and she cannot make her living independently but has to depend on her husband. So long as such a state of affairs continues like that, the State has to intervene and set right the difficulties under which the woman is labouring. It is in that spirit that I propose that this Bill be considered. It is not a measure of competition with the man; because man has certain rights and the woman must have some rights for her. It is only in that spirit I am introducing this Bill. Since a married woman's happiness and misery mainly depend on her husband, as a sort of

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protection a law has to be introduced to set right these things. Therefore, I submit, this Bill is very necessary and I hope that all the Members of this House would give their consent and vote for this Bill."

MR. PRESIDENT:

"The motion—

that the Bill to prohibit bigamous marriages among and to provide for a right of divorce for Hindus in the Province of Madras (L.A. Bill No. 6 of 1947) as passed by the Assembly, be taken into consideration at once" was put and declared carried."

Sri S. B. Adityan demanded a poll and the House divided thus:

Ayes.

- | | |
|---|-----------------------------|
| 1 The Hon. Dr. T. S. S. Rajan
(Minister and Leader). | 8 Dr. U. Rama Rao. |
| 2 The Hon. Sri K. Madhava Menon
(Minister). | 9 M. Sudarsanam. |
| 3 The Hon. Dr. S. Gurubatham
(Minister). | 10 M. K. Sundarama Ayyar. |
| 4 M. Narayana Menon. | 11 B. Narayanaswami Nayudu. |
| 5 L. Subbarama Reddi. | 12 A. Gopalakrishnayya. |
| 6 P. Veerabhadraswami. | 13 Mrs. M. Hensman. |
| 7 N. Sankara Reddi. | 14 Mrs. M. N. Clubwala. |
| | 15 R. Suryanarayana Rao. |
| | 16 A. R. L. Pathy. |
| | 17 N. Ranga Reddi. |

Noes.

- | | |
|-------------------------------|-----------------------------|
| 1 Ramanathan Chettiar. | 7 H. M. Jagannathan |
| 2 S. K. Satagopa Mudaliar. | 8 S. B. Adityan. |
| 3 N. Venkatachalamaji. | 9 V. Nagappa Chettiyar. |
| 4 C. N. Muthuranga Mudaliyar. | 10 J. L. P. Roche Victoria. |
| 5 A. Govindachari. | 11 G. Venkata Reddy. |
| 6 C. Perumalswamy Reddiyar. | 12 C. Veerabhadra Rao. |

Neutrals.

- | | |
|-------------------------------|----------------------------------|
| 1 B. Bheema Rao. | 5 K. T. M. Ahmed Ibrahim Sahib. |
| 2 Dr. V. K. John. | 6 A. S. T. F. Rodriguez. |
| 3 Abdul Latif Farookhi Sahib. | 7 V. Hamid Sultan Maricar Sahib. |
| 4 Dr. Syed Tajuddin Sahib. | 8 D. Krishnamurthy. |

Ayes 17; Noes 12; Neutrals 8.

The motion was carried.

DR. V. K. JOHN:—"On a point of order, Mr. President. Is it in order for the Hon. Leader of the House to say that neutrals have lost their sex?"

THE HON. SRI K. MADHAVA MENON:—"He said so in order to distinguish them from neutrals."

MR. PRESIDENT:—"I have my own doubts whether in connexion with this Bill they can be called neutrals or something else."

"The discussion on the clauses will be taken up to-morrow."

The House then adjourned to meet again at 11 a.m. on Wednesday, the 19th January 1949.

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APPENDIX I.

[Vide answer to starred question No. 160 asked by Sri B. Bhima Rao at the meeting of the Legislative Council held on 18th January 1949 at page 780 supra.]

Statement showing the Control Orders in force in Madras Province and the agency appointed to detect and report about the infringement of those orders.

Name of control order.	Summary of the control order and remarks.	Agency appointed to detect and report about infringement of controls.
(1)	(2)	(3)
The Madras Foodgrains Control Order, 1947 (G.O. Ms. No. 1029, Food, dated 15th September 1947) as subsequently amended.	This order generally controls all dealings including trade in foodgrains exceeding 20 maunds by a system of licensing. For the grant of a dealer's licence under this order, one must have been in the foodgrains trade for at least one year prior to 22nd October 1942, the date on which this order first came into force. Hotels, hostels, charitable institutions and other bulk consumers, co-operative societies, hand-pounding concerns, ex-akbari contractors, etc., are exempted from the above condition.	The Collector in the district of the Nilgiris and the Commercial Tax Officers in the other districts are the authorities empowered to issue licences under this order. They are virtually the officers entrusted with the enforcing and proper working of this order. Special branch police have powers to investigate and report on contraventions of section 3 of this order.
2 The Madras Foodgrains Intensive Procurement Order, 1948 (G.O. Ms. No. 891, Food, dated 4th October 1948), G.O. No. 895, dated 7th April 1948 and G.O. No. 1029, dated 15th April 1948.	This has come into force from 5th October 1948 in supersession of the intensive procurement notification that was in force till 4th October 1948. It is brought into force for the present in the districts of East Godavari, West Godavari, Krishna, Guntur, Nellore, Tanjore, Tiruchirappalli, Tirunelveli, South Kanara, the Nilgiris, South Arcot, Anantapur, Bellary, Cuddapah, Kurnool, Mathurai (part of the district), Chittoor, Salem, Vizagapatnam, Chingleput, North Arcot, Coimbatore and Ramnad. Both paddy and millets have been brought within the scope of this order.	All officers of the Revenue and Civil Supplies staff not below the rank of Revenue Inspector, Firka Supply Officer or Assistant Rationing Officer and police officers not below the rank of Sub-inspector in the Anti-corruption and Black-Marketing staff.
3 The Madras Foodgrains Procurement Order, 1947 (G.O. Ms. No. 331, Food, dated 25th March 1948).	This applies to the whole of the Province and has been brought into force only in Malabar district.	Do.
4 The order relating to requisitioning of foodgrains (issued in G.O. Ms. No. 1360, Food, dated 23rd December 1947 and amended in G.O. Ms. No. 164, Food, dated 28th February 1948).	This order is intended for the purpose of requisitioning stocks of foodgrains from persons other than producers in the districts in which the Madras Foodgrains (Intensive Procurement) Order, 1948, is in force and from any person in the districts in which that order is not in force.	Do.
5 The Madras Foodgrains Price Control Order, 1948 (G.O. Ms. No. 34, Food, dated 12th January 1948) amended in G.O. Ms. No. 135, Food, dated 20th February 1948.	In this order f.o.r. prices of paddy and rice and village-site prices of paddy have been fixed for the districts of East Godavari, West Godavari, Krishna, Guntur, Nellore, Tanjore, South Arcot and Tiruchirappalli districts as also the wholesale issue prices of paddy, rice and millets in all the districts.	Do.
The Madras Foodgrains (Movement Control) Order, 1947 (G.O. Ms. No. 720, Food, dated 14th June 1947) as subsequently amended.	This order controls movement of foodgrains from places within this Province to places outside it by a system of permits granted in certain cases and under certain conditions specified in the order. Permits under this order are issued by the Commissioner of Civil Supplies, Madras. Small quantities of foodgrains forming part of luggage of bona fide travellers, grains intended for seed purposes, etc., are exempted from the operation of this order.	Revenue and Civil Supplies staff generally administer this order. Chowkidars and police patrols are employed on the Provincial borders for checking illicit transport of foodgrains which involve contraventions in this order. All police officers have powers to deal with the contraventions of this order.

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Name of control order.	Summary of the control order and remarks.	Agency appointed to detect and report about infringement of controls.
(1)	(2)	(3)
7 The Madras Wheat, Rice, Blackgram and Sugar Preparations (Movement Control) Order, 1947 (G.O. Ms. No. 721, Food, dated 15th June 1947) as subsequently amended.	This order now (after the decontrol of pulses and sugar) controls the movement of preparations of wheat and rice among others from places within this Province to places outside it by a system of permits granted in certain cases and under certain conditions specified in the order. Permits under this order are issued by the Commissioner of Civil Supplies, Madras, limited quantities of the preparations taken by bona fide travellers, quantities transported by charitable institutions like the Red Cross for the use of released prisoners of war or of hospitals, etc., are exempted from the operation of this order.	Besides the Revenue and Civil Supplies staff dealing with the general administration of this order, the chowki staff and police patrols on the Provincial borders also enforce this order. All police officers have powers to deal with contraventions of this order.
8 The order regulating inter-district movement of foodgrains in this Province (Order I under Notification I in G.O. No. 550, Food, dated 18th June 1948).	According to this order movement of foodgrains from one district to another in the Province is not allowed except under a permit granted by the officer authorized in the order.	Revenue and Civil Supplies staff deal with infringements of this order as with its general administration. The provisions of this order are enforced also by the anti-smuggling staff where they are employed on district borders. All police officers have powers to deal with contraventions of this order.
9 Orders regulating movements of foodgrains within some of the districts in this Province (Orders II and III under Notification I in G.O. No. 550, Food, dated 18th June 1948).	These orders control movements of foodgrains from certain places to certain others in some districts in the Province. This control is necessitated for effective procurement or for facilitating orderly distribution of grains in the districts.	All Revenue and Civil Supplies and police officers have powers to deal with contraventions of these orders.
10 The order prohibiting the import into British Cochin of certain essential articles without permit (Notification No. II in G.O. No. 550, Food, dated 18th June 1948).	This order now applies to only foodgrains. Permits are granted by the Commissioner of Civil Supplies, Madras, and/or the Revenue Divisional Officer, British Cochin.	Besides Revenue and Civil Supplies staff who deal with the general administration of this order, all police officers have powers to deal with contraventions of this order.
11 The order regulating the transport of paddy and rice by landholders from surplus districts for personal consumption (G.O. Ms. No. 478, Food, dated 27th May 1948).	This order is self-explanatory. The permits required for the transport under this order are issued by the Collectors.	Do.
12 The Madras Rice Mills Licensing Order, 1947 (G.O. Ms. No. 835, Food, dated 22nd May 1947) as subsequently amended.	At present this order is in force in the districts of East Godavari, West Godavari, Krishna, Gun- tur, Nellore, Tanjore, Malabar and the Nilgiris and in the statutorily rationed areas of Madras, Salem, Coimbatore, Tiruppur, Tirunelveli, Tuticorin, Mangalore and Kasaragod. According to this order, millers in the above districts and areas are required to take out a licence from the Collector of the district concerned and to abide by and carry out the conditions of the licence. For contravention of the provisions of this order the Collector may suspend or cancel the licence. The Government may suspend or cancel the licence without assigning reasons.	All officers of the Revenue Department of and above the rank of Deputy Tahsildar, all officers of the Commercial Taxes Department of and above the rank of Assistant Commercial Tax Officer, all executive officers of the Agriculture Department of and above the rank of Assistant Agricultural Demonstrators or Assistant Marketing Officer, Members of the Madras Legislature, all police officers of the Special Branch have powers to detect and report about infringements of this order.
13 The order imposing restrictions on the milling of paddy (issued in G.O. Ms. No. 432, Food, dated 12th April 1947 as subsequently amended) in non-statutorily rationed areas.	The order is now in force in the surplus taluks of East Godavari, West Godavari, Krishna, Gun- tur and Nellore districts. Under this order rice mills in the above-mentioned areas are prohibited from milling any paddy except under the authority of a permit issued by an officer empowered for the purpose.	All officers of the Revenue and Civil Supplies staff not below the rank of Revenue Inspector, Firka Supply Officer or Assistant Rationing Officer and police officers not below the rank of Sub-Inspector in the Anti-corruption and Black-Marketing staff.
14 The order imposing restrictions on the milling of paddy in the statutorily rationed areas (issued in G.O. No. 511, Food, dated 28th April 1947 and G.O. No. 1051, Food, dated 30th September 1948).	This order is in force in all the statutorily rationed areas. The millers are prohibited from milling paddy without a permit, etc., from specified authorities and they have to maintain certain accounts.	Enforcement by the Rationing staff.

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Name of control order.	Summary of the control order and remarks.	Agency appointed to detect and report about infringement of controls.
(1)	(2)	(3)
5 to 21 Control orders relating to Rationing and austerity measures:— (i) The Madras Rationing Order, 1947, and the Regulations framed thereunder, (ii) The Madras Rationing (Preparatory Measures) Order, 1947, (iii) The Madras Rationing Enquiry Order, 1947, (iv) The Madras Essential Articles Restricted Acquisition Order, 1947, and (v) The Madras Food (Restrictions on Service of Meals by Catering Establishments) Order, 1947—issued in G.O. Ms. No. 1029, Food, dated 15th September 1947, (vi) The Order relating to restrictions on the number of participants at a party other than a marriage party (number limited to 30) and (vii) the order relating to restrictions on the number of participants at a marriage party (number limited to 50) issued in G.O. Ms. No. 1158, Food, dated 17th December 1948 and G.O. Ms. No. 791, Food, dated 10th July 1947, respectively.	These orders are self-explanatory. Nos. (i) to (iii) are now in force only in (1) Madras City and its suburbs, (2) Salem, (3) Tirunelveli-cum-Palamcottah, (4) Tuticorin, (5) Tiruppur, (6) Coimbatore, (7) Coonoor-cum-Wellington, (8) Ootacamund, (9) Palghat, (10) Fort Cochin, (11) Kozhikode, (12) Cannanore, (13) Tellicherry, (14) Kasaragod, (15) Mangalore and (16) Pudukattah. Nos. (ii) and (iii) have since been extended with effect from 19th October 1948 to (i) Anantapur, (2) Hindupur, (3) Tadipatri, (4) Guntakal, (5) Cuddapah, (6) Proddatur, (7) Kurnool, (8) Nandyal, (9) Bellary, (10) Hospet, (11) Adoni, (12) Tiruchirappalli-cum-Srirangam, (13) Karur, (14) Udipi, (15) Cuddalore, (16) Villupuram, (17) Chidambaram to Mathurai from 9th November 1948, to Chingleput, Kodalkanal, Kancheepuram and Tiruvallur from 18th November 1948. The question of extending these orders to all other municipal towns is engaging the attention of the Government. The other four orders are in force throughout the Province irrespective of whether the area is rationed or de-rationed.	The enforcement of these orders in the statutorily rationed areas is entrusted to the Rationing Officers. In other areas the orders are enforced by the Revenue and Supply staff.
22 The order imposing restrictions on the output of bran in the milling of wheat in flour mills (G.O. Ms. No. 940, Food, dated 22nd August 1947).	This order limits the output of bran to 5 per cent of the whole wheat. This order is of no practical utility or importance in this Province as there are no large mills in it manufacturing in large-scale wheat products like sooji, atta, etc.	This order is administered by the Revenue and Supply staff.
23 The Madras Flour (Use in making Paste or Starch) Prohibition Order, 1947 (G.O. Ms. No. 1188, Food, dated 28th December 1946, as subsequently amended).	This order prohibits the use of flour of foodgrains in the making of paste or starch, except where such flour is found unfit for human consumption.	Do.
24 The Madras Tapioca (Movement Control) Order, 1948 (G.O. Ms. No. 497, Food, dated 2nd June 1948 and G.O. Ms. No. 975, Food, dated 28th October 1948).	According to this order, the export of tapioca outside four districts of the Province, viz., Malabar, the Nilgiris, South Kanara and Coimbatore without a permit is prohibited. The permit is issued by the Commissioner of Civil Supplies or the Collectors.	This order is administered by the Revenue and Supply Officers.
25 The order prohibiting the export of salt outside the Province without permit (G.O. Ms. No. 613, Food, dated 9th July 1948).	Surpluses in the producing districts available for export are determined, and their export is allowed under permits issued by the Collectors of the producing districts.	To enforce this order the Railway authorities have been requested to see that no consignments of salt are booked to places outside the Province except on the authority of permits issued by the Collectors. Revenue, Supply and Police officials also assist in the administration and enforcement of this order.
26 The Salt Price Control Order issued in G.O. Ms. No. 1098, Food, dated 4th October 1947.	In this order the Government have fixed the wholesale ex-factory prices and have empowered the Collectors to fix the wholesale and retail prices in the several consuming centres. The Collectors have accordingly fixed and notified the wholesale and retail prices in their respective districts.	This order is administered and enforced by the Revenue and Supply staff with the assistance of the police.

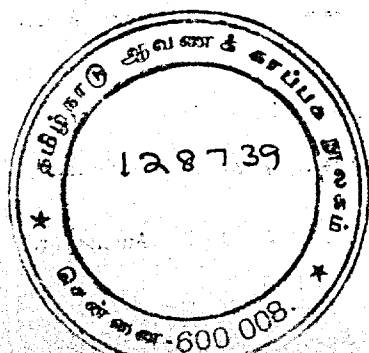
[18th January 1949]

APPENDIX IV.

[Vide answer to unstarred question No. 28 asked by Sri A. Govindacharyulu at the meeting of the Legislative Council held on 18th January 1949, page 792 supra.]

Statement of Direct Recruits.

Name.	Qualifications.	Community.	Native district.	Previous experience.
1 C. V. Veluswami	B.Sc. and B.Sc. (Tech.)	Scheduled caste.	Coimbatore.	Nil. ^a
2 M. Jagannathan	B.A. (Hons.)	Do.	South Arcot.	Do. ^a
3 S. Tirupathi	B.A.	Indian Christian.	Tirunelveli.	Do.
4 A. Subramaniam	B.A., B.L.	Brahman.	Anantapur.	Do.
5 J. V. Subba Rao	B.A.	Non-Brahman.	Guntur.	Do.
6 Y. V. Subba Rao	M.A.	Do.	Krishna.	Do.
7 P. Sivasubbu Thevar	B.A.	Hindu (Backward)	Tirunelveli.	Do.
8 B. Papa Rao	B.A.	Non-Brahman.	West Godavari.	Do.
9 G. Narayya	B.A.	Do.	Anantapur.	Do.
10 S. Appa Rao	B.A.	Do.	Chittoor.	Do.
11 S. Venkataramaraju	B. Com.	Do.	Guntur.	Do.
12 V. Pitchayya	B.A.	Do.	Krishna.	Do.
13 P. Bhavanarayana	B.A., B.Ed.	Do.	Guntur.	Do.
14 Y. Venkataramana Reddi.	B.A.	Do.	Nellore.	Do.
15 P. V. Subbiah	B.A.	Do.	Guntur.	Do.
16 I. Tataiah	B.A.	Do.	Do.	Do.
17 S. Sitaramayya	B.A.	Do.	Do.	Do.
18 S. N. Somasundara Pandian.	B.A.	Do.	Mathurai.	Do.
19 G. R. Benjamin Franklin.	B.A. (Hons.)	Indian Christian.	Guntur.	Do.
20 V. Devadayamani	B.A.	Do.	Do.	Do.
21 P. Veeraswami	B.A.	Scheduled caste.	Do.	Do.
22 S. Sitaramanjaneyulu	B.Sc.	Hindu Brahman.	Krishna.	Do.
23 P. Thimmappa Alwar	B.A., B.L.	Non-Brahman.	South Kanara.	Do.

^a Since resigned.

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