

MADRAS LEGISLATIVE ASSEMBLY DEBATES

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

Volume IX (No. 1-12).

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GOVERNOR OF MADRAS.

HIS EXCELLENCY LIEUTENANT-GENERAL SIR ARCHIBALD
EDWARD NYE, G.C.I.E., K.C.B., K.B.E., M.C.

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3. THE HON. DR. T. S. S. RAJAN, *Food Minister.*
4. THE HON. SRI M. BHAKTAVATSALAM, *Public Works Minister.*
5. THE HON. SRI B. GOPALA REDDI, *Finance Minister.*
6. THE HON. MR. DANIEL THOMAS, *Prohibition Minister.*
7. THE HON. SRI H. SITARAMA REDDI, *Industries Minister.*
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9. THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR, *Education Minister.*
10. THE HON. SRI K. MADHAVA MENON, *Agriculture Minister.*
11. THE HON. SRI KALA VENKATA RAO, *Land Revenue Minister.*
12. THE HON. SRI A. B. SHETTY, *Public Health Minister.*
13. THE HON. SRI V. KURMAYYA, *Rural Development Minister.*

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PRINCIPAL OFFICERS.

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THE HON. SRI J. SIVASHANMUKHAM PILLAI.

Deputy Speaker.

SRIMATHI C. AMMANNA RAJA.

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2. SRI A. Y. S. PARISUTHA NADAR.
3. SRI N. S. VARADACHARI.
4. SRI K. LINGA RAJU.

Secretary to the Assembly.

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

Assistant Secretary to the Assembly.

SRI T. HANUMANTHAPPA, B.A. (Hons.), B.L.

LIST OF MEMBERS OF THE MADRAS LEGISLATIVE ASSEMBLY.

Serial number and name of member.	Name and class of constituency.
1 Aaron Rao, Alladi	Guntur <i>cum</i> Nellore, Indian Christian.
2 Abdul Hameed Khan Sahib ..	Kurnool, Muhammadan, Rural.
3 Abdul Majid Sahib, M. S., B.A. ..	Chingleput <i>cum</i> South Arcot, Muhammadan, Rural.
4 Ahmad Kutty Sahib, Haji Koyappathody, M. ..	Malappuram, Muhammadan, Rural.
5 Ammanna Raja, Srimathi C. (Deputy Speaker). ..	Ellore Town, Women, General, Rural.
6 Anandan Nambiar, K.	Railway Trade Union, Labour.
7 Ananthachar, B.	Hospet, General, Rural.
8 Anjalai Ammal, Srimathi ..	Cuddalore, Women, General, Rural.
9 Annamalai Pillai, N.	Tiruvannamalai, General, Rural.
10 Arunachalam, T. S.	Trichinopoly <i>cum</i> Srirangam Towns, General, Urban.
11 Ataullah Sahib, M. S.	Salem <i>cum</i> Coimbatore <i>cum</i> the Nilgiris, Muhammadan, Rural.
12 Avinashilingam Chettiar, The Hon. Sri T. S. (Minister). ..	Palladam, General, Rural.
13 Balakrishnan, S. C.	Palni, General, Rural (Scheduled Castes).
14 Bapineedu, M., B.Sc. (Cornell), M.Sc. (California). ..	Ellore, General, Rural.
15 Batchelor, B. W.	European Commerce, The Madras Chamber of Commerce and the Madras Trades Association.
16 Begum Sultan Mir Amiruddin, B.A. (Hons.). ..	Madras City, Women, Muhammadan, Urban.
17 Bhaktavatsalam, The Hon. Sri M. (Minister). ..	Tiruvallur, General, Rural.
18 Bhashyam, K.	University.
19 Bhupathiraju Bangaravva. Sri-mathi. ..	Bhimavaram, General,

Serial number and name of member.	Name and class of constituency.
20 Bokkai Cowder, K.	The Nilgiris, General, Rural.
21 Brahmanandam Reddi, K.	Narasaraopet, General, Rural.
22 Chandramouli, The Hon. Sri K. (Minister).	Tenali, General, Rural.
23 Chandu, A.	Calicut, General, Rural.
24 Chengam Pillai, O.	Tiruvallur, General, Rural (Scheduled Castes).
25 Chidambara Ayyar, S.	Villupuram, General, Rural.
26 Damodaran, M. P.	Kottayam, General, Rural.
27 Daniel Thomas, The Hon. Mr. (Minister).	Tinnevely, Indian, Christian.
28 Devanayaga Iyah, A.	Cuddalore, General, Rural.
29 Doraikannu, M.	Tiruttani, General, Rural (Scheduled Castes).
30 Durairaja Pandian, D.	Tinnevely, General, Rural.
31 Easwaran, M. A.	Erode, General, Rural.
32 Ebrahim Coonhee, M.	Chirakkal, Muhammadan, Rural.
33 Fernandez, W. J.	Anglo-Indian.
34 Fowler, H. O.	Do.
35 Gopala Reddi, The Hon. Sri B. (Minister).	Kavali, General, Rural.
36 Govinda Das, D.	Bellary, General, Rural (Scheduled Castes).
37 Govinda Menon, M. P.	Malappuram, General, Rural.
38 Govindan Nayar, C. K.	Kurumbranad, General, Rural.
39 Govindan Nair, R.	Ponnani, General, Rural.
40 Govindaraju Nayagar, S. K.	Saidapet, General, Rural.
41 Govindaswami Nayudu, N.	Textile Workers' Trade Union (Madras), Labour.
42 Guruvulu, Saketi	Chicacole, General, Rural (Scheduled Castes).
43 Hassan Koya Sahib, Puthiya Pommani.	Calicut, Muhammadan, Rural.
44 Hussain Sahib, H. S., B.A., B.L.	Mangalore, Muhammadan, Rural.

Serial number and name of member.	Name and class of constituency.
45 Hydross Sahib, M. V., B.A., B.L.	Palghat, Muhammadan, Rural.
46 Ibrahim Sahib, Sinna Kaziar Haji Moulvi S. A. F.	Madura, Muhammadan, Rural.
47 Ishwara, K.	Coondapoor, General, Rural (Scheduled Castes).
48 Jaffar Mohideen Sahib	Anantapur, Muhammadan, Rural.
49 Jebamoney Masilamoney, Mrs.	Tinnevely cum Palamcottah cum Tuticorin Towns, Women, Indian Christian, Urban.
50 Jogi Nayudu, Allu	Vizianagram, General, Rural.
51 Kader Kutty Sahib, A. K.	Kottayam, Muhammadan, Rural.
52 Kadirappa, D.	Penukonda, General, Rural (Scheduled Castes).
53 Kakkan, P.	Ariyalur, General, Rural (Scheduled Castes).
54 Kaleswara Rao, A.	Bezwada cum Masulipatam Towns, General, Urban.
55 Kamaraj Nadar, K.	Sattur, General, Rural.
56 Kamakshi Chettiyyar, K. P.	Palni, General, Rural.
57 Kameswara Rao, Annapragada.	Cuntur cum Tenali Towns, General, Urban.
58 Kandaswami Gounder, P. R.	Pollachi, General, Rural.
59 Kandaswamy Pillai, P.	Salem Town, General, Urban.
60 Kannappa Mudaliyar, V. T.	Gudiyattam, General, Rural.
61 Kanniyappan, M.	Madras City Dock and Factory Labour (excluding Textile and Railway Labour), Labour.
62 Karanth, K. R., B.A., LL.B.	Puttur, General, Rural.
63 Karayalar, L. S.	Koilpatti, General, Rural.
64 Kosalarama Nadar, K. T.	Tuticorin, General, Rural.
65 Kothari, C. M.	Madras Planters.
66 Koti Reddi, K.	Cuddapah, General, Rural.
67 Krishnan, K. S. V.	Tindivanam, General, Rural.
68 Krishnan, S.	Pollachi, General, Rural (Scheduled Castes).

Serial number and name of member.	Name and class of constituency.
69 Krishnaswami Vandiar, A. ..	Kumbakonam, General, Rural.
70 Kulasekara Doss, K. ..	Tindivanam, General, Rural (Scheduled Castes).
71 Kumarakrishna Yachendra Bahadur Varu, of Venkatagiri, Sri Sarvagna.	Northern Central, Landholders.
72 Kumaran, M. ..	Chirakkal, General, Rural.
73 Kumaraswami, Garembella ..	Chicacole, General, Rural.
74 Kumaraswami Raja, P. S. ..	Srivilliputtur, General, Rural.
75 Kunhi Kammaran Nambiar, K. T.	West Coast, Landholders.
76 Kuppuswami Nayudu, A. ..	Conjeeveram, General, Rural.
77 Kuppuswami, R. ..	Textile Workers' Union Labour. Non-
78 Kurmayya, The Hon. Sri V. (Minister).	Bander, General, Rural (Scheduled Castes).
79 Kuttimalu Amma, Srimathi A. V.	Tellicherry cum Calicut, Women, General, Urban.
80 Lakshmanaswamy, Pandu ..	Amalapuram, General, Rural (Scheduled Castes).
81 Lakshmi Ammal, Srimathi K. ..	Dindigul, Women, General, Rural.
82 Lakshmi Ammal, Srimathi V. ..	Shermadevi, General, Rural.
83 Lakshmi pathi, Srimathi R. ..	Madras City, Women, General, Urban.
84 Linga Raju, K. ..	Rajahmundry, General, Rural.
85 Mahboob Ali Baig Sahib, B.A., B.L.	West Godavari cum Kistna, Muhammadan, Rural.
86 Mahin Sehamnad Sahib ..	Puttur, Muhammadan, Rural.
87 Mallayya, U., Padmanabha ..	Mangalore, General, Rural.
88 Mallikarjuna Rao, B. S. ..	Vizagapatam cum East Godavari, Dock and Factory Labour, Labour.
89 Manickam, R. S. ..	Sattur, General, Rural (Scheduled Castes).
90 Marimuthu, M. ..	Tanjore, General, Rural (Scheduled Castes).
91 Mohamed Rafeeudin Ahmad Ansari Sahib.	Nellore, Muhammadan, Rural.

Serial number and name of member.	Name and class of constituency.
92 Moideen Kutty Sahib, P. K. ..	Palghat, Muhammadan, Rural.
93 Moses Wilson, John ..	Northern Circars, Indian Christian.
94 Mohamed Abdul Salam Sahib ..	Guntur, Muhammadan, Rural.
95 Muhammad Anwar Sahib, N. ..	North Arcot, Muhammadan, Rural.
96 Muhammad Hussain Sahib ..	Tinnevely, Muhammadan, Rural.
97 Muhammad Ibrahim Sahib, M. A.	Tanjore, Muhammadan, Rural.
98 Muhammad Ibrahim Sahib, V. S.	Trichinopoly, Muhammadan, Rural.
99 Mohammad Ismail Sahib, Haji, B.A., B.L.	Bellary, Muhammadan, Rural.
100 Muhammad Ismail Sahib ..	Vizagapatam cum East Godavari, Muhammadan, Rural.
101 Muhammad Ismail Sahib, M. ..	Madras City, Muhammadan, Urban.
102 Muhammad Raza Khan Sahib ..	Chittoor, Muhammadan, Rural.
103 Muniswami Pillay, V. I. ..	Tirukkoyilur, General, Rural (Scheduled Castes).
104 Murthi, B. S. ..	Cocanada, General, Rural (Scheduled Castes).
105 Muthuramalinga Tevar, U. ..	Ramnad, General, Rural.
106 Muthiah Chettiar of Chettinad, Kumararaja Sir.	The Nattukottai Nagarthars' Association.
107 Nachiappa Gounder, K. A. ..	Omalur, General, Rural.
108 Nadhamuni Reddi, R. ..	Madanapalle, General, Rural.
109 Nagappa, S. ..	Kurnool, General, Rural (Scheduled Castes).
110 Nagaraja Ayyangar; N. ..	Namakkal, General, Rural.
111 Nagaraja Manigar, S. ..	Hosur, General, Rural.
112 Nageswara Rao, Meduri ..	Guntur, General, Rural.
113 Nagayya, S. ..	Cuddapah, General, Rural (Scheduled Castes).
114 Narasimharaju, P. L. ..	Vizianagram, General, Rural.
115 Narasimha Rao, Guntur ..	Madras City, North, General, Urban.
116 Naravana Reddi, K. B. ..	Rajampet, General, Rural.

Serial number and name of member.	Name and class of constituency.
117 Natesan Chettiyar, M. G. ..	Dharmapuri, General, Rural.
118 Natesan, P.	Southern India Chamber of Commerce.
119 Pais, L. C.	West Coast, Indian Christian.
120 Palaniswamy Gounder, V. C. ..	Coimbatore, General, Rural.
121 Pallam Raju, M.	Cocanada, General, Rural.
122 Paramananda Rayar, S. ..	Chidambaram, General, Rural.
123 Parameswaran, B., B.A. ..	Chingleput, General, Rural (Scheduled Castes).
124 Parisutha Nadar, A. Y. S. ..	Tanjore <i>cum</i> Madura <i>cum</i> Ramnad, Indian Christian.
125 Pattabirama Iyer, M. S. ..	Dindigul, General, Rural.
126 Pattabhiraman, T. S. ..	Tiruchengode, General, Rural.
127 Paliya Kudumbār, S. K. ..	Koilpatti, General, Rural (Scheduled Castes).
128 Periyaswami, M. P. ..	Namakkal, General, Rural (Scheduled Castes).
129 Perumalla Nayudu ..	Kandukur, General, Rural.
130 Pillalamarri Venkateswarlu ..	West Godavari <i>cum</i> Kistna <i>cum</i> Guntur, Factory Labour, Labour.
131 Pocker Sahib, B.	Calicut <i>cum</i> Cannanore, Tellicherry Towns, Muhammadan, Urban.
132 Ponnambala Goundar ..	Trichinopoly, General, Rural.
133 Ponnuswami Gounder, V. ..	Tiruppattur (North Arcot), General, Rural.
134 Ponnuswami Mudaliyar, A. ..	South Arcot <i>cum</i> Trichinopoly <i>cum</i> Salem <i>cum</i> Coimbatore, Indian Christian.
135 Prakasam, T.	Madras City, South Central General, Urban.
136 Raghavan, K.	Malappuram, General Rural (Scheduled Castes)
137 Raghava Menon, R.	Palghat, General, Rural.
138 Raghavayya, V.	Nellore, General, Rural.

Serial number and name of member.	Name and class of constituency.
139 Rajagurunatha Chettiyar, Zamin-dar of Elampalli.	Southern Central Land-holders.
140 Rajamannar Chetty, G.	Madras City, North Central, General, Urban.
141 Rajaram-Naidu, K.	Tirumangalam, General, Rural.
142 Ramachandra Rao, Dr. D. S. ..	Madras <i>cum</i> Chingleput, Indian Christian.
143 Ramamurthy, Rokkam	Tekkali, General, Rural.
144 Ramanujalu Reddiyar, R. ..	Cheyyar, General, Rural.
145 Ramaswami Mudaliyar, V. M. ..	Vellore, General, Rural.
146 Ramiah, N. P.	Musiri, General, Rural.
147 Rāngaswami Reddy, N. ..	Mayavaram, General, Rural.
148 Ramaswami, D. V.	Vizagapatam, General, Rural.
149 Ratnavelu Tevar, P.	Trichinopoly, General, Rural.
150 Rayappa, A.	Gooty, General, Rural.
151 Sahajananda, A. S.	Chidambaram, General, Rural (Scheduled Castes).
152 Sami Goundar, S. K.	Gobichettipalayam, General, Rural.
153 Samuel, Dr. M. J.	Central Districts, Indian Christian.
154 Sangam Naidu, Palavalasa ..	Palakonda, General, Rural.
155 Sanjeeva Reddi, Neelam ..	Anantapur, General, Rural.
156 Sankarasubrahmanya Mudaliyar, V. S.	Tinnevely <i>cum</i> Palamcottah Towns, General, Urban.
157 Sanyasi Rao, Geddam	Sarvasiddhi, General, Rural.
158 Satyanarayana Raju, Alluri ..	Narasapur, General, Rural.
159 Satyanarayana Raju, Bhupati- raju.	Viravalli, General, Rural.
160 Seetharamaswami, Gona ..	Bobbili, General, Rural.
161 Seethi Sahib, K. M.	Malappuram, Muhammadan, Rural.
162 Shah Alam Khan Savoi Sahib.	Cuddapah, Muhammadan, Rural.
163 Shanmugam, K.	Gudur, General, Rural (Scheduled Castes).

Serial number and name of member.	Name and class of constituency.
164 Shanmuga Rajeswara Sethupathi of Ramnad, Raja Sri R.	Southern Landholders.
165 Shetty, The Hon. Sri A. B. (<i>Minister</i>).	Coondapoor, General, Rural.
166 Sitamahalakshamma, Srimathi Vallabhaneni.	Bandar, General, Rural.
167 Sitarama Reddi, The Hon. Sri H. (<i>Minister</i>).	Bellary, General, Rural.
168 Sivashanmukham Pillai, The Hon. Sri J. (<i>Speaker</i>).	Madras City, South Central, General, Urban (Scheduled Castes).
169 Srinivasa Padayachi, P. R. ..	Tirukkoyilur, General, Rural.
170 Srinivasa Row, W. S. ..	Ranipet, General, Rural.
171 Subbanna Gounder, K. K. ..	Gobichettipalayam, General, Rural.
172 Subbaraman, N. M. R. ..	Madura Town, General, Urban.
173 Subbarao, Kallur ..	Penukonda, General, Rural.
174 Subbiah, P. ..	Ongole, General, Rural (Scheduled Castes).
175 Subba Iyer, R. ..	Chingleput, General, Rural.
176 Subbarayan, The Hon. Dr. P. (<i>Leader of the House</i>).	Dharapuram, General, Rural.
177 Subrahmanya Ayyar, Dr. S., M.B.B.S.	Tiruppattur (Ramnad), General, Rural.
178 Subrahmanyam, A. ..	Salem, General, Rural.
179 Subrahmanyam, K. ..	Coimbatore Town, General, Urban.
180 Sumangalamma, Srimathi Allum.	Bellary, Women, General, Rural.
181 Surayya, Kollipara ..	Bezwada, General, Rural.
182 The Yuvarajah of Pithapur Raja- rao Venkata Mahipathi Ganga- dhara Rama Rao Bahadur.	Northern Landholders I.
183 Swaminathan, R. V. ..	Sivaganga, General, Rural.
184 Syed Muhammad Sahib, M. R. P.	Ramnad, Muhammadan, Rural.
185 Thangavelu, R. ..	Tiruvannamalai, General, Rural (Scheduled Castes).
186 Tatachari, T. K. T. N. R. ..	Chandragiri, General, Rural.
187 Thiagoo Voikkarar ..	Mannargudi, General, Rural (Scheduled Castes).

Serial number and name of member.	Name and class of constituency.
188 Thompson, A. E. ..	European Commerce, The Madras Chamber of Commerce and the Madras Trades Association.
189 Thyagaraja Pillai, M. D. ..	Negapatam, General, Rural.
190 Thyagaraja Sholagar, G. ..	Tanjore, General, Rural.
191 Vaidyanada Ayyar, A. ..	Melur, General, Rural.
192 Varadachari, K. ..	Tiruttani, General, Rural.
193 Varadachari, N. S. ..	Madras City, South, General, Urban.
194 Vedaratnam Pillai, A. ..	Mannargudi, General, Rural.
195 Veeranna Padal, Kankipatti ..	Backward Areas and Tribes.
196 Veeraraghaviah, Nukala ..	Bezwada, General, Rural.
197 Velayudapani, P. M. ..	Ranipet, General, Rural (Scheduled Castes).
198 Veluswamy Gounder, P. S. ..	Periyakulam, General, Rural.
199 Venkanna, Gottumukkala ..	Ellore, General, Rural (Scheduled Castes).
200 Venkatachalam Pillai, B. ..	Ariyalur, General, Rural.
201 Venkatanarayana, Pyndah ..	Cocanada Town, General, Urban.
202 Venkatanarayana Reddi, B. ..	Gudur, General, Rural.
203 Venkataratnam, B. ..	Rajahmundry, General, Rural.
204 Venkata Reddi, Gopavaram ..	Nandyal, General, Rural.
205 Venkatareddi, Reddivari ..	Chittoor, General, Rural.
206 Venkatarama Ayyar, Amma- pet P. ..	Tanjore cum Kumbakonam Town, General, Urban.
207 Venkataraju, M. ..	Ongole, General, Rural.
208 Venkata Rao, The Hon. Sri Kala (<i>Minister</i>).	Amalapuram, General, Rural.
209 Venkata Subbayya, Nivarthi ..	Kurnool, General, Rural.
210 Viswanatham, T. ..	Vizagapatam Town, General, Urban.
211 Walford, H. B. ..	European Commerce, The Madras Chamber of Commerce and the Madras Trades Association.
212 Zamindar of Mirzapuram (Sri Meka Venkataramiah Appa Rao Bahadur).	Northern Landholders II.

THE MADRAS LEGISLATIVE ASSEMBLY.

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

Tuesday, the 20th January 1948.

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

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

I.—MESSAGE TO MAHATMA GANDHI ON THE TERMINATION
OF HIS FAST.

THE HON. DR. P. SUBBARAYAN:—“ Sir, I propose that—
*‘ this House sends its humble message to Mahatma Gandhi
on the successful termination of his fast and wishes him
many years of service in the cause of the country.’*

“ Not many words are needed to commend this resolution to this House. The hon. Member, the Leader of the Opposition, has agreed to the resolution in the form proposed.”

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Sir, I have got the greatest pleasure to second the resolution moved by the Hon. Leader of the House. It has really given us immense relief and joy to see that Mahatmaji was able to end his fast so soon and so successfully. We all wish him long life and happiness so that he may continue to render his noble and high services to the cause of the motherland. Really Sir, we do not know what great load has been lifted off the minds of the people all over the country—people of all sections and of all communities—by the termination of the fast by Mahatmaji. It is a very great achievement that this fast has brought about harmony and unity of heart which Gandhiji wanted so much when he launched on this momentous fast. I once again wish him very very long life and also prosperity and happiness to the motherland.”

Mr. B. W. BATCHELOR:—“ Mr. Speaker, Sir, I am most happy to associate myself and the Members of my group with the remarks of the two hon. Members who have just spoken. Nobody can fail to be impressed by the tremendous spiritual power of Mahatmaji and also by the tremendous response it has already met with throughout the country. Let us hope that the objects for which the fast was undertaken will be satisfactorily achieved and will lead to the greater happiness and peace of the inhabitants of this country.”

[20th January 1948]

SRI K. ANANDAN NAMBIYAR:—"Sir, I also stand here to record my satisfaction that Gandhiji has ended his fast successfully. I also hope that various political organizations and their leaders—of whatever rank they may be—will follow Gandhiji's lead, and will see that they do not rouse communal tensions in future. With these words I appreciate and congratulate Gandhiji on the successful ending of his fast."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to associate myself heartily with the resolution moved by the Hon. Leader of the House. Mahatma Gandhi's life is precious to humanity for his sublime mission has been to elevate humanity to a higher level. Hence, it is a matter of profound relief to everyone that he has successfully passed through the great ordeal. Particularly, the women of the land were most anxious when they heard about the fast which Gandhiji had undertaken and they are greatly relieved that he has terminated it. I hope, Sir, the purport which actuated his fast has been realized and that hereafter the spirit of tolerance, fellow-feeling, goodwill and understanding will prevail among the members of the various castes and creeds in this country. I hope that members of the different communities will, in future, live at peace with one another and in a spirit of harmony and concord and that there will be no further need for Mahatmaji to undertake a fast for communal harmony. May this great leader live long for he is a blessing to humanity with his tremendous spiritual force."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, I am grateful to you for giving me an opportunity to associate myself with the expressions of this House that Gandhiji should live for many years more, to be of great service to the country. The whole country now rejoices because of the fact that it has been possible for him to break his fast earlier than expected. It has to be remembered also that the fast has not ended too soon though he could have continued it for many more days as is usual with him. The object of the fast has been achieved; that is, Muslims must be free to live in whichever area they like; the whole of India must be free from communal bias. My Hon. Friend, Mr. Gopala Reddi, asks me to remember Pakistan also. I hope that the two great communities not only of the Indian Union but also of Pakistan will live in peace and amity. Let us hope that it will be possible for the Pakistan Government to invite Mahatma Gandhi to see that peace between the two communities is ensured earlier than expected. This House and its representatives can voice the feelings of the people of South India. We can always take legitimate pride in the fact that we have been able to live in amity for a long time. Let us hope that the good example set up by South India will be emulated by people in the north."

"While speaking in this Assembly, as representatives of South Indians it is but natural that we should not miss making a reference to the border of Hyderabad. In this connexion, it is a matter for congratulation that the Hon. Premier and Hon. Leader

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[Kumararaja Sir Muthiah Chettiyar of Chettinad]
of the House have done their best to restore peace in the border area within the last two days. I hope that the situation is not very serious as it may appear from the newspapers and that the efforts of this Government and of the Government of India Agent in Hyderabad will be able to restore peace in the border areas of Hyderabad and Madras. In conclusion let me hope that the efforts of Mahatmaji will meet with success and that his life will be spared for many years to come."

MR. SPEAKER:—"I associate the Chair with the sentiments expressed by the Hon. Leader of the House, the Leader of the Opposition and by leaders of other groups. All of us remember the 1932 fast which brought together Scheduled Castes and Caste Hindus. This fast will bring together Muslims and Hindus."

The motion was put and carried.

II.—MOTION FOR TRANSACTION OF OFFICIAL BUSINESS ON A THURSDAY.

THE HON. DR. P. SUBBARAYAN:—"With your permission, Sir, I want to mention that the Government are constrained to take up next Thursday for their own business, because the Estates Land (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill must be finished so that the Upper House may consider it on the 23rd January 1948."

III.—PANEL OF CHAIRMEN.

MR. SPEAKER:—"I have to announce that under rule 9 of the Madras Assembly Rules, I have nominated the undermentioned four Members to be the panel of Chairmen for the Fourth Session of this Assembly:—

- (1) Begum Sultan Mir Amiruddin.
- (2) Sri A. Y. S. Parisutha Nadar.
- (3) „ N. S. Varadachari.
- (4) „ K. Linga Raju."

IV.—PUBLIC ACCOUNTS COMMITTEE.

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

That, with reference to rule 134 of the Madras Assembly Rules, this Assembly do proceed, on a date to be fixed by the Hon. the Speaker, to elect nine Members to be Members of the Committee on Public Accounts for the Fourth Session of the Madras Legislative Assembly.

"Sir, in September last, nine Members were elected but before they could meet and transact any business, this House was prorogued; this Committee became *functus officio*. So, we have got to elect a new Committee and I hope the Hon. Speaker will fix the dates for election."

The motion was put and carried.

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MR. SPEAKER:—“In accordance with the regulations framed by me for conducting elections according to the principle of proportional representation by means of the single transferable vote, I fix 3 p.m. tomorrow Wednesday, the 21st January 1948, as the time within which notice of nominations for election to the Public Accounts Committee should be given to the Secretary. The nomination forms can be obtained from the Secretary. There will be an election on a date to be announced in due course if the number of candidates exceeds the number of vacancies, namely, nine.”

V.—HOUSE COMMITTEE.

THE HON. DR. P. SUBBARAYAN:—“Sir, for the same reason given by my Hon. Colleague, I move that under rule 152 of the Madras Assembly Rules, this House do proceed to elect six Members to the House Committee according to the principle of proportional representation by means of the single transferable vote in accordance with the regulations made in this behalf by the Speaker.”

The motion was put and carried.

MR. SPEAKER:—“In accordance with the regulations framed by me under rule 152 of the Madras Assembly Rules for the holding of elections according to the principle of proportional representation by means of the single transferable vote, I fix 5 p.m. on Friday, the 23rd January 1948, as the time within which nominations of candidates for election to the House Committee should reach the Secretary. The nomination forms can be obtained from the Secretary. There will be an election on a date to be announced in due course if the number of candidates nominated exceeds the number of vacancies, namely, six.”

GOVERNMENT BILL.

VI.—THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947—*cont.*

MR. SPEAKER:—“The hon. Member Mr. Prakasam was speaking on the Madras Estates (Repeal of Permanent Settlement and Conversion into Ryotwari) Bill the other day. He will continue his speech to-day. Before doing so, I wish to remind the hon. Member that he took a full day on the 3rd December last and half a day or about 1 hour 45 minutes on the 4th December. He has altogether taken 5 hours 45 minutes so far.”

VII.—PROROGATION OF ASSEMBLY.

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Before we take up the Bill, I wish Mr. Speaker to say a word or two with reference to the fact that we have had no question-hour to-day. I have come to know that it has happened on account of the prorogation of the last session of the Assembly. I do not speak of the prorogation. I know the Assembly has been prorogued by the discretion vested in the Governor. You can see,

[20th January 1948] [M. Muhammad Ismail Sahib Bahadur]

Sir, what a lot of work has been entailed by the questions that have been given notice of by the Members. The Government departments also have been working on them for weeks. At last all this work has come to waste. In this connexion I want to make this submission. If the Members renew their notices after the prorogation, the departments have to put up more work with reference to the same questions. However, Sir, I want to submit for your consideration another thing which might have been done, namely, that the prorogation of the House might have taken place soon after the close of the last session. In that case Members would have had time for giving notice of questions and departments also would have had more time for putting up answers. As it is Members have not had sufficient time to renew their questions and departments also have not had time to prepare their answers or put up the answers they have already prepared. Under the circumstances, I beg to submit that these facts may be taken into account in future and when the House is going to be prorogued, it may be prorogued as soon as the actual session is over, so that all the work done by the departments may not be wasted as it is to-day and the Members also might have the satisfaction of getting the information on the various subjects which they wanted.”

THE HON. DR. P. SUBBARAYAN:—“Sir, I am really sorry for the inconvenience that has been caused to hon. Members of the House by the sudden prorogation that has taken place which has rather put them out of gear with regard to questions and resolutions. But an urgent matter arose which made it incumbent on the Government to have the House prorogued. I assure hon. Members that Government will see that sufficient time is given to hon. Members if such prorogation takes place so that they may be able to renew notice of their Questions, Resolutions and Bills. I hope, Sir, that with this explanation hon. Members would be satisfied with what has been done.”

MR. SPEAKER:—“The hon. Member, Sri Prakasam, will continue his speech.”

THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947—*cont.*

SRI T. PRAKASAM:—“Sir, you have given me a warning about the time already taken by me but you have not given me any direction within what time I should finish.” (Laughter.)

MR. SPEAKER:—“Being the oldest Member of this House, I leave it to the discretion of the hon. Member. He himself knows how much time he should take.”

SRI T. PRAKASAM:—“This is a subject of great importance. That one should be called upon to continue a discussion that had been closed so long ago, is itself a curious feature. But none of us should feel anything curious as we are living to-day. We must be prepared for anything at any moment. Prorogation has come and new session has come. That this subject should have been dealt with in this manner without continuing it at one

[Sri T. Prakasam] [20th January 1948]

stretch having started it, is a most extraordinary thing. However painful it may be one would be compelled to refer to this matter.

"Where did I begin and where did I end during these five hours, I have been at some difficulty myself to gather the threads and find out where I stopped and what all I spoke and what I should not speak by way of repetition."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Since the Assembly was prorogued, the hon. Member may be allowed to begin again."

SRI T. PRAKASAM:—"The hon. Member Mr. Salam is quite right. That is the correct constitutional procedure. But as we are all the same Members of the House dealing with the same subject, I am anxious not to go over the same ground as far as possible. But one point on which I feel compelled to refer to now, is about the manner and the method adopted by this Government to rush through this legislation notwithstanding the objections taken at an earlier stage. You remember, Sir, much stress was laid on the fact that the Congress High Command passed a resolution with regard to the abolition of the zamindaris and certain instructions were given by them. Objection was taken by Mr. Vaidyanatha Ayyar that according to the circular issued by the General Secretary of the Congress, it could not be proceeded with. This was followed up by me also. The Hon. the Revenue Minister was good enough to say at that time that he had special permission given to him by the General Secretary of the Congress, notwithstanding the fact that the circular laid down certain conditions before the Bill could be proceeded with for the abolition of the zamindaris. I am not one of those who at any time wanted to delay this abolition of the zamindaris if it should be forthcoming. I have been anxious to see that the zamindaris were abolished in the quickest possible manner, but the provisions of the main Bill and the Rent Reduction Bill were such that it would not be possible for the Hon. the Revenue Minister to accomplish the object of abolishing zamindaris as early as possible. Because the procedure is such and we have to go through section after section and condition after condition prescribed there. Therefore, there will not be the abolition of the zamindaris in the quickest possible manner in which I wanted to have it. It was stated at that time that Sri Shankar Rao Deo gave him special permission to proceed with the Bill notwithstanding the general circular issued to all the provinces including Madras. Sir, may I have from the Hon. the Revenue Minister that circular of Shankar Rao Deo at the bottom of which he gave some permission or some such thing? (The hon. Member paused for a while.) Mr. Speaker, you can satisfy yourself if you can give him the necessary instruction to show the document."

MR. SPEAKER:—"If the hon. Member wants the Hon. Revenue Minister to speak, he must resume his seat and give room to the latter to speak."

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THE HON. SRI KALA VENKATA RAO:—"I have no objection to produce the letter, Sir. Here it is" (He passed on the file to Sri T. Prakasam and the latter perused it.)

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it intended only for both of them or for the whole House, Sir?"

SRI T. PRAKASAM:—"At the foot of the circular, a few lines have been typed:

"Copy to the Prime Minister, Government of Madras, to the Revenue Minister, Government of Madras." This is copy of letter sent to the Prime Ministers and the Revenue Ministers of all the Provinces. You may proceed with the legislation in the matter—*Shankar Rao Deo.*"

That is the authority on which he relies for proceeding with the Bill.

"The circular is such that certain important conditions should be fulfilled before proceeding with the abolition of the zamindaris. I would like to point out what these conditions are. The circular reads: 'The question of abolition of the zamindari system is now under active consideration in the various provinces in pursuance of the provisions of the Congress election manifesto. The Parliamentary Sub-Committee has concluded its discussion with special reference to this Province.'"

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of order, Sir. Instructions from the Congress High Command are a matter of party politics and I do not know how it is relevant here. I would like to know from the Hon. Speaker whether it is relevant here and whether only a portion of the letter can be read."

MR. SPEAKER:—"I have already given a ruling on the point as to what should be read and what should not be read here. At that time the hon. Member was not here and it is not my fault. The Hon. Mr. Prakasam will continue his speech."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"I would like to know how a portion of the letter alone can be read."

MR. SPEAKER:—"Two Members cannot stand simultaneously. The hon. Member Mr. Prakasam will continue his speech now."

SRI T. PRAKASAM:—"The portion I am reading refers directly to the Madras Province and to the Madras Legislation. It says 'The Parliamentary Sub-Committee has concluded its discussion on the Madras Estates (Repeal of Permanent Settlement and Conversion into Ryotwari) Bill, with the Premier and the Revenue Minister on the one hand and the Zamindars and Inamdars on the other. As a result of these discussions the Committee wishes to impress upon you the necessity of a thorough examination of any scheme under consideration in your province and of ensuring that such a scheme is not confined to mere abolition of zamindaris

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but affords a clear picture of the financial and administrative measures contemplated for improving production and agricultural efficiency as well as the ryots' lot. To that extent, Sir, I would like to ask the Revenue Minister whether any of the conditions pointed out had been carried out by him. I may assure you that nothing has been done with regard to these things after the Sub-Committee gave these specific directions to the Madras Government itself. About proceeding with the Bill, it is a technical matter. I happened to meet the Congress President last week in Delhi and put the question to him whether the conditions laid down in the circular applied to Madras or Madras was exempted. The exemption was held by the Revenue Minister on the authority of what purports to have been stated by Sri Shankar Rao Deo, the Secretary of the Congress. The Congress President told me that Madras was not exempted, all the provinces were included in it and what he stated there must apply to all. I published a statement about the conversation I had with Dr. Rajendra Prasad, the Congress President, and the Revenue Minister promptly replied by saying that he got the permission of the Congress President himself, which is a clear contradiction of what he stated on the floor of the House to the effect that Sri Shankar Rao Deo was the person who authorized him to proceed with the Bill."

THE HON. SRI KALA VENKATA RAO:—"The circular he had just now read . . ."

MR. SPEAKER:—"The Hon. Minister should address the Chair."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, Sir, I wish to say that when this circular was issued, Dr. Rajen Babu was not the President of the Congress. On the 26th of October this circular was issued by Sri Shankar Rao Deo when Sri Acharya Kripalani was the President of the Congress. Dr. Rajen Babu became the President of the Congress on 16th November 1947 and this circular was issued on the 26th October. Consequently the circular does not refer to the statement of Dr. Rajen Babu. Subsequently a Revenue Ministers' Conference was held and some other instructions were also issued. What I stated in my statement of yesterday was with reference to Rajen Babu's instructions and those instructions are before the Cabinet and they will be placed before our Party."

SRI T. PRAKASAM:—"I am glad the Hon. Member has tried to correct the mistake. The statement of the Hon. the Revenue Minister that Dr. Rajendra Prasad, the Congress President, permitted him to proceed with the Bill was a mistake. I am glad he has corrected the mistake to that extent. The point now is, as I said—I do not wish to stand on the technical difference or difficulty—whether the conditions referred to in the circular have been complied with by the Government before introducing this Bill."

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"In an interview given by the Revenue Minister to a local paper he stated that the circular in question had nothing to do with the Bill in question and he added further that Sri Shankar Rao Deo gave him permission. It is clear from this that the circular had nothing to do with the Bill he had been propounding here. As a further precautionary measure Sri Shankar Rao Deo was ready to give him permission saying that he might proceed with the Bill. That circular applies to all including this province. How can the Congress Secretary give such a permission and how could the Revenue Minister reconcile himself with the position? In honour he is bound, because he has been acting under the direct instructions of the Congress High Command from time to time as it were, to see whether the conditions laid down at that meeting, at which he was also present—not that he was absent from that meeting—and this circular having come to him—that the tenant's lot was not in any way disturbed, and that his rights and interests are protected. Of course, about production and other things also, he has to fulfil certain conditions. Now, Sir, under the new dispensation, after the 15th of August, when the country had become free, when the people have almost become masters and owners and they are the real rulers, when the Ministers are only representatives of those people and when the Congress High Command was laying down a rule of high policy to be adopted in the interests of the tenants and the cultivators, and also in regard to the production and distribution of food, it is his duty to apply his mind to them first and to carry out the instructions of the Congress High Command before he could proceed with the legislation in the manner in which he has been doing. Now, Sir, the circular which I have referred to is dated 31st October 1947 and it was published here on the 2nd November 1947. Now on the 17th of December it was laid down there that another circular was issued which referred to the question of compensation on the one side and also to the position of the agriculturist and the ryot himself. In the first paragraph of the circular it is laid down: 'The two-day Conference of the Revenue Ministers concluded to-day after holding three sittings. The Conference after reviewing the schemes for the abolition of the zamindari system in the various provinces decided that in view of the fact that the circumstances prevailing in the different provinces differ materially, there should not be any uniformity in the scheme of compensation and the scheme of each province has to be examined on its merits and in the light of local opinion.' I accept this position as laid down by that Committee formed under the orders of the High Command of the Congress. Quite true, the question of compensation cannot be made uniform in all the provinces. Of course, in regard to framing of a special provision on the question of compensation, I agree. What I have just now read in the circular of 31st October is reiterated here in the second paragraph. On the 31st October the decision was taken and the Madras Government was finally asked as to their views on the conditions laid down in the circular before proceeding with this legislation. What is his

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reaction on this matter? I would like to know it from the Hon. the Revenue Minister and whether he made any report to that Committee or to the Congress High Command. I am requesting the Hon. the Revenue Minister to tell us whether he has fulfilled any of the conditions laid down in the circular of 31st October which I have just now read.

14-45 a.m. " This special matter has been referred to in these terms: 'The agrarian reforms should aim at improving the lot of the tenant through various measures including the fixing of the size of the holdings, the redistribution of land on a very big scale and the introduction of co-operative farming as well as increasing the efficiency and yield of agriculture.' I wish to ask whether anything in this direction has been attempted by this Government. I am saying, I am asserting that nothing has been done to fulfil those conditions. But yet when it was raised in this House, not on any technical grounds but on sound and substantial grounds, they have overruled the objections because they are the Government; they have divided the Bill when it ought to have formed one single whole; they have divided it into three parts, what is called the main Bill, the Rent Reduction Bill and the Prevention of Alienation Bill. We started from the bottom without knowing what was coming in the main Bill. The second Bill was also proceeded with and everything that should not have happened has happened. The position taken under those statutes was detrimental to the interests of the tenants. I do not wish to speak at length on the details on that question but I shall content myself with pointing out that it is exactly such mischief that the Congress High Command desired to prevent and it was to prevent such mischief that a sub-committee was formed and rules were laid down regarding the things to be done. The Revenue Minister laughs. I do not know why; I am an ignorant man sitting on this side and he is sitting in a place from which he could laugh; but this is not a matter for laughter especially when he himself always professes to be the friend of the ryots and that he is trying to protect the interests of the ryots. For my part I should have had no place here but for certain circumstances after what had happened with regard to the overthrow of the previous Government. I have been sitting here day after day with the anxiety that I should sit here and try my best to prevent any mischief from those who have taken up office. It is for that purpose I am presenting their case here so that people outside, who are interested in the matter, may know something about it for they are the final arbiters and not even this Legislature which is only a representative body. The third circular was dated the 10th January 1948. I beg your attention to mark what it states with regard to the procedure about the Bill to abolish zamindaris. 'The Congress President, Dr. Rajendra Prasad, has appointed an Agrarian Reform Committee with Mr. O. P. Ramaswami Reddiar, the Madras Premier, as the Chairman in pursuance of the resolution adopted recently at the Conference of Revenue Ministers in Delhi.' Then the personnel of the Committee is announced;

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there is no Minister there and no Prime Minister among the names selected and the only exception is the Prime Minister of Madras. When it was announced, I myself could not believe it and I wondered how with so much work to do, it would be possible for him to be the Chairman of the Committee which is directed to tour from province to province and study conditions of the ryots in various provinces and other agrarian problems. I put the question to the Congress President and asked him; 'Why have you given our Premier this additional trouble?' But his reply was: 'But your Premier wrote to me to make him a member of that Committee.' (The Hon. Sri O. P. Ramaswami Reddiar: 'That is wrong.') I am telling you, Sir, in his presence what Dr. Rajendra Prasad told me. 'When I put him as a Member of that Committee, being the Premier, I thought that he should be the Chairman of the Committee and nobody else; there is no other Minister or Premier.' This is what he said. I was simply surprised when the statement was issued and also when the acceptance was announced by our Premier telling that the acceptance would be on condition that the office should be in Madras or some such thing."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, may I know from the hon. Mr. Prakasam whether the Premier wrote to become the Chairman of the Committee or only a member of the Committee?"

SRI T. PRAKASAM:—"What I was told by him I have mentioned here and that is that he wrote saying that he would like to be a member of the Committee."

"In the third paragraph of that circular, it is stated that the Committee would tour the provinces, examine the present land tenure systems, the conditions of the agricultural population and make its report to the All-India Congress Committee on the agrarian reforms which are necessary prior to the abolition of the zamindaris. I would like the House to note that agrarian reforms were linked up with the position that they should all be finished prior to the abolition of the zamindari system in India. Now that we are in the introductory stage of the main Bill, I request the Hon. Revenue Minister to say whether all these conditions have been fulfilled before proceeding with this Bill. At one time, he said that the circular had nothing to do with the Madras Bill and he said: 'I have got the authority of Shankar Rao Deo and I am proceeding with it.' It is a very serious matter and I would not have raised the point but for the fact that much mischief has been done by the so-called Rent Reduction Act. The extent of mischief was not known before the Act was passed and perhaps it could be understood after it was passed. I was crying from time to time that it was not a Rent Reduction Act but a Rent Enhancement Act. Is it or is it not a fact that it has worked in such a manner and one section of that Act has created such great trouble to the tenants? In the Select Committee stage

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the Revenue Minister moved an amendment for retaining the grain rent, whereas the original Bill provided that it could be converted into cash rent and that payment should be on that basis. I do not know why he thought that it must be done away with. I do not know whether the House realizes what mischief it has worked when it is amended and it is enforced against tenants. Some of the tenants from the neighbouring zamindari, the Venkatagiri estate, came up here and pointed out that they would be ruined if the amended clause is enforced against them; they approached Government for redress but they could not get any. I would explain in a few words how it has worked. Taking the Venkatagiri and the villages connected with it, the number of villages paying grain rent is 24. The total estimate of the value of grain paid is Rs. 1,33,182. If the amount is to be paid in cash as provided for in the original Bill, the amount is Rs. 23,400 and the excess amount they have to pay on account of the change is Rs. 1,09,782. I want the Minister and Government to see what difference it makes by introducing the amending clause. The difference is this: if the rent should be in cash as provided for in the original Bill, the amount of rent will be only Rs. 23,400; but if it is to be paid in grain it will come to Rs. 1,09,782. This shows what a terrible thing it is with regard to the tenants of these villages."

12 noon. Mr. SPEAKER:—"To-day the hon. Member has taken 35 minutes."

SRI T. PRAKASAM:—"When you command I shall sit down. I am talking on a very important point."

Mr. SPEAKER:—"Am I to understand that till I command the hon. Member will not resume his seat?"

SRI T. PRAKASAM:—"No, Sir, you should not take me in that light."

Mr. SPEAKER:—"I do not expect the hon. Member to talk in that strain. The hon. Member is an ex-Minister, and I hope he will realize there are other Members who want to speak."

SRI T. PRAKASAM:—"I have been saying this to get some indulgence, if it should be called indulgence. If you think I am talking irrelevantly I will sit down."

ABDUL HAMEED KHAN SAHIB BAHADUR (sitting):—"We do not see any relevancy in what you say."

Mr. SPEAKER:—"Mr. Hameed Khan, this is not the way of saying; if you have anything to say, you should rise up and address the Chair. Mr. Prakasam will continue his speech."

SRI T. PRAKASAM:—"Sir, I had worked previously on such things as a lawyer after taking heavy fees from my clients. I am now receiving a small salary from Government; I have worked at this question with some pains for the salary I draw, and

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I have been arguing the point all along. I wish you were a lawyer to understand this. That is what I feel regarding you and others to understand the point I am labouring now."

Mr. SPEAKER:—"It does not require that one should be a lawyer to understand the point. It is enough if one has common-sense."

SRI T. PRAKASAM:—"I do not say that. I am trying, Sir, to address you as a highly equipped and qualified Member of this House, as Speaker. I am addressing these things to the common people outside this House also, through you, Sir. I would be the last man to say anything offensive against you. One need not be a lawyer to understand these things. These are not intricate points of law or of constitution; there is no complication about these things. I pointed out, taking 24 villages, how instead of giving relief under the Rent Reduction Bill, the sum of Rs. 23,400, as a result of the recent measure, becomes Rs. 1,09,782 as rent. There is no law about this; it is all common-sense. I have been trying all these 35 years to make the common people understand such things. The effect of the recent Rent Reduction Bill is that where till now a rent of Rs. 6 per acre was charged, by the amendment brought in by the Revenue Minister—who is a very able and clever man and who knows well the science of this subject—the amount is increased by five times or so, and the rent has become Rs. 30. No doubt we all here protested against the amendment, but it was not heeded. Clearly the dictates of the High Command were not fulfilled. There is no use of hurrying through legislation."

"The next point I wish to say is that though we cried hoarse that the 1802 rent rate should be applied to the zamindaris it was rejected. Then it struck the Revenue Minister that the present ryotwari rent rate should be introduced in the zamindari areas immediately. That is the highest relief which he wanted to give at this juncture, after the 15th August, after India attained independence; when we all wanted that the tenants should be given adequate protection. Even though there were two or three circulars from the Congress High Command on this subject, nothing was done to implement them. It is unjust to levy on the zamin ryots the current rate that prevails in Government jirayati lands. In the Government areas there have been enhancements in the past; they were based on a scientific basis; the entire revenue system was improved and administered by the Britishers, who were capable people in that. On the previous occasion I pointed out that the Marjoribanks Committee laid down that the percentage of enhancement should be removed. If that was done the total amount of deduction would come to 55 lakhs; the other deductions came to 20 lakhs, and the total deductions came to 75 lakhs. This deduction was actually made and effect given to for two or three years. I would request hon. Members to refer to the speech of the present Revenue Minister in those days and see how he pleaded that that reduction should be permanently

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sustained, and how he now says that the present ryotwari rate of rent should be applied to the zamin ryots also. Appendix III of the Marjoribanks Committee report gives the details of the enhancement which it proposed to cancel and which were actually cancelled by the Government themselves. In that appendix the figures are given districtwise. For Vizagapatam district, the settlement year was 1890; the re-settlement year, after thirty years, was 1920, and the enhancement through re-settlement was Rs. 92,131. For East Godavari district, the original settlement year was 1899, the re-settlement year was 1931 and the enhancement through re-settlement was Rs. 3,53,132. For West Godavari district the enhancement of rent was Rs. 3,76,105; for Kistna district the enhancement through re-settlement was Rs. 2,84,277. For Bellary the figure came up to Rs. 19,435."

MR. SPEAKER:—"The hon. Member need not read them. It is enough if he draws the attention of the House to the page of the report."

12-15 p.m. SRI T. PRAKASAM:—"I have not referred to this point in my previous speech. Nor have I printed it in the pamphlet. I am only showing how in each district re-settlement has resulted in enhancement of rent. It is the cumulative effect of this enhancement that has amounted to 75 lakhs, which the Marjoribanks Committee recommended, should be deducted. Therefore, I thought it would be better to place before you the actual enhancement through re-settlement in each district as noted in the appendix. That is one way of our understanding matters which we cannot understand by mere statement of fact or statement of law. The Hon. Revenue Minister declined to accept the re-settlement enhancements and he put in the current rate of rent. Compare this with the circulars that have come from the Congress High Command. He himself was present in those committees and was responsible for getting those resolutions passed and the circulars issued. I am submitting that this legislation has gone the wrong way in that it taxes the tenant in a most undesirable and unbearable manner. I have been trying to see whether the Revenue Minister understands the position he has taken up and where he is driving at. Is this the way in which legislation has to be passed by all of us here? If we pass legislation without studying, without knowing the facts, without comparing notes and without knowing whether the legislation is detrimental or beneficial to the interests of the ryots, we will be failing in our duty."

MR. SPEAKER:—"The hon. Member has already taken one hour. May I know how many more minutes he wants?"

SRI T. PRAKASAM:—"I am trying to abridge. You do not know how I have been shortening the whole thing. Why I said 'You are not a lawyer' is because those who are standing on their legs and handling a case like this do not know the time that will be required to explain the case."

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"I would like to refer in a few words to the language used in the circular of 18th December 1947. After laying down the conditions regarding the lot of the tenant and other things, the paragraph concluded like this:

'The latter aspect, he said, was of special significance in view of the acute shortage of food in the country, and my scheme which failed to fulfil the test stood self-condemned.'

That is the view of the committee. This legislation will stand self-condemned if it is proceeded with in its present form.

"Now I will say a few words about compensation. Various methods were suggested by the Revenue Minister and they were placed before the public, the public bodies and this House from time to time. The Hon. Revenue Minister had the unique honour of opening a Communist conference held in Gokhale Hall in Madras City. The Chairman of the Reception Committee was a Communist. As Chairman of the Reception Committee, he read out his address in which he eulogized the Revenue Minister for undertaking the great task of abolishing the zamindari."

THE HON. SRI KALA VENKATA RAO:—"Who presided over the conference?"

SRI T. PRAKASAM:—"A Congress lady member of this House presided over the conference and a Congress Minister opened it. The Chairman of the Reception Committee was a Communist. I put this question: Who organized this conference at Gokhale Hall, who is responsible for convening it and who are all the delegates? I am making a charge as it were against the Revenue Minister so far as his association with Communists is concerned."

SRI K. ANANDAN NAMBIYAR:—"Why?"

SRI T. PRAKASAM:—"Because it is Communist."

"The Revenue Minister delivered a very long speech. He spoke all that was necessary to enlighten the Communist members of that conference. He did not disclose a part of what he disclosed to them in his speech introducing this Bill. Take the speech of the Revenue Minister when he introduced this Bill and compare it with the speech that he made in the Gokhale Hall, which was printed and broadcast. How did he present the case for compensation? There were one thousand Communist delegates in that conference. (Interruption.) Don't be impatient. You will know it yourself. One thousand delegates came from Andhradesa to Madras paying their railway fare and meeting the other expenses to hold a conference in Gokhale Hall to be presided over by a lady member of this House and opened by the Hon. Revenue Minister himself. How kind and good the Revenue Minister was to those Communist friends in trying to convince them and carry them with him in all his future work. The Member, who was interrupting just now and putting questions, turning to the Revenue Minister on that day of trouble asked: Are they going to expel the Revenue

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Minister from the Party because he identified himself with that conference. If the Minister had been expelled, the Member was there ready to embrace him and take him into his fold."

SRI K. ANANDAN NAMBIYAR:—"We are agreeable to embrace all."

THE HON. SRI KALA VENKATA RAO:—"But not me. I am not going to come to you."

SRI T. PRAKASAM:—"Things have gone very wrong in our Presidency on account of the attitude of the Revenue Minister. In this connexion I only want to show you how good he was in explaining the whole scheme and the basis of compensation there in greater detail than what he did on the floor of this House. What was given out there as the basis for fixing the compensation? He made several speeches. He made more speeches before than after he became a Minister of Government. In one place he explained how he arrived at compensation on a sliding scale and all those things. In another place he said that taking the market value of the land covered by zamindaris, it worked out at Rs. 6 to 7 per acre. In another place, he gave a different figure. I am very sorry for the way in which the country, the people outside, and the Members of this House have been treated by the Hon. Revenue Minister in referring to the method of compensation in his speech introducing this Bill. As I have already said, zamindars certainly are not entitled to compensation because it is only a termination of their agency to collect revenue. It is a common basis for us and the Government and there is no dispute about that. The Revenue Minister said that ten crores of rupees is the minimum compensation. He and some other Members of this Government went to Delhi to meet the Congress High Command to get their approval for this ten-crore compensation."

THE HON. SRI KALA VENKATA RAO:—"That is absolute falsehood."

SRI T. PRAKASAM:—"It is a matter to be inferred and I am entitled to infer. I am not in the mind of the Revenue Minister who has been doing so many things in this Province after he took charge. But I have a right to place the facts before this House and draw the inference that I should draw. On one occasion he said that the minimum compensation should be given. On what basis the minimum compensation had been calculated, he did not say clearly. He goes to Delhi, meets the Congress High Command and on his return says that the compensation proposed by him is very small and that it must be higher. Why I referred to the trip to Delhi was that he went to make the Congress High Command understand that the ten-crore compensation which he proposed would work out at the rate of Rs. 6 to Rs. 7 per acre. That was considered inadequate by the High Command and they wanted to give more. How much more, he

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was not able to say although he was heckled on more than one occasion. People ask whether it should be double or treble the ten crores that is proposed. We have been in the dark with regard to the statement which the Revenue Minister has been making in regard to compensation. He said that various associations have approved of the compensation. I challenged him once on the floor of this House and in spite of it, this statement that all the associations backed him up in the matter of compensation is repeated. Many deputations waited upon him and the statements made by the deputations before him were published in the press. I have got the cuttings, but I do not propose to read them having regard to time about which you are anxious and I am also anxious. Every association that met him condemned point-blank the compensation of ten-crores proposed by him.

"As I said, the Hon. Revenue Minister opened the Communist conference in Gokhale Hall. After opening, he went away. The conference adjourned to meet again. The Revenue Minister asked me: Who presided over the conference? It was presided over by some poor member who did not understand the position."

SRI PILLALAMARRI VENKATESWARLU:—"On a point of order, Mr. Speaker."

SRI T. PRAKASAM:—"I am not yielding, Sir."

MR. SPEAKER:—"When a point of order is raised, the hon. Member should yield."

SRI PILLALAMARRI VENKATESWARLU:—"I should like to know Sir, what relevancy there is between that conference presided over by a Communist member and the Bill we are discussing at present. I would like to submit, Sir, that it is quite irrelevant to raise all those points here."

SRI T. PRAKASAM:—"The hon. Mr. Venkateswarlu has stood up just at the proper time. I am very glad he has intervened. 'Who presided over the meeting in the Gokhale Hall?' That was the question raised by the Hon. Minister a little while ago. I said that a lady Congress Member of this House presided over that meeting. The same meeting was continued in the night, not in the Gokhale Hall, but in another place. Who presided over this meeting? This gentleman, the hon. Mr. Venkateswarlu it was, who presided over this meeting." (Laughter.)

SRI PILLALAMARRI VENKATESWARLU:—"My point is not answered, Sir. I am sorry, he is continuing his speech in the same manner. I have raised the point of order, that this matter is irrelevant to the Bill we are discussing."

MR. SPEAKER:—"The hon. Member will not touch that point hereafter."

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SRI T. PRAKASAM:—"Sir, the hon. Member who interrupted just now got the answer from me which proves the connexion between the Gokhale Hall meeting and the subject matter of this Bill. The connexion is quite simple, Sir. The meeting was really not a meeting of Congress members. It was a meeting of Communists, in which the Hon. Revenue Minister was present to explain the implications of this Bill. That was the context, Sir."

MR. SPEAKER:—"The hon. Member will confine himself to the subject of the Bill."

SRI T. PRAKASAM:—"I must refer to these things, Sir, because hon. Members of this House must know what happened at that meeting and afterwards. A thousand delegates from the Andhradesa attended that meeting in the Gokhale Hall and what did they do?"

MR. SPEAKER:—"May I know from the hon. Member what we have to do with that matter?"

SRI T. PRAKASAM:—"Sir, it was my intention to describe the proceedings of the meeting in detail and to read out the speech of the Hon. Revenue Minister before that Conference in which he had explained the rate and the amount of compensation he had arrived at, for payment to the zamindars which he had not disclosed even to this House when he introduced this Bill. I made it clear, to you Sir, that I am rushing through because of the time you have allotted for my speech. If I take all those documents and read them out in full, they will take a long time, and so I am simply touching on them. Sir, I must say only one point in this connexion. These one thousand delegates, who attended that conference in the Gokhale Hall ran to the cottage in which I was living in the Government House and squatted before my house. They asked me, 'Now tell us what is your view in the matter of inams'. Thus they asked me to explain my position with regard to these inams. It appeared that they wanted to dictate to me. I knew them long before and I had been dealing with them in the manner in which they should be dealt with. Now they have thought that they could come down to Madras, hold a conference, have the backing of the Revenue Minister and march to my house and put that question to me. Knowing all these things, I told them that I am not going to be dictated by them and that I am not going to change my views. Perhaps hon. Members of this House know very well how I have dealt with them when I was at the head of this Government and how the Public Safety Bill was passed to restrict their activities. After overthrowing that Government, this Revenue Minister has thought this the proper time to gather the Communists round him and obtain their support to this Bill. Sir, these one thousand Communist delegates gathered together near the staircase at the Banqueting Hall, when the meeting was going on, and cried out 'Venkata Rao Zindabad. Inog live Venkata Rao'. You will realize, Sir, that the whole

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thing has been reduced to this . . . (Interruption by Mr. Bapineedu.) Sir, let the hon. Mr. Bapineedu wait and have some patience.

"Now, Sir, it has been asked, what have we got to do with the Communists, so far as this Bill is concerned. I say that we have got everything to do with them, because there are two Communist Members in this House representing the communists outside. They represent not only themselves, but they claim to represent the whole country, not only this Province, but even the rest of the country, including the world outside. For everything they get up and their voice alone is heard in this House; not only in this House, but outside this House also. That is their position. That is the way in which the Government have been tackling the whole situation. All their actions, all their conduct and all their legislation have been seriously affected on account of their defective handling of the situation and that is why it has become necessary for me to deal with that point in this way.

"Sir, before I sit down, let me say this. The Hon. Revenue Minister has been claiming that he is my disciple, a loyal disciple and that he has been so faithfully following me. He has been saying that after he has taken up the Ministry, he has been trying to do whatever I wanted to do by way of giving relief and redemption to the tenants and ryots, not only in the zamindari villages, but also in other parts of the Province. I would be failing in my duty if I do not point out how this gentleman has been handling this legislation in the manner in which he has been doing and how he has been dealing with those very people, those thousands and millions of ryots and tenants who have been suffering under heavy burden all these years, while through his lips he has been talking all sorts of love and affection for them. (The Hon. Sri Kala Venkata Rao: 'Ha, ha, ha!') The Hon. Revenue Minister can say 'ha, ha, ha!' because he has got the authority of the Revenue Minister. He can laugh as he likes, but the facts are there."

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the transaction is not worth that amount. He says he is my true disciple, and he is dispensing this Rs. 10 crores in this way. Whereas that first disciple of the great Jesus, Judas Iscariot sold Jesus for thirty silver pieces, my disciple, the Hon. Revenue Minister is going to sell all these zamindaris for Rs. 10 crores. Now, I sit down, Sir."

* THE YUVARAJA OF PITHAPURAM:—Mr. Speaker, Sir, In this *finale* of a rather eventful drama I have to say a few words. I do not propose to take much of the time of this House, even though from precedents I am entitled, even by way of reply, to a good deal of indulgence from the Chair. I would like to say only one thing, Sir, and it is this. Whatever I say or whatever suggestions I am going to make are conditioned by one proviso and that is this. Either myself or the many zamindars, whom I am supposed to represent, do not want to delay the passage of this Bill. I can give this assurance right now, through you Sir, to the hon. Members of this House, that all of us would be happy if this Bill could be placed on the Statute book before we assemble for our Budget session. Therefore I want to dispel once and for all the lurking fears in the minds of some people that the zamindars want to follow dilatory tactics.

"Sir, with regard to the various provisions found in the Bill, I would not like to dilate, for I believe there is going to be a Select Committee where the various details can be thrashed out. But permit me to say just one or two words with reference to the broad principles of the Bill. I should like to point out, Sir, that it did pain me a lot, not without its humorous aspect, to find that in dealing with this subject purely on economic grounds, things were brought in which need not have been brought in. Now, for example, the question of proprietorship, the question of certain rights and so on were discussed not purely from the economic point of view, but from certain other extraneous points of view. In doing so, naturally speakers were carried away by emotion for one reason or other and I am afraid they have tread on a ground which could have been left alone. If only it was suggested by the speakers that certain things, certain legal rights and certain facts are to be referred to an impartial tribunal, it would have been a different matter. Sir, I am not for one moment suggesting that the legislative functions of this respected House should be usurped by a court of law. The power to legislate is inherent in all of us. But in bringing legislation on certain fundamental facts, facts so related to law, we would be doing the right thing and saving a lot of time if we would send some of the items to a judicial tribunal. With this remark, I would leave that aspect alone.

2-45 "Now there is one aspect which I have to deal with, and that is the question of doing good to the people. I can tell you, Sir, that even before the abolition of zamindaris was considered

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a practical proposition by the Congress High Command, I probably in my stupidity—what I said then was considered stupid and dangerous too—suggested that the zamindaris should be nationalized. That was as far back as 1931. Therefore you can well understand that in standing here to-day I am doing so only to offer one or two constructive suggestions and with those suggestions I heartily endorse the principles underlying this Bill. But there is one thing. Many fears of various kinds have been expressed with reference to the good of the people. I would respectfully pose this question before you. Who are these people? Are the pattadars the only people? Certainly the zamindars should go and we go, Sir. But are we really helping the man on the spot, the tiller of the soil by simply doing away with the zamindars? Sir, it has a self-evident answer. Of course it is pointed out as in the past that time is the factor. Yes, Sir. But I only say this, with reference to this Bill. I would have appreciated more the love of the various people concerned for the man on the spot, for the underdog, if the charity had begun nearer home.

"Now, Sir, with reference to the question of compensation I would like to say a word or two. In claiming equitable compensation under the Congress manifesto we have submitted our proposals to the powers-that-be and as I have already mentioned I would not be going into those details here. I would only like to say this. Rightly or wrongly—rightly as we believe and wrongly as it is made out to be by a number of speakers in this House—we had been in possession of the so-called zamindaris for hundreds of years. The Government have now come forward with a measure abolishing, rather acquiring these zamindaris. Well, the Government of any day is perfectly justified in doing what according to its lights is the best thing to be done by the people. But unless we at this stage—when I say this I mean no offence to my Communist friends or to any one else—accept completely the ideology and principles for which my hon. Communist friends stand, we cannot fight shy of the question of compensation. That is where I find my very great difficulty. If it is said once and for all that we do not believe in the so-called absurdity of the sanctity of private property and of ownership, then it may be said that no compensation need be given. 'Everything that we have in this country or the world is going to belong to every one else', that I presume is the ideology of communism. If that is accepted by all means go ahead. Then it could be said to the zamindar: 'You need not be given any compensation. Later on, we will be dealing with the industrialists and the merchants, the fifty aced landlord, and the five aced man. We will deal even with the one aced man, and the same principle would be applied. There will be no compensation.' Sir, scanty compensation or an insignificant compensation is no compensation. (Question.) Therefore, Sir, unless we are prepared to go to the extent implied—all of us should make up our minds right now and here and decide which way we are going. I do not see how any

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one could say that when taking certain things enjoyed by certain people for generations no compensation need be paid or that the compensation be such as would be next to nothing. Sir, in legislating to-day let us remember that we are legislating for posterity. Let not the ball that is set rolling to-day act as a boomerang. Let not the people succeeding us say 'This is what a so-called conservative body had done. Now we are in more advanced times. Let us go ahead and even punish those people who had (according to them) wrongly enjoyed certain things in the past.' Even now we are on the threshold of things to come. We are already faced with retrospective measures. Yes a progressive society has every right to deal with a situation as it arises, to legislate for the day and for the future. But I wonder whether it is doing the right thing in saying that a law which was in existence is not to be treated as a law, or in other words, that the law which was passed by our predecessors was unlawful. Does not that, Sir, in a way make the people lose faith in the very sanctity of the bona fides of the Government and in the very security of laws? If we to-day pass retrospective measures affecting and undoing what was done in the past, how can you expect, —leave alone the future generation—even the present generation to have faith in the sanctity of the Statute Book that is in making?

"Therefore all I submit is this. We knowingly or unknowingly have travelled in a particular direction. Before we proceed any further let us make up our minds what exactly we are going to do. I say this not necessarily with reference to this Bill. It has almost become an Act. With reference to a number of other things to which I have given expression, let us know how far we are going and where we are going. When once we are sure of what we are doing and where this path is going to lead us, then by all means let us go ahead with redoubled speed.

"Sir, I would not take more time of the House except to say one or two words in passing. It has been suggested by the Hon. the Revenue Minister that the zamindars made hay while the sun shone, and I only like to say this. Even if it be a fact that the zamindar did make hay while the sun shone, they made their own hay, they did not make other's hay. There is just one more thing and it is this. It was suggested by my respected friend the Hon. the Revenue Minister that the zamindars would go unsung, unwept and unhonoured. I only tell you this. Sir, we are not in need of any music. Facing the music will be left to others. We need no tears either because in no circumstances would we have recourse to tears. And it is said that we go unhonoured. May be, we go unhonoured but, Sir, we shall not go dishonoured."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, we have heard a more or less six hours' speech by my hon. Friend Mr. Prakasam, who has enlightened us on very

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many important points and we have heard just now the speech of my hon. Zamindar friend, of course a Congress zamindar. Now comes the chance of our Party, namely the Muslim League Party.

"Sir, before dealing with our attitude towards the Bill I may just say one or two words as a sort of introduction. There is a feeling, of course it is for the Hon. the Revenue Minister to consider it, that as far as this problem is concerned—as far as the Government's part is concerned this zamindari question as well as the question of inams go in one Bill—it would have been much better if he would have dealt with these two problems on a different basis by bringing two separate legislations, because the zamindaris and the inams cannot go together. It will be all right if we pass the legislation in one Bill but in the actual working of it, it may lead to so many complications.

"Sir, I understand,—of course I say this subject to correction—that as far as the zamindari problem is concerned it is more confined to the Andhra districts or the Andhra area and as far as the inamdari question is concerned it is confined to the Tamilnad area. Now, Sir, according to some members here and reports from Delhi and even according to the statement of the hon. Mr. Prakasam, it is understood that within two or three months the Andhra Province is going to be formed. I do not think, Sir, that anything would be lost if we do not rush through this legislation, so that when the Provinces are formed, the Andhras might take up the more important question which affects them, namely, the zamindari question and the Tamilnad Province, their more important question, namely, the inamdari question. Anyhow this House has helped the Hon. the Revenue Minister in enacting two Bills, namely, the Land Alienation Bill and the Rent Reduction Bill. The whole Preamble says that the lands in the zamindari areas were alienated and then with regard to rents they were charged so high. Inasmuch as we have passed those Bills which have become Acts and they have been put into operation and it will take some time for us to know as to how those two Acts are working, I feel that nothing would have been lost by our postponing this legislation, so that we may see how those two measures work, particularly—as I have said at the earlier stage—as our Province is going to be divided into Andhra and Tamilnad as the case may be. But, however, if it is the view of the Hon. the Revenue Minister and particularly of this House that we should pass this law at an early stage, I may say that our party supports this measure. It is no question of any party not supporting the measures. Just now we have heard hon. Mr. Prakasam supporting this point of view. Zamindars themselves have supported this measure, namely, through our hon. Friend, the Yuvaraja of Pithapuram. Now let us not go very deep into the matter in view of the fact that the Hon. the Revenue Minister has moved the motion that the whole Bill will be referred to a Joint Select Committee and the Joint Select Committee would go into the matter deeply and they will see that justice is done to all

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who have been affected by the Bill. Well, Sir, the hon. Mr. Prakasam right through his speech of six hours has made repeated references to the decisions of the Congress High Command. I submit to your ruling, Sir, that as we sit in this House, let us not take cognizance of what the Congress High Command has said or is going to say in this matter. Even the Hon. Minister for Revenue, Mr. Kala Venkata Rao has said, whatever may be the decisions or promises of the Congress High Command it is for the Cabinet and it is for the party to decide it here. I think he could have gone further and said that it is for this House to decide. Of course I quite concede the point that the Congress Party which has sent representatives to this House and who are running the Government have the right to refer to the directions of the Congress High Command. There is nothing wrong in it. After all it is the decision of this House which is final. Of course they may be able to influence this House as they are in a majority. Unfortunately, Sir, without going more deeply into the matter, I have to say that the whole question of the abolition of zamindaris has not been dealt with in the right manner or proper manner. Because, there has been a good deal of controversy about this. It has been a common feature in our Province that one fine morning the Hon. Mr. Kala Venkata Rao issues one statement, the next day there is a contradiction of the statement by Mr. Prakasam, and things have been going on in that way. Therefore, we do not know what exactly is the decision of the Congress High Command or the Congress Party. It looks as if the All-India Congress Committee has an All-India policy with regard to the abolition of zamindari, because this is not a matter confined purely to our own Province. It is a matter to be tackled in West Bengal, Bihar and United Provinces where also the zamindaris are sought to be abolished. Therefore, the Congress High Command may have a sort of definite policy in the matter. It would have been very much helpful for us if the Hon. Revenue Minister has told us the Congress policy. We are here to implement it. There is nothing wrong in saying that. The Congress High Command are perfectly right. They are greatly anxious that justice is done to all parties who are affected.

“ Well, Sir, the whole House is agreed on this point, that is, that the zamindaris should be abolished. The Congress party is agreed; the hon. Mr. Prakasam is agreed; my friend the Yuvaraja of Pithapuram, who really represents the zamindars, is agreed; Communists are agreed, and so also the League party is agreed. But the question now is what amount of compensation we should give to the zamindars; how much they deserve and how much we should give. That is a matter we should go into. With regard to other matters about rules, and how compensation should be paid, etc., it will be time enough for us to go through them when the Bill is in the Select Committee stage. I have heard the speech of our Revenue Minister, the Hon. Mr. Kala Venkata Rao. He was in his form. He gave us a number

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of quotations and decisions. At the same time I have to say that it looked as if this House was being treated to ancient history by our Hon. Revenue Minister. He was careful enough in giving quotations which were helpful to him. He selected only such of those quotations from reports which were helpful to him. He has made no declaration as to how he proposes to deal with the question of compensation. The compensation to be paid, he said, would be very, very reasonable. The question resolves itself to this, what are the rights of the zamindars? What we should see is that we do justice to every section of this country. As was said just now by the Yuvaraja of Pithapuram, there has been a good deal of controversy as to what are the rights of zamindars. The Hon. Mr. Kala Venkata Rao has said and the Hon. Mr. Prakasam has also agreed that the zamindars have no proprietary rights and that they are mere agents for rent collection. I ask, Sir, who is to decide this? If it is the view of a political party, and if you are going to implement it, and you are going to fix compensation on that basis, I feel, Sir, it will lead to more complications when this Bill is passed into law. On the one hand, there is the contention of the party in power that the zamindar has no proprietary rights; on the other hand there is the case of men who say ‘ we do have proprietary rights as zamindars; in the eighteenth century we were the local rulers, local chieftains, etc.’ But the fact remains that these people were in possession of zamindaris for over 100 years. To-day we are going to take away their rights and interests. What is it that you are going to pay them? Is the compensation reasonable? In a sort of booklet supplied to us by our Government we see that the Congress Party, when it fought the election in 1946, said ‘ our party stands for the complete abolition of zamindari system, and we will see that equitable compensation is paid to the zamindars ’. I ask the Hon. the Revenue Minister whether the compensation which he proposes to pay to the zamindars, according to the Bill, is an equitable compensation? You may say that this Bill deals entirely with zamindars and inamdars. But the fact remains that there are a number of zamindars who are not hereditary zamindars, but they are persons who have purchased these zamindaris for a very good sum. As other people are investing money in other enterprises, these people have purchased these inams and zamindaris not knowing that the zamindari system would be abolished by this Government and that they would be paid only compensation. They have purchased these inams as a business proposition. They have spent a good deal of money on them. Last time, the hon. Mr. Vaidyanatha Aiyar gave us so many quotations where poor people, with very limited means, have spent a good deal of their money on purchasing these inams. They have spent all their wealth on improving these inams. To-day what we are paying as compensation is not even one-fourth of what they have spent some 10 or 15 years before. This is a point which we should consider very seriously. The argument of the Hon. Revenue Minister reduces itself to this; first reduce the rent under the Rent

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Reduction Bill; then calculate and then take out one-third; and then give compensation in a graded scale of 15 times, or 20 times. There is the other view also of Mr. Prakasam, who says 'pay nothing; or if at all you pay, pay them one-tenth of the revenue'. The whole question is Government should say that the zamindars have no rights; they are merely agents who have been entrusted by the alien Government with the purpose of collecting revenue, and to-day when a National Government or a popular Government is in office, they are taking away the rights of collecting revenue from these zamindars, and therefore they (zamindars) are not entitled to any compensation. If the Hon. Minister says 'zamindars are not eligible for any compensation,' I think we will have no dispute with him. We will say that if it is the view of the public that these zamindars were mere collectors of rent, we do not think that they need compensation to be paid to them. But when once compensation is paid, the compensation should be really equitable as was made out in the Congress Party's pledge, and was also said by the Congress High Command. You have first reduced the rent and one-third has been taken away for collection and other charges and disbursement. It would have been very easy for this Government to say, without going into this matter, 'we take away the rights of the zamindars and pay them 10 times their annual income or 15 times their annual income.' But this is nothing short of moving in a vicious circle, and I do not think we will be able to solve the problem. There may be a succession of zamindars or inamdars who may be hereditary, but there are a number of others who have purchased these inams as a business enterprise. In the Bill it is sought to be made out that the income is from lands or fishery or from mines. In a certain zamindari there may be good mines, mica mines or granite jelly mines. People have purchased these as a sort of business enterprise. They may have invested five lakhs of rupees in 1920, but under the Bill they will not get more than a lakh of rupees. This is not fair. The Hon. Minister should have said about the quantum of compensation to be paid. Certain men will be paid for the income derived from their dry land; and certain others for the income derived from their mines. You cannot club all these together and act on that basis. It is very wrong.

"With regard to other measures, we are not quite clear as to how this compensation will be paid. You are taking away their rights; but they do not know when they will get their compensation. You will go through the elaborate procedure of fixing the rent, and determining their services and their interests. This will take 4 or 5 years' time. It is only after that time that these people will know how much they will get. Even that, people are not going to get in a lump sum. Some money will be paid in part, and the balance will follow. My friend the Yuvaraja of Pithapuram rightly asked that after all who is going to derive the benefit out of this legislation. Is it the public or any other interest?

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"Well, Sir, as far as the question of compensation goes, according to Mr. Prakasam, it is stated that our Government have to pay ten crores of rupees for the purchase of these zamindari interests and inamdari interests. Therefore, there is nothing wrong on their part to say that they have fixed up the compensation, and also say 'you take your share'. The elaborate procedure is so cumbersome that I think it will lead to more and more complications.

"I do not like to take more of the time of the House. But I would suggest to the Hon. Revenue Minister that the very procedure of this Bill is wrong. It would have been very easy for him to say 'we take away the rights of the zamindars or inamdars and fix their quantum of compensation at 10 per cent of their annual income.' Incidentally I want to say much mention has been made of the Congress High Command. Very recently Orissa passed legislation in this matter. It would be much better on the part of the Hon. Revenue Minister to enlighten us, at least at the time of reply to the debate, in what way other Provinces have solved this problem of compensation. Conditions in other Provinces may not be the same as those in our own Province, but all the same it would be better if we know how other Provinces have solved this compensation problem.

"I do not like to take more time. I want just to conclude my speech. As far as our party is concerned we really support the Government. We know that the Government are actuated with the best of motives. It is a difficult thing to improve the condition of the tillers when a part of the land is under ryotwari and another part under zamindari or inam. Government are bringing this legislation in the interests of the public. As such, our party supports this measure wholeheartedly.

"The question of compensation, I am sure, will be settled in the Select Committee. I do not say that we should pay the zamindars more. It is the public money that is to be paid. Let us not pay them more, but what they deserve should be paid.

"One thing I may say in this connection. We do not subscribe to the view of the Communist party—this country is not going to subscribe to their views—to take away the rights of people without any payment. In our country, we should really observe the security or rights over private property. We are not a Communistic State to say 'all right; we take away your rights without any payment.' This Government, when they take away the rights of people, should pay equitable compensation to them. If we do not do it in the case of zamindars, public morale will go down; they may feel that anybody's interests will be taken away and paid less. At least from that point of view we must see that whatever we pay, we pay equitably. On behalf of my party, I support this measure. As I have said on previous occasions, I fear that this Bill will lead to complications and the very purpose of this legislation will be defeated. We do not want to

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pass such a legislation. What we really want is whatever legislation we pass, it should be perfect and it should not lead to any complication, unnecessary controversy or litigation in the courts here or there, and that every interest should be satisfied. I support the measure."

* SRI B. VENKATANARAYANA REDDI :—“అన్యాయ, జమీందారీలను, ఈనాందారీలను రద్దుచేయుటకై ఉద్దేశించబడిన ఈ బిల్లును నేను మృత్యు పూర్వకముగా బలకరుస్తున్నాను. అయితే ఒక విషయం మాత్రము నేను మనవి చేయడం అవసరమని అనుకొనుచున్నాను. శ్రీ ప్రకాశం పంతులుగారు శలవిచ్చినట్లు ఇదివరలో మన చే పాస్ చేయబడినటువంటి Rent Reduction Act వలన దాన్యపు శిస్తు చెల్లించేటటువంటి గ్రామములలోని రైతులకు చాలావరకు ఆన్యాయము జరిగినది. ప్రథమంలో మంత్రిగారు తెచ్చినటువంటి బిల్లుకు Select Committee లో తెచ్చిన సవరణలను వారు ఆమోదించుటవలన ఇటువంటి ఆన్యాయము జరిగినది. కాబట్టి అటువంటి అవకాశముకూ, అటువంటి స్థితిగతులు ఈ బిల్లుకు లేకుండాచూచి, ముఖ్యంగా రెవిన్యూ మంత్రిగారు పాటుపడి తమ ఆశయనిధికై పట్టుదలగా కృషిచేయవలసి నదిగా నేను వారిని ప్రార్థిస్తున్నాను.

1-15 p.m.

“అనేక సంవత్సరములనుంచి జమీందారులు తాము చేయవలసినటువంటి మరమ్మతులు సక్రమముగా చేయకండువలన కంటలు పండక రైతులు చాలా హెచ్చుమొత్తములకు శిస్తు బకాయాలపడి ఉన్నారు. ఇప్పుడు ప్రభుత్వమువారు ఇదివరకటినుంచి ఉన్న బకాయి చాకీలను వసూలు చేయవలసివచ్చినందువలన చాలా విచారిత పరిస్థితులు ఏర్పడును. జమీందారీల రద్దుచేయుటవలన వారికి ఏ విధమైన సంతోషకారణము కనపించుటలేదు. అనేక సంవత్సరములనుంచి హెచ్చు శిస్తులను చెల్లించలేక బకాయిలుపడినవారినుంచి పెద్ద పెద్ద మొత్తములను వసూలుచేయుట న్యాయమైనటువంటి విషయముకాదు. కొన్ని చోట్ల జమీందారులు రైతులపై దయతలచి బకాయాలను కొంత వరకు త్రొసివేసెదరుకాని ప్రభుత్వమువారు చాకీల వసూలుచేసేకక్షంలో ఏవిధమైన తగ్గింపుండవు. ఇటువంటి విధానంవలన రైతులు చాలా ఇబ్బందులపాలవుతారు. కాబట్టి ఈ చాకీలపన్నింటిని రద్దుచేయవలసినదని మంత్రిగారిని కోరుచున్నాను.

“శ్రీ వైద్యనాథ ఆయ్యగారు, రైతులు రెండు సంవత్సరముల బకాయిని మాత్రమే చెల్లించి మిగతా చాకీలను రద్దుచేయుటవల్ల జమీందారులకు కలిగే నష్టమునకు ప్రతిఫలము కోరిరి. శ్రీ వైద్యనాథ ఆయ్యగారు వారి సూచనను ప్రభుత్వము వారు అంగీకరించుట ఆన్యాయము. పెర్మనెంట్ సెటిల్ మెంటు (Permanent Settlement) కాలమునుంచి ఈ జమీందారులు, ఈనాందారులు రైతులకు ఏ విధమైన సౌకర్యములు కలిగించారో, చెరువులు, కాలువలు ఎంతవరకు మరమ్మతులు చేయించారో అనేటటువంటి విషయాలను విచారణచేసినారా అని అడుగుచున్నాను. వారు ఈ విషయమై ఏమియు ఆలోచించినట్లు కనపించదు. రైతులు బకాయిపడుటకు కారణము జమీందారుల నిర్దాక్షిణ్యము ఆశ్రద్దయ్యేనని మనవిచేస్తున్నాను. జలాశయములకు మరమ్మతుచేయించక రైతులవద్దనుంచి న్యాయమైనటువంటి శిస్తుకన్న అనేకరేట్లు హెచ్చు శిస్తును జమీందారులు వసూలు చేయుటవలననే రైతులు బకాయాలు పెట్టవలసివచ్చినది. యిట్లు చేసినందులకు విచారణ జరిపి రైతులకు జమీందారులవలన నష్టముకలిగిన సొత్తము వాపసుయిచ్చుచున్నారా? కాబట్టి ప్రభుత్వమువారు ఈ విషయములను మరల తరిశీలించి రైతులవద్దనుంచి రావలసిన బకాయి చాకీలను పూర్తిగా రద్దుచేయించవలసినదిగా ప్రభుత్వమువారిని ప్రార్థిస్తున్నాను.

20th January 1948] [Sri B. Venkatanarayana Reddi]

“ఇంతేకాకుండా రైతులవద్దనుంచి ఈ బకాయాలను వసూలుచేయడములో చాలా ఇబ్బందులున్నవి. ఇందు నిమిత్తమై ప్రభుత్వమువారు ప్రత్యేకముగా సిబ్బందిని పేసి చాలా ధనము వ్యయముచేయవలసియున్నది. చాలామంది రైతుల బకాయాలు న్యాయమైనటువంటివికావు. అప్పుడు ప్రభుత్వమువారు వారిపై వ్యాజ్యములు వేయవలసివచ్చును. ఇందువలన చాలా ధనవ్యయముజరుగును. ఇంతేకాక రైతులు చాలా ఇబ్బందులుపడవలసియుండును. ఈ కారణములచేత పాత బకాయిచాకీలను పూర్తిగా రద్దుచేయవలసినదని మంత్రిగారిని కోరుచున్నాను.

“ఈ బిల్లులో జమీందారులకు (compensation) ప్రతిఫలం ఎంత ఇవ్వవలయునో అనే విషయాన్ని నిర్ధారణ చేస్తున్నారు. జమీందారులకు compensation ఇచ్చేటప్పుడు ఒక్క విషయాన్ని ప్రభుత్వంవారు గమనించాలని పేనవిచేస్తున్నాను. అనేక సంవత్సరములనుంచి జమీందారీలలో ఉన్నటువంటి జలాశయములు (చెరువులు, కాలువలు, మొదలైనవి) ఏ విధమైనటువంటి మరమ్మతు లేక పాడుపడిపోయినవి. అందుచేత ఈ జలాశయములను ఆధారము చేసుకొని సాగు కావలసియున్న భూములకు నీరు సరిగా అందక వంటలు పాడైపోయి రైతులు చాలా కష్టపడుతుంటారు కావలసి వచ్చుచున్నది. ఇప్పుడు జమీందారీలను రద్దుచేయ దలచినారు కాబట్టి జమీందారులు జలాశయముల మరమ్మతుపై ఏవిధమైన శ్రద్ధ తీసుకొనక నిరాదరణ చేయబడిన ఈ జలాశయములను మరమ్మతు చేయించక జమీందారులను రద్దుచేసినంత మూతాన రైతులకు ఏవిధముగను లాభించదు. కాబట్టి ప్రభుత్వమువారు ఏ ఏ జమీందారీలలో ఏ ఏ జలాశయములు మరమ్మతుచేయవలసియున్నరో, ఈ మరమ్మతులకు ఎంతెంత మొత్తములు కావలెనో మొదలైనవిషయములను అంచనాచేయుటకు సిబ్బందిని ఏర్పాటుచేసి మొత్తము మరమ్మతులకై కావలసినటువంటి డబ్బును జమీందారులకు ఇచ్చేటటువంటి ప్రతిఫలములోనుంచి తగ్గించి మిగతా డబ్బునే వారికి ఇప్పించవలసి నదిగా ప్రభుత్వమువారిని కోరుచున్నాను. ఈ విధముగా చేసినట్లైతే ప్రభుత్వము వారికి ప్రజలకుకూడా లాభదాయకముగా ఉండుంది కాబట్టి ఈ విషయమును రెవిన్యూ మంత్రిగారు గమనింపజేసినదని; అట్లు వారివలన రాదగినడబ్బును ఆ మరమ్మతులకే వినియోగించి ఆయా పనులు వెంటనే చేయించవలెను.

“ఇంతకు పూర్వము శ్రీ ప్రకాశం పంతులుగారు మాట్లాడుచు ఇదివరలో ప్రభుత్వమువారు pass చేసినటువంటి Rent Reduction Act లో దాన్యపు శిస్తు చెల్లించేటటువంటి వెంకటగిరి తాలూకాలోని 24 గ్రామములలోని రైతులకు చాలా ఆన్యాయము జరిగినట్లు శలవిచ్చియున్నారు. ఇటువంటి ఆన్యాయము ఈ 24 గ్రామాలలోని రైతులకే కాకుండా వెంకటగిరి ఎస్టేటులోని అనేక గ్రామములలోని రైతులకుకూడా జరిగినది. ‘ప్రభుత్వమువారు రైతులకు ఆన్యాయముచేసినారు, రెవిన్యూ మంత్రిగారు రైతులకు ఆన్యాయము చేసినారు’ అని చెప్పుటవలన ఏ విధమైన ప్రయోజనములేదు. Rent Reduction Bill ను ఈ సభలో చర్చించిన సందర్భంలోనే శ్రీ ప్రకాశం పంతులుగారు బిల్లులోని ఈ లోపమును చూపించి సవరణ తెచ్చుకొన్నట్లైతే మే మందఱము వారిని బలపరచి ఉండేవారము. ప్రభుత్వంవారుకూడా వారి సవరణను ఆమోదించి ఉండే వారు. కాని ఆ విధముగా చేయక ఇప్పుడు రెవిన్యూ మంత్రిగారిది తప్పు, ప్రభుత్వము వారి తప్పు అని చెప్పుచున్నందువలన ఏ విధమైన ఉపయోగములేదు. శ్రీ ప్రకాశం పంతులుగారు అప్పుడు ఆ బిల్లును బలపరచి, ఇప్పుడు ఈ విధంగా ఎందువల్ల అనుకున్నారో నాకు బోధపడుటలేదు.

[Sri B. Venkatanarayana Reddi] [20th January 1948]

“ప్రభుత్వంవారు జమీందారీను, ఈనాందారీలను రద్దుచేయ నిశ్చయించినారు కనుక ఇప్పుడు స్థిరమైన బిల్లును ఆన్యాము జరిగిన థాన్వ్యగానుకులు వెంటనే survey settlement చేయించవలసినదని న్యాయమైనటువంటి ఇష్టును ధన రూపంలో నిర్ణయించవలసినదని థాన్వ్యరూపంలో ఇచ్చేటటువంటి ఇష్టును పూర్తిగా రద్దుచేయవలసినదని మనవిచేయుచున్నాను. ఈ భూములను survey settlement చేయటంలో ప్రభుత్వమువారు శ్రద్ధ తీసుకొని త్వరగా పూర్తిచేయించవలెను. ప్రభుత్వంవారు ఈవిషయము లన్నింటిని గమనించి యితర గ్రామములనుగూడా సాధ్యమైనంత త్వరలో survey settlement చేయించవలసినదిగా కోరుచున్నాను. అనేక సంవత్సరములనుంచి జమీందారీ-రయతులు పడుచున్న బాధలను గుర్తించియు ఇదివరలో ఉన్న ప్రభుత్వాలకూడా రయతులకు ఉపకారము చేయదలపెట్టినారు. శ్రీ మునిస్వామి నాయుడు గారు Justice Party ప్రధాన మంత్రిగా ఉన్నపుడు ఈ విషయంలో కొంత కృషి చేసారు. కాని వారు వారి ఆశయములను శాసనము చేయదలచిన సమయానికి ప్రధాన మంత్రిపదవిని విరమించవలసివచ్చినది. తరువాత ప్రధాన మంత్రిగావచ్చిన బొబ్బిలి రాజాగారు జమీందారుకావడంవలన జమీందారీ-రయతులకు ఏ విధమైనటువంటి ఉపకారము జరుగలేదు. తరువాత ప్రభుత్వములోనికి వచ్చిన కాంగ్రెస్ వారు 1937 వ సంవత్సరంలో జమీందారీలతో రయతుల స్థితిగతులను విచారించుటకు ఒక కమిటీని నియమించారు. ఆ కమిటీవారు ఒక రిపోర్టును తయారు చేసారు. ఆ రిపోర్టును ప్రకటించుట చర్చించుటతోనే ఆ ప్రభుత్వంకూడా పోయింది. అప్పటినుండి యిప్పటివరకు చర్చలు ప్రకటనలేలేని నిజముగా రయతుకు రక్షణ కలుగలేదు. అప్పటినుంచి ఈ విషయమే Adviser ప్రభుత్వమువారు విమియ శ్రద్ధ తీసుకొనలేదు. ఈ కారణములచేత రయతులు అనేక విధములైన నష్టకష్టములకు లోనైనారని మనవి చేస్తున్నాను. కొంతమంది పెద్దలు ప్రభుత్వంవారు జమీందారీలను రద్దుచేయుట అలశ్యము చేయుచున్నారని అసలు జమీందారీలను రద్దుచేయరాని ప్రభుత్వమువారి విధానము వలన రయతులకు నష్టము కలుగునని ప్రజలకు చెప్పుచున్నారు. ఇచ్చట వారే అలశ్యముచేయుచున్నారు. ఈ విషయముల నన్నింటిని ప్రభుత్వంవారు గమనించుచున్నారని అనుకొనుచున్నాను. కాబట్టి ఈ బిల్లును సాధ్యమైనంతత్వరలో శాసనము చేయుటకు సభ్యులందరు ప్రభుత్వమువారికి సహాయపడాలని వారిని ప్రార్థిస్తున్నాను. ఈ బిల్లును హృదయపూర్వకంగా బలపరుస్తూ, ఈ బిల్లును తీసుకొని వచ్చిన మన దేవస్వామి మంత్రి గారిని హృదయపూర్వకముగా అభినందిస్తూ, ఇంతటితో విరమిస్తున్నాను.”

* M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—“ Mr. Speaker, Sir, we, on this side of the House, are in agreement with the general principle of this Bill, namely, the abolition of the zamindaris in this Presidency. Still, I want to place before this House that the House should have two limitations in viewing this problem. Sir, this Legislature is a Provincial Legislature and has been constituted with certain restrictions and is in accordance with the Government of India Act and, therefore, our decisions and our legislations should be in accordance with the constitutional limitations. The second limitation that I want to place before this House is our own sense of justice. Sir, we, in this Province, have to progress in social matters, in agrarian matters and in other matters in a steady, uniform and progressive manner. By legislation, we should not rob Peter to pay Paul. You must view the zamindari legislation from these two limitations.”

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

(After lunch—2-30 p.m.)

* M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—“ Sir, I was referring to certain limitations which I have placed before this House in considering the problem of the abolition of zamindaris. The first is the constitutional limitation. This Province can legislate with regard to matters on which it may be empowered to do so, that is, with regard to the provincial subjects. They may also legislate on certain other matters with regard to concurrent subjects so long as they do not infringe the central subject. Therefore, with these limitations, we have to look into the various provisions of this Bill. The second point is that with regard to the social reform. There should be the guarantee that the principle of steady progress, fair play and square dealings would be ensured. They should say that the provisions do not affect the principle of fairness and justice. Sir, with this approach, if you look into the conception of the Zamindari Bill which is before this House, I should say it is a little bit complicated. It has been conceived as the abolition of the zamindari system simply because it has outlived its usefulness. It has been also stated that land reform is necessary so as to remove the intermediaries. I may point out that the statement of the object of this Bill itself says so. It is stated: ‘ The Government are convinced that the zamindari system in force in the Province has outlived its usefulness and should be abolished at the earliest possible date. In the election manifesto which the Working Committee of the Congress issued in December 1945, it was urged that the reform of the land system was urgently needed in India. The Working Committee pointed out that such reform involved the removal of all intermediaries between the peasant and the State and that the rights of such intermediaries should be acquired on payment of equitable compensation.’ Sir, if that is the conception, I say this Bill is a little bit complicated. Even though really this Bill is intended to remove the intermediaries, in the working of the Bill the result will really be robbing one section of the people to give advantage to another section without any sort of help and without any sort of encouragement to the actual cultivating tenant of the soil. You know, Sir, in our Province, there are the ryotwari tracts, the zamindari tracts and the inam tracts and many of these are owned by the intermediaries. The actual cultivating tenant owns only small extents of land ranging from one acre to five acres and the rest of the land belong to the others who employ farm labour and thus the actual cultivating tenants are quite different from them. In inams particularly, thousands of acres have been leased to one individual. He sub-leases them to so many other individuals who employ farm labour and that is how the cultivation is going on in our Province. Therefore, if this Bill is really aimed at removing the intermediaries in the zamindaris or the inams, we can

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acquire their rights only by paying compensation. Thus those other persons get the maximum benefit. If a ryot owns, say, twenty acres or forty acres, and if the rent is reduced by one-fourth of the usual rate, his interest in the land becomes higher and he is really benefited whereas the farm labourer, the real cultivator of the soil, still works hard and he does not get the benefit at all. Therefore, I say in the interests of justice, Government ought to frame this Bill for abolishing the zamindaris after acquiring all the interests of the zamindars. They may also have so many other ways; they may reduce the rent according to the capacity or according to local conditions under the provisions of Madras Estates Land Act, under approximate sections relating to the reduction or enhancement of rent. Therefore, Sir, it is because of these anomalous things in the working of this Bill, I say that this Bill is complicated.

“Sir, in coming to the vexed question of compensation to the zamindars, I do not want to take much of the time of the House. No doubt, according to the 1802 regulation, these zamindars are only agents for tax collection. But, what is the justice meted out to them by the Government up till now? Have they not been recognized as proprietors of the soil? Why the decisions of courts have been set at naught now? Are we now entitled, by a stroke of the pen, to say that the zamindars should not get any benefit at all? They have their own rights in land and by passing this Act, will the Government not infringe on constitutional principles? Sir, taking the history of legislation, I can say that the zamindars have been recognized as proprietors of the soil. I may also refer to the various Privy Council decisions on this matter to show how certain of their rights are still existing. So, I want this Government—the duly constituted Government—to recognize their rights as holders having some interest in the land. After all, what is the effect of recent legislations, the Rent Recovery Act, the Madras Estates Land Amending Act and two other amending Acts? All these really recognize the zamindar as having some interest in the land. Therefore, to that extent, some compensation has to be paid to him. To say that they should not have any compensation at all or their right to compensation would be limited to say, twenty times the amount which they have been actually called upon to receive from the tenant in 1802, will not hold water. If you view this whole problem from this point of view that the zamindars have some rights and that they have their own interests in the immovable property, then Government are bound to acquire those interests of the zamindars under the Land Acquisition Act for a public purpose. If they resort to this Zamindari Abolition Bill, then they must say that this Act will not infringe on the provisions of section 299 of the Constitution Act, Sir, recently the transitional adaptation provisions have been adapted by the Union Government, knowing full well the existence of section 299 of the Government of India Act and they have not thought it fit to revoke or modify or repeal that section and with

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that limitation, we have to work this Act. According to that, compensation has to be paid to them for taking this interest in the immovable property.

“Sir, what is the measure of compensation? The measure of compensation may be viewed in quite a different way. If it is compensation under the Land Acquisition Act, you may say, it is 25 times the annual rent or fifteen times the annual rent. But, if you take those interests in accordance with section 299 of the Government of India Act, it is probable that you may adopt a quite different calculation for the compensation. Therefore, it is not at all within the Province of this House to make the compensation illusory. If it is illusory, it is no compensation at all. The result would be that the whole law would be confiscatory or expropriatory. It is true that section 6 of the Bill determines the compensation, but compensation ought to differ from one estate to another estate. I do not say that the whole compensation scheme is illusory but in certain cases it is more illusory though in certain others, it may be reasonable. Therefore, I suggest to the Select Committee that may be appointed by this House to go deep into the question and to take into account the variation from one estate to another and see whether compensation paid is really effective. What I mean to say is that if he is really a landholder who has improved the land by his own exertions spending large amounts in doing so, certainly compensation should be much higher than the compensation which is paid to the landlord who has not done anything at all to improve the land. Sir, as I have already said, if the Government really attempt to bring about a reform measure so as to abolish the zamindaris alone, it would have been quite well but they have included also the vexed question of inams. With regard to inams, I may say inams ought not be classified as zamindaris. What is the net result of the so-called Prakasam Committee's Report? They have entered into the details with regard to the various class of inams exhaustively. I may be allowed to quote one or two passages from the Prakasam Committee Report:

‘The first step taken in 1802 (13th July 1802) was to exclude inams from the Permanent Settlement Regulation XXV of 1802, and base the recognition of inamdars' title on actual possession, whereas the recognition of zamindars' title was based on the assignment of the melvaram interest of the Government to the zamindars or a consideration.’

“Sir, further they have also observed in this manner: The Government may ask you this way. We have passed an Act in 1869, i.e., the Inam Act, wherein only one section is made and that is to the following effect:—

‘Nothing contained in any title-deed heretofore issued to any inam-holder shall be deemed to define, limit, infringe or destroy the rights of any description of holders or occupiers of the lands from which any inam is derived or drawn, or to affect the interests of any person other than the inam-holder named in the

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title-deed; and nothing contained in Madras Act IV of 1862 or
in Madras Act IV of 1866 shall be deemed to confer on any inam-
holder any right to land which he would not otherwise possess.'

"Sir, the Prakasam Committee Report answers this point
clearly:

*'Thus, it is seen that the decision of the Inam Commissioner
was not intended to operate as a judgment-in-rem against the cul-
tivators who did not appear before him to prove that they were
actually in possession and not the inamdars. It was to meet such
a contingency that provision was made for settling disputes through
the Governor-in-Council, before enfranchisement and through the
civil courts after 1871. It is for this reason that it was provided
that when a dispute arose the claim should be made in the ordinary
civil courts after the Government of India Act XXIII of 1871 was
passed, and not by the revenue courts as prescribed by the Estates
Land Act. It was to clear such doubts raised as to the binding
character of Inam Commissioner's decision on third parties that
Madras Inams Act VIII of 1869 was passed.*

*'Thus the inams of the various kinds are governed by special
set of laws; and whenever a question of title was disputed on the
ground that the actual possession was with the cultivator and not
with the inamdar whose title was affirmed on the basis of
50 years' previous possession it was laid down that the matter
should be investigated and settled by the courts specially prescribed
for that purpose and not by the revenue courts prescribed by the
Estates Land Act.'*

"Sir, thus this point is clearly met by the Prakasam Commit-
tee's Report itself. I wanted to point out what is the nature of
the inam titles granted to various inamdars. It has been enfran-
chised after the Inam Commission and it has been converted into
freehold subject to the Jodi. The terms of the typical inams are
also very characteristic. I only want the indulgence of the House
to read out one or two typical grants:—

*'Whereas you have agreed to convert your tenure into a free-
hold on the terms offered by you in clause (3) three of this Deed,
your inam is hereby confirmed to you as Freehold in perpetuity,
subject only to the payment of the annual Quit Rent therein
mentioned, viz., (Rs.).*

*'Whereas you have agreed to convert your tenure into an
absolute Freehold, on the terms offered by you in clause (4) four of
this Deed, and have paid into the Government Treasury of the sum
of Rs. in permanent redemption of the entire quit rent
chargeable on the land, your Inam is hereby confirmed to you in
perpetuity as an absolute Freehold, that is to say, free of all tax
whatever to the Government.'*

"Sir, these are the ways in which inams after inams were
enfranchised and title deeds have been given and therefore to
classify these inamdars more or less akin to zamindars is doing
injustice to a great body of inamdars. Historically speaking also

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it will be wrong. Very many Hindu Rajahs have granted inams
even before 1802. Some ancient inams were granted before that
year and in 1456 an inam was granted to a Darga in Tanjore by
Sevappa Naicken. This is in Tanjore town itself. This Darga is
situated much below the land level. Many Hindu Kings have also
given various inams to the religious institutions and charities in the
province. I am referring to the rights of the inamdars over their
lands. I wish the Government should go cautiously in regard to
this matter. By the so-called rapid process you will only create
a revolution. Therefore that sort of legislation is more harmful
for the steady progress of the whole province even including
friends who are interested in communism and labour for whom also
I plead in a more effective manner.

"Sir, I am referring to the historical background of the
inams and many Nawabs and Rajahs have granted inams prior
to 1802 and if you say that they are merely tax collectors and
have no right to property but will be given only a nominal or no
compensation it will be doing surely an injustice to a large body
of inamdars. What is the real effect this legislation would pro-
duce on the inams? The real relief which the Government want
to give is some benefit to the tenants who are now paying exorbi-
tant rents to zamindars or inamdars. I really doubt whether this
principle is applicable to the inams in particular. In the other
Bill which was discussed it was pointed out that certain kinds of
inams will suffer mostly because of the rent reduction. The inam-
dars were melwaramdars of whole undivided villages and the actual
tenant was the cultivator who was enjoying a specific land. By
your act you will be denying justice to these persons who are
enjoying melwaram rights and they are a large body. Many
other people also will be affected. People have sunk a lot of
money on these inam villages and zamindaris in the hope of
getting something out of it. Provision should be made to see
that these people do not suffer unnecessarily. It is not at all
fair to say that in specific cases justice will be done. A thorough
investigation is necessary and I appeal to the Government at the
Select Committee stage to give full opportunity to all viewpoints
and call for evidence and see that the affected people are given
justice. I hope suitable amendments to the Bill will be brought
in.

"Sir, coming to the main provisions of this Bill I want to
say one or two words on the subject. Sir, the operative clause
of the Bill is section I, sub-section (2). It applies to all estates
as defined in section 3, clause (2) of the Madras Estates Land
Act, 1908. Sir, the Act purports to transfer all the rights in the
estate except the rights of the person who is a ryot. If that defi-
nition is to be adopted then other complications will set in and
some elucidation is necessary. There must be some improvement
in the Select Committee stages. What about people who have
purchased sites and constructed buildings in the waste lands?

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What about the leases entered into *bona fide* for various purposes, for mines and fisheries, where large amounts have been spent for exploiting the same? There are also other classes of lands."

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

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"Sir, I will finish within five or ten minutes."

"There have been much improvements made by the landholders and therefore, Sir, some sort of improvement in the Bill is necessary in the Select Committee so that there may not be any lacuna or any difficulties in enforcing this Act afterwards."

"Sir, clause 5 deals with the establishment of tribunals to determine 'private land.' Here again certain limitations are placed. Sub-clause (4) says that the 'decision of the Tribunal shall be final and shall not be liable to be questioned in any Court of Law.' I do not find any necessity for this limitation if the Tribunal is going to enquire which land is private and which land is not private."

MR. SPEAKER:—"The hon. Member need not go into the Bill clause by clause."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"I am only going into these things just to give certain directions and suggestions to the Select Committee. I say, Sir, that this sort of limitation saying that the decision of the Tribunal is final is not necessary. They may adopt the provision made in clause 8 according to which 'an appeal shall lie from any decision of the Special Tribunal to the District Judge of the district in which the estate, etc., is situated.' That provision may be incorporated in the clause for the determination of private land also."

"Sir, clauses 6, 7 and 8 relate to the determination of the compensation and the procedure for the same. Of course it is a matter for the Select Committee. Even though compensation is contemplated it is illusory. The Select Committee should consider the details of the various kinds of estates and see that real and effective compensation is paid to the landholders. Of course some provision for appeal has been made. But I do not see why it has been limited to the District Court only. Why should not an appeal be made to the High Court also? That provision is necessary so that all the disputes arising out of the abolition of the zamindaris and the payment of compensations to persons having interest in them may be settled properly. They should all have a right of appeal. The amounts should not be merely deposited in court and the parties allowed to settle their disputes. Justice should be done to the various classes of people affected. Therefore suitable amendments should be made to clause 14 and the other provisions of the Bill."

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"Lastly, I shall refer to clause 19. They want to take away the existing estate buildings and other things free of encumbrances. This sort of provision is unfair to the landholders. Where is the necessity for the Government to take these free of encumbrances? *Bona fide* transactions may have been entered into and it is up to the Government to find them out and do justice to the persons affected."

"Sir, I appeal to the House that this beneficial measure should be amended suitably so as to render the benefits which accrue from it to the real cultivating tenants of the soil and that social justice is done."

* SRI K. RAJARAM NAYUDU:—"கனம் தலைவர் அவர்களே, ரிவினியூ மந்திரி அவர்களால் கொண்டுவரப்பட்டிருக்கும் ஜமீந்தாரி இனம்தாரி ஒழிப்பு மசோதாவை பொறுக்குக் கமிட்டிக்கு அனுப்பக் கோறி வந்திருக்கும் பிரேரேபீணயை நான் ஆதரிக்கிறேன்."

"சுமார் 10 ஜமீன்களையும் ஒரு பெரிய இனம் பிரதேசத்தையும் கொண்ட ஒரு தொகுதியிலிருந்து நான் பிரதிநிதியாக வந்துள்ளேன். ஜமீன் பிரதேசங்களில் மக்கள் படும் கஷ்டத்தை பலர் உணர்ந்திருப்பினும் நான் சற்று அதிகமாகவே உணர்ந்திருக்கிறேன் என்பதையும் தெரிவித்துக்கொள்ளுகிறேன். என்னுடைய தொகுதியில் மூன்றில் இரண்டு பங்கு ஜமீந்தாரி பிரதேசமாகவும் இனம் பிரதேசமாகவும் இருக்கிறது. எங்கள் மதுரை ஜில்லாவில் மதுரை-மேலூர் தொகுதியின் பிரதிநிதியாக வந்துள்ள அங்கத்தினர் ஒருவரைத் தவிர இச்சபையின் மற்ற அங்கத்தினர்கள் அனைவரும், என், ஜமீந்தார்களும் கூட, இங்குள்ள பித்தாபுரம் யுவராஜாவாகிய ஒரு ஜமீந்தார்கூட, இந்த ஜமீந்தாரி இனம்தாரியை ஒழித்துவிடவேண்டுமென்று பேசி இருக்கிறார்கள். அவர்மட்டும் இவைகளை ஒழிப்பது சரியல்ல; இந்த ஜமீந்தார்களை ஒழித்துவிட்டால் இந்த சட்டசபை எப்படி நடக்கும் என்றுகூட பேசியது என்போன்ற பழம் காங்கிரஸ் ஊழியர்களுக்கும் சட்டசபை அங்கத்தினர்களுக்கும் மிகவும் வருத்தத்தைக் கொடுத்தது. காங்கிரஸ் கட்சி தேர்தல் விஞ்ஞாபனத்தின் மூலம் உண்மையாக உழும் விவசாயிகளுக்கும் சர்க்காருக்கும் இடையிலுள்ள சுரண்டல் பேர்வழிகளை நியாயமான நஷ்ட ஈட்டைக் கொடுத்து ஒழித்துவிடவேண்டுமென்றும் வெளியிட்டிருக்கிறது. 1935-ம் வருஷத்திய இந்திய சர்க்கார் ஆக்ட்படி நாம் நஷ்ட ஈடு கொடுக்க கடமைப்பட்டிருக்கிறோம். ஆனால் அதற்காக ஜமீந்தார்களையும் இனம்தார்களையும் ஒழிக்கக்கூடாது என்று அவ்வங்கத்தினர் பேசியது மிகவும் வருந்தத்தக்கது. அதற்காக மதுரை ஜில்லாவைச் சேர்ந்த அங்கத்தினர்கள் அனைவரும் மிகவும் விசனிக்கிறோம்."

[Sri K. Rajaram Nayudu] [20th January 1948]

மந்திரி ஜமீந்தாரைத்தாண்டி உடைப்பை அடைக்குமாறு கலெக்டருக்கு தந்தி கொடுத்தார். தலைவர் அவர்களே, இன்னும் உடைப்பு அடைத்த பாடில்லே. கலெக்டர் என்ன செய்வார். அது ஜமீன் கண்மாய். சர்க்கார் உத்தியோகஸ்தர்கள் அதில் வேலைசெய்வதற்கும் ஜனங்களுக்கு சௌகரியப் படுத்திக் கொடுப்பதற்கும் முடியவில்லை. உணவு பஞ்சம், உணவு பஞ்சம் என்றெல்லாம் ஒலம் இடுகிறோம். இன்னும் ஜமீந்தார்கள் தங்கள் யதேச் சாதிகாரத்தை நடத்திக்கொண்டு வருகிறார்கள். ஜனங்களுக்கு கொஞ்ச மும் நன்மை செய்யவேண்டுமே என்ற எண்ணம் கிடையாது. அவர்கள் மக்கள் நலனைக் கருதாது ஜனங்களை சுரண்டிக்கொண்டு சுட்போகியங்களை அனுபவித்துக்கொண்டிருக்கிறவரைக்கும் இந்நாட்டில் உணவு பஞ்சம் நீங்காது. நீங்களும் யோசித்துப் பாருங்கள். ஆகையால் நான் மாஜி பிரத மரையும் மற்ற அங்கத்தினர்களையும் கேட்டுக்கொள்ளுகிறேன். எந்த வகை யிலும் உடனடியாக தினக்கணக்கில் மணிக்கணக்கிலான காலவரையறைக் குள் இந்த ஜமீன்முறையை ஒழிக்கவேண்டும். எவ்வளவு சீக்கிரமாக முடிக்கவேண்டுமோ அவ்வளவு சீக்கிரமாக முடிக்கவேண்டும். காலம் கடத்தவேண்டாம். நாள் கடத்தவேண்டாம். துரிதமாக அவர்கள் பிடிப்பி லிருந்து எங்களை மீட்டுத் தரவேண்டும் என்று கேட்டுக்கொள்ளுகிறேன். கட்சிக் கூட்டத்திலும் நான் இதைத்தான் கூறினேன். நஷ்ட ஈடு அதிக மாக கொடுக்க முயற்சிக்கிறார்கள். இப்பொழுது நஷ்ட ஈடு கொடுப்பதை கொஞ்சம் கவனமாக பார்த்துச் செய்யவேண்டும் என்று கனம் ரிவினியூ மந்திரி அவர்களை கேட்டுக்கொள்கிறேன். சாதாரணமாக 50 ஏக்கர் நஞ்சை அல்லது 100 ஏக்கர் புஞ்சை இருக்கும் பட்சத்தில் ஜமீந்தார்களுக்கு நஷ்ட ஈடு தேவையில்லை. ஜமீன்களின் வருவாய்க்குத் தகுந்த விகிதப்படி கொடுக்கப்படவேண்டும் என்பது இப்பொழுது போட்டிருக்கும் திட்டம். ஜமீன் வருமானத்தை அடிப்படையாகக்கொண்டு நஷ்ட ஈடு கொடுப்பது என்று ஆரம்பித்தால் மேலும் மேலும் பெரும் பணக்காரர்களை உற்பத்தி செய்துகொண்டே போவதாக இருக்கும். அதிக சொந்தப் பணத்தை நிலங் கள் அதிக சொத்துக்கள் உடையவர்களாக இருந்தால் அவர்களுக்கு நஷ்ட ஈடு மிகவும் குறைந்ததாக இருக்கவேண்டும். சிறிய ஜமீன்களுக்கு சற்று தாராளமாக கொடுக்கவேண்டும். அதற்காக எங்களுக்கு வருத்தம் இல்லை. ஜமீன் இனம் பிரதேச வரி விகிதத்தை ரயத்துவாரி வரி விகிதத்திற்கு மாற்றி அதன்படி அவர்களுடைய வருமானத்தையும் நிர்ணயம் செய்து அதை ஆதாரமாகக்கொண்டு 10 மடங்கு, 15 மடங்கு, 20 மடங்கு என்று அவர்களுக்கு நஷ்ட ஈடு கொடுப்பது என்பது சற்றேனும் நியாயம் இல்லை. இதைக்குறித்து பொறுக்குக் கமிட்டி யோசனை செய்து தகுந்த முறையை கையாண்டால் ஜனங்கள் இப்பொழுது ஜமீன் முறையை ஒழிப்பதற்காக கனம் ரிவினியூ மந்திரி அவர்களை எவ்வளவு போற்றுகிறார்களோ அதை விட பன்மடங்கு அதிகமாகப் போற்றுவார்கள்.

“அடுத்தபடியாக இந்த மாதமும் அடுத்த மாதமும் ஜமீன் பிராந்தி யத்தில் கிஸ்தி வசூல் ஆரம்பமாகிறது. இந்த கிஸ்தி வசூலை கனம் ரிவினியூ மந்திரி அவர்கள் ஒரு மாதம், இரண்டு மாதம் ஒத்திப்போட வேண்டுமென் பத்திரிகைகளில் பிரகடனம் செய்தார்கள். மதுரையில் பொதுக் கூட்டத்தில் பேசும்போதுகூட இதை கூறினார்கள். நான் சொல்லு கிறேன், ஒரு மாதம் இல்லை 4 மாதங்களாயினும் சரி இந்த தமிழ் நாட்டு ஜமீன் பிராந்தியத்தில் கிஸ்தி வசூல் செய்யவேமுடியாது. அந்த நிலைமையில் மக்கள் கஷ்டப்பட்டுக்கொண்டிருக்கிறார்கள். மதுரை, இராமநாத புரம், திருநெல்வேலி ஜில்லாக்களில் மழையின்றி பயிர் காய்ந்து விட்டது. அங்கே பயிர்த் தொழில் சரியாக நடக்கவில்லை. நீர்பாசன வசதிகள் சரியாக இல்லை. குடிகளிடம் ஜமீந்தார்கள் வரி வசூலிக்கச் செல்வார்களா னால் புரட்சிதான் ஏற்படும். ரத்தம் சிந்தும் நிலைமை ஏற்படும். ஜமீன்தார் கள் வசூல் செய்யவேமுடியாது. ஆகையால் சர்க்கார் உடனடியாக வரி வசூல் செய்ய சொந்த உத்தியோகஸ்தர்களை நியமித்து வசூல் செய்ய வேண்டும். ஜமீந்தாரி முறை ஒழியவேண்டும். இப்பொழுது அவர்களை வைத்துக்கொண்டு வரி வசூல் செய்யவேமுடியாது. இரண்டொரு ஜமீந்தார் கள் எங்களிடம் வந்து உதவி கோரினார்கள். வரி வசூல் செய்வதற்கு ஆதர வாக கூட்டங்கள் போடுமாறு கேட்டுக்கொண்டார்கள். நாங்கள் எவ்வளவு

20th January 1948] [Sri K. Rajaram Nayudu]

கேட்டுக்கொண்டாலும் ஜமீந்தாரி ஒழியாவிட்டால் ஜனங்கள் வரி செலுத்த மாட்டார்கள். எங்களை நேரில் வந்து சொல்லச் சொன்னார்கள். பொறுத்து இருங்கள், அவசரப்படுத்திகள் என்று சொன்னோம். ‘தினை விதைத்தவன் தினை அறுப்பான், வினை விதைத்தவன் வினை அறுப்பான்,’ ஆனால் சென்ற வருஷத்தில் அவர்கள் செய்திருக்கும் அக்கிரமங்கள் ஒன்று, இரண்டு அல்ல. மலைப் பிராந்தியங்களிலிருந்து எத்தனையோ தந்திகள் கொடுக்க பட்டன. கனம் ரிவினியூ மந்திரி அவர்கள் நேரில்போய் பார்த்தால் தெரியும். சென்ற சீட்டம் நடந்தபோதுகூட சமார் ஆறு தந்திகள் கொடுக் கப்பட்டது. மலைப்பிராந்தியங்களில் மரங்களை வெட்டக்கூடாது என்று சட்டம் இயற்றினோம். ஆனால் இந்த ஜமீந்தார்கள் மரங்களை யெல்லாம் வெட்டி மலைபோல் குவித்துவைத்திருக்கிறார்கள். வெட்டி வெட்டி விற்பனை செய்கிறார்கள். இந்தமாதிரி நடப்பது சர்க்கார் உத்தியோகஸ்தர்களுக்குத் தெரியும். கலெக்டரும் தடுக்க முயற்சி செய்தார். யாரோ வெட்டு கிறார்கள் நாங்களல்ல என்றும் எங்களுக்குத் தெரியாது என்றும் ஜமீந்தார் கள் கூறுகின்றனர். உண்மையில் ஜமீந்தார்கள்தான் ஆட்களை வைத்து மரங்களை வெட்டிவருகிறார்கள். நஷ்ட ஈடு கொடுக்கவேண்டுமென்று பொறுக் குக்கமிட்டியில் ஆலோசிக்கும்போது இதைப்பற்றி ஆலோசனை செய்வது மிக மிமுக்யமாகும். இந்தவிஷயத்தையும் ஆலோசனையில் எடுத்துக்கொள்ள வேண்டும். ஜமீந்தார்கள் சென்ற 1½ வருஷமாக எவ்வளவு மரங்களை வெட்டி இருக்கிறார்கள் என்று கணக்குப் பார்த்து அத்தொகையை நஷ்ட ஈடு கொடுப்பதில் பிடித்துக்கொள்ளவேண்டும். காடுகளில் அவர்கள் மரங்களை வெட்டக்கூடாது என்று சட்டம் செய்யப்பட்டிருந்தும் அவர்கள் வெட்டி வருகிறார்கள். அதைத் தடுக்க கடுமையான நடவடிக்கை எடுக்க வேண்டும்.

“அதைத் தவிர மிகவும் துரிதமாக இந்த சட்டம் பொறுக்குக் கமிட்டி யால் ஆலோசனை செய்யப்பட்டு அதன் முடிவை வெகு சீக்கிரத்தில் அனுப்பி பட்ஜட் கூட்டத்திற்கு முன்னாலேயே சட்டமாகும்படி இந்த சட்டசபை ஏற்பாடு செய்யும் என்று நான் நம்புகிறேன். அதிகம்பேசவேண்டியது ஒன்றுமில்லை. எவ்வளவு துரிதமாக இதை சட்டமாக்க முடியுமோ அவ்வளவு துரிதமாக சட்டமாக்கவேண்டுமென்று கனம் அங்கத்தினர்களையும் கனம் ரிவினியூ மந்திரி அவர்களையும் நான் கேட்டுக்கொண்டு என்னுடைய சிற்றுவரையை முடித்துக்கொள்கிறேன்.”

* SRI V. RAGHAVAYYA:—“Mr. Speaker, quite a lot of time has been taken, Sir, on the discussion of this Bill, which, but for the vicissitudes it had to go through for the past 8 or 9 years, would have in the ordinary course of things been passed much earlier. As the proverb says in Telugu, ‘This did not strike a hare horn.’ Various circumstances have attended this Bill from its initiation long ago in 1937, to a Bill of this type which have been very very unfortunate. It saw the dethronement of two Ministries and it is placing a third Ministry in jeopardy. This Bill started its life always very moderately. It is an elusive hare and it has always kept its pace. It has put its authors or propagators in great trouble. If the Revenue Minister finds himself in a quandary and betwixt two stools on several occasions in his trying to please various conflicting elements, my sympathies are with him. He is trying to perform two conflicting tasks. If he tries to please provincial Gods, the High Command comes down upon him. If he tries to please the latter, the lower Gods kick up from below. Once he wants to rush through the Bill. But when he is pulled up by High Commands, he cries halt. People claim and ask for certain things; the samindars try to silence them. The Hon. Minister for Revenue is a very capable man

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indeed and he knows how to sing the dirge and a dulcet in the same tune. He is not able to tell us all about this Bill for obvious reasons.

"Any Government which is transitory will not naturally be able to satisfy all the elements in the country. We have emerged from slavery and we are stepping into freedom. Naturally people expect that very striking things will be done. The zamindari legislation, as claimed by some people, is revolutionary. If revolution means removal of the zamindar, the Bill is revolutionary. This Bill may not be able to create a revolution as it is understood by the people. There is a friend of mine who claims that the zamindari system should not be given up. Another friend pleads that zamindars should be paid compensation at a lower rate. A third friend says, 'Why does the Hon. Revenue Minister concede things to the zamindar even when the latter has not asked for them himself. A fourth friend says, 'You may pull out the zamindar, pull him out quickly.' These are the things which the Hon. Minister must meet squarely.

"I have traversed the Bill from one end to another. I am a bit of a lawyer also and have tried to understand it in that sense. The Revenue Minister very often jibes against lawyers, because even without being one, he seems to outwit them on several occasions; he seems to understand the intricacies of this legislation which is really intricate.

"One thing I wish to know from the Minister, and he will try to explain to me some of the points which I am unable to understand, for instance, the Permanent Settlement. It has been still in vogue in Bengal. The rates fixed in 1802 are still operating. When the idea is that you are trying to confer the benefits of Permanent Settlement upon the people, why do you not keep to the 1802 rates particularly when they are working fairly and satisfactorily in a premier Province like Bengal. The Permanent Settlement was not intended to benefit the zamindar. The zamindar was only a rent-collector. Some jurists have put the zamindar as a robber-chief. I do not say that of all zamindars. South India has demarcated the zamindars into 3 or 4 categories. Some of them claim lineage from the Sun or the Moon. Some of them have been robber-chiefs. Nonetheless, they are rent-collectors, though some zamindars may claim lineage from Rama or other Gods. Everybody knows the fact that a zamindar has been an intermediary in agriculture, as there are intermediaries in every walk of life. Nobody wants that the intermediary should be benefited. The Permanent Settlement was conceived at a time when they wanted an intermediary for administrative purposes. The East India Company did not want to put their fingers in details. The Company was set up to administer the country. It said that it would rent out the lands in a particular province, district or taluk to whosoever was the highest bidder. It was under these circumstances that the Permanent Settlement was conceived. When it was conceived, it was clearly laid down that it

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was intended to benefit the ryot and not the zamindar. While it is so, why should the Hon. Minister for Revenue take great pains to-day to try to help the zamindar even to the extent to which he is doing. You are placing somebody else in his stead. The zamindars themselves did not press for payment of compensation for mines, forests, fisheries and other things. It is an after-thought in the Bill. Why should the Minister go out of his way to create an interest for them and have it as a basis for compensation. This is a thing which I am quite unable to understand.

"The second thing is this: from what I have read of the Estates Land Act, any land which is not cultivated with his own labour and which is not ploughed by him is ryoti land, i.e., the land of the ryot. The Hon. Minister now says that the zamindar can possess land hereafter though it is not ploughed with his own labourers or ploughs, he can still enjoy valuable rights in it as his private land. He is not prepared to limit the extent of private land . . ."

THE HON. SRI KALA VENKATA RAO:—"The definition of private land says that the land must be cultivated by personal labour or hired labour of the zamindar."

* SRI V. RAGHAVAYYA:—"I understand what the Minister says. He has not contradicted what I said. My point is that all the land which is not cultivated by the zamindar is ryoti land. New rights are now being given to the zamindar to the extent that he can in future possess land which he need not cultivate with his own ploughs or with his men. They are still called private lands and the zamindar can own them. My view is that this is stretching a point in favour of the zamindar and he does not deserve this favour. I expected very much that the Revenue Minister would limit the extent of private land which a zamindar can possess, be it 100, 200 or 300 acres. If it is fixed up, it will be like tethering a wild animal and keeping it within certain bounds.

"The Government's policy is, as I understand it, to give away all Government waste land to landless labourers and to put them on land. What is waste land in the zamindari area is nothing but the zamindar's own private land or land which he is trying to use for forests, for hunting or for pleasure purposes. I do not want that the zamindar should be allowed to have vast stretches of land which he can use for his own purposes. This is a time when revolutionary actions are expected from the Government. I very much thought that this Government would be able to limit the extent of land which any zamindar can possess so that the rest of the land might be parcelled out amongst landless labourers. This problem is facing not only this Government but other Governments as well. It is high time that a Government like ours which has taken very progressive strides in several matters, should set an example to other Governments also. Landless labourers are there in plenty in zamindari areas also. Their lot

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has not been considered till now; they are treated like cattle. What is there in this Bill which the Revenue Minister holds up, that is attractive to the landless labourer? If you call him an Harijan, are you lifting him to the seventh heaven? You said you have removed untouchability and you expect him to hug himself to you. These are the palliatives which have been tried for a long time. These are not going to help Harijans.

"With all his resources—let me assure you that he has plenty of them—I expected that the Minister for Revenue would be able to show a way by which land which is not being put to proper use in the zamindari areas, might be given to landless labourers. These zamindaris have extended themselves beyond dimensions. Take the Vizianagram Estate, the Venkatagiri Estate. I know there are thousands of acres extending for miles together without ever having been reclaimed. As you pass through these estates, one wonders why they have been left waste. If they wanted, they could have brought them under cultivation. They thought they could use them as hunting grounds or for pleasure purposes. I think these lands should be given away to landless labourers.

"The Hon. Minister hopes to be able to give a good turn to the zamindar also. It looks as if the zamindar will be able to get 12 or 15 times more than the amount he expected. At one time he thought he would be washed away clean from this hemisphere. Now he can bank upon many lakhs or crores he expects to get. Then the Revenue Minister hopes that the ryot will be satisfied also because they are told, well, from to-morrow morning something in the nature of a new dispensation is coming and you can kick up the zamindars from this morning—and they the ryots would actually say so—that they need not pay their rent to the zamindar and then the Government will come to their rescue some time later. But when the Hon. Revenue Minister is able to satisfy me also and say that the landless labourer is also going to get his square deal, I am perfectly satisfied in my conclusion that he is the most capable man this House has to-day on its rolls and I congratulate him on this. I only wish he would carry it out satisfactorily. It is high time some limit is fixed. Let him fix it at 100 or bring in a new Bill fixing a ceiling limit. I have heard people both in the zamindari areas and in the ryotwari areas say that the ryot is groaning under taxation and that he must be given relief, as there are still several lakhs of acres of land left without cultivation because he is already over-taxed. I have no sympathy for such people because they do not seem to take to new and improved methods of cultivation nor think of the new projects that have to be built up which mean money. They do not do anything on their side but want the Government to rob Peter and pay Paul. Such people do not have my sympathy. There are people who call themselves Communists, and incite these people and if this sort of policy is going to be followed by the Government for a long time I fear there will be many more Communists making a hell of noise in this country. I therefore think it is high time that Government take up legislation to appease the

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growing hunger of the people. In that way Government must come to the rescue of the people. I have absolutely no sympathy for the agitation that the existing taxation of the ryots should be reduced, because I feel it is low enough, it is not high and it need not be reduced at all in view of the vast improvements that the Government is contemplating and the big projects that the Government is going to build. I see that several members have sympathy for the zamindars but they do not seem to think of the lakhs of poor people and the landless labourers. They say, we have given you 30 seats in the Legislature; we have removed untouchability and we have abolished drink, etc., as if these things by themselves are going to put the poor landless labourers on their feet. I say something substantial must be done and the only opportunity for the Hon. Revenue Minister to make his name hallowed is by taking the speediest measures for solving this problem. You may call them Harijans, landless labourers or anything you like, but when you are contemplating legislation, when you are going to revolutionize the whole structure of existing cultivation, you should not miss this opportunity. It is not for nothing that recently Sri Rajendra Prasad and several other great leaders have definitely stated that before you contemplate a comprehensive legislation for ryotwari as well as zamindari systems, you must think also of what you are going to do with the vast extent of land that you are going to release from the grip of the zamindars. It is well that the Madras Government is taking steps for working out a comprehensive, workable and useful scheme so as to rope in all classes of people who are being exploited to share the benefits of this legislation.

"I will finish with this question, namely, the question of compensation. It has been accepted that the zamindar is only a rent collector and he has been very often all these years trying to fleece the poor and feed himself and I do not think the zamindar himself will claim greater credit than what he deserves. If that be the case why should you waste so much of good money over these people? The question of sympathy and considerations of mercy will not arise in matters of Governmental policy. I do not see why you should not show the same sympathy to the poor landless labourer. If they have failed to conserve their energies and to improve the land, it is not our mistake. On the question of compensation, I cannot understand the difficulty of the Revenue Minister. When there is a legal basis for discussion, you may find out what that legal position should be but when there is no basis at all where does that difficulty come in from? It is only a matter of mere creation of a legal device. If you want to revolutionize the whole thing, merely bring in a legislation and say that the zamindar has no existence in this world except as a human being. Let him walk out with what little he has got, and let him ask for salvation in this world and the world to come. Several zamindars have come under the Court of Wards. I know the case of one zamindar who has come under the Court of Wards five or six times in the course of fifty or sixty years. They have gone bad beyond redemption. It is all mercy wasted and money misspent. My idea of

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compensation in their case is that they deserve no compensation. The zamindar has been a licensee and the Government has a right to dispense with licensees. Lawyers of course may argue and their advocates may put forward fabulous claims but Government have no reason to listen to them. If you remember that he is a rent collector your solution is easy. If you think that he is a proprietor, all your difficulties will be multiplied. The 1802 regulation has made it clear that he is only a rent collector. He has done his business very badly. He was only regularly paying his peish-kash but did not do anything more than that. He did not improve the tanks or find out new sources of irrigation. He has taxed his people and made them useless and unfit for existence. He devastated the forests; he has let loose even the wild animals to graze the standing crops of his own tenants; he involved them in civil and criminal litigation and was a source of trouble in many other ways. To this criminal, you would like to say now, well, Sir, we give you a lot of money so that you could leave your place and reside in Madras, Bombay or Bangalore. But, I say this is kindness misspent. That is the correct version of the relationship that ought to exist between the Government and the zamindar. When the question of compensation comes you adopt the 1802 rate not because that rate has been in the limelight all these years but because it is the right thing to do. Of course originality is commendable in some matters but in other matters, following the precedent is always very commendable. I therefore appeal to the Hon. the Revenue Minister to follow his Guru at least in this matter though he may be reluctant on several occasions to do so. (Interruption by the Hon. Sri Kala Venkata Rao.) He will become the brightest star in the horizon if he takes the 1802 rate as the safe basis for determining the compensation to be paid to the zamindar. I therefore appeal to the Hon. the Revenue Minister to bring in a legislation very soon to improve the lot of the landless labourer and create occupancy right, if possible, for the actual tiller of the soil, in the lands of the zamindari areas. When you are so solicitous about the ryots in the zamindari areas, I do not see why you should not save the actual tiller of the soil, the Harijan or the other labourer, who is in actual possession of the land of the ryot. There are zamin ryots who are zamindars except in name and they are a worse menace to the peace of this country. These wolves have been simply eating away the very slender resources of the landless labourer. I have thought over this matter for ten years and my suggestion therefore is, if you cannot possibly create occupancy right for the landless labourer who is actually on the land and who is actually in possession of it to-day, to fix a ceiling limit for all zamindars as to their private land or to the zamindari tenants in regard to the extent of their ryoti lands so that in future, more zamindars may not be created. Again, in the case of ryotwari areas where people possess thousands and thousands of acres of land, is there no limit and how long are you going to perpetuate this regime of capitalism when millions of people are dying for want of food? Therefore I make this appeal to you

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so that you may try to incorporate these suggestions either in this Bill or in some other legislation which you may be bringing forward in future."

SRIMATHI V. SEETHAMAHALAKSHMAMMA :—“ఆధ్యక్షా, ప్రభుత్వంవారు ప్రవేశ పెట్టిన జమీందారీ ఈనాందారీల రద్దు బిల్లును నేను పూర్తిగా (Support) చేస్తూ కొన్ని సవరణలను సూచించదలచినాను.

“కాంగ్రెస్ వారి ఎన్నిక ప్రణాళికలో ఈ జమీందారీలను రద్దుచేయుట అనునది ఒక ముఖ్యమైన అంశము. దానిని ఆధారము చేసుకొని 1937 వ సంవత్సరములో కాంగ్రెస్ వారు ప్రభుత్వంలో ప్రస్తుతు ఒక కమిటీని నియమించి ఒక రిపోర్టును తయారుచేయించినారు. అప్పటినుంచి ప్రజలలోను రయితులలోను ఎప్పుడు జమీందారీలు రద్దుగనూ అనే ఆశురత ఉన్నది. 1937 వ సంవత్సరములో శ్రీ ప్రకాశం పంతులుగారు రెవిన్యూ మంత్రిగా ఉన్నపుడు ఈ (Report) తయారుచేసినారు కాని అప్పుడు కొన్ని కారణాలవలన జమీందారీ రద్దు చట్టము (Pass) చేయకుండగనే (Congress ministry) వారు (Resign) చేసినారు. ఈ కారణంచేతనే ఇంతవరకు జమీందారీలు రద్దుచేయబడలేదు. ఈసారి 1946 వ సంవత్సరములో ఎన్నికలు జరుగునపుడుకూడా (Congress) ఎన్నిక ప్రణాళికలో జమీందారీలను రద్దుచేయదలచినట్లు ఉన్నది. ఈ కారణంచేతనే రయితు డ్డేమం కోరేటటువంటిది. కాంగ్రెస్ సంస్థ ఒక కేసన్ ఉద్దేశంతో ప్రజలందరూ ఎన్నికలలో కాంగ్రెస్ ను గెలిపించినారు. శ్రీ ప్రకాశం పంతులుగారు ప్రధాన మంత్రిగా ఉన్నపుడు ఎన్నెముకల భూములలోని రయితులను జమీందారులు 2 సంవత్సరములవరకు తొలగించుకొనడం ఒక చట్టము ప్యాసుచేసినారు. అది ప్యాసుచేసిన తరువాత చాలామంది జమీందారీ రయితులు ప్రకాశం పంతులువారిపద్దతువచ్చి తమ హక్కులనుగురించి అడిగినారు. వారికి శ్రీ ప్రకాశం పంతులుగారు “మీకు ఈ చట్టమువల్ల చాలా ఉపయోగము జరుగుతుంది, మిక్కులను జమీందారులు కొలు భూములలోనుంచి 2 సంవత్సరములవరకు తొలగించలేరు అని చెప్పిరిన్నారు. ఈ విధంగా వారిని నా (constituency) లోని చల్లపల్లి ఎస్టేటులోని రయితులు కొందరు అడిగినారు. ప్రకాశం పంతులుగారు వారికి నేను ప్రధాన మంత్రిగా ఉన్నంతకాలం మిక్కులను భూములలోనుంచి ఎవ్వరూ తప్పించలేరు అని చెప్పినారు. ప్రకాశం పంతులుగారిపద్దతునుంచి ఇటువంటి సమాధానమును తీసుకొని వారు వారి గ్రామములకు వెళ్లిపోయారు. అక్కడ జమీందారులు వారిని కొలు భూములనుంచి తొలగించుటకు చాలా ప్రయత్నములు చేసినారు. వారి కలుకుబడిని ఉపయోగించి పోలీసు సహాయము, రక్షణ సంపాదించినారు. ఈ కారణాలవలన మా జిల్లాలోని ఒక గ్రామమైన గాజాలంకలో రైతులపై పోలీసు కాల్పులు జరిగినాయి. అమాయకులైన 4 గురు రైతులు మరణించారుకూడాను. ఈ విషయాలన్ని మనకు తెలిసినటువంటివి. ఈ విధంగా 1937 వ సంవత్సరం నుంచి జమీందారులు రైతులను అనేకమైన వాదలు పెట్టుచున్నారు. ఈ సంగతుల నన్నింటిని గురించి మన రెవిన్యూ మంత్రి శ్రీ కళా వెంకట్రావుగారు జమీందారీ ఈనాందారీలను రద్దుచేయుటకుగాను ఈ బిల్లును ఈ శాసనసభలో ప్రవేశ పెట్టినారు. వారి ఆశయములను అనేకవేల రైతులు, ప్రజలు ఒపారంగ సభలద్వారాను, పత్రికల ద్వారాను ప్రశంసించియున్నారు. ఈ మదాను పట్టణంలో గోఖలే హాల్ లో ఒక మహాసభ జరిగింది. దానికి నేను అధ్యక్షురాలుగాను శ్రీ కళా వెంకట్రావుగారు ప్రారంభకులుగాను ఉన్నారు. ఆ సభ కమ్యూనిస్టు అధ్యక్షుల జరిగిందని, మేము కమ్యూనిస్టులుగా మారినాయనామని శ్రీ ప్రకాశం పంతులుగారు వాటి ఈ 2 రోజుల

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ప్రసంగంలో అనేక సార్లు చెప్పియున్నారు. కాని అది ఎంతమాత్రము సత్యమైనటువంటి విషయముకాదు. కాంగ్రెస్ ఎన్నిక ప్రణాళికలో స్థూలించిన విధంగా జమీందారీలను రద్దు చేయుటను నేను బలపరచినాను కాని వేరుకాదు. వాద్యతగల ప్రకాశం పంతులుగారివంటివారు ఈ విధంగా నేను కమ్యూనిస్టుగా మారిపోయినానని ఆనుట చాలా పొరపాటు.

“ప్రకాశం పంతులుగారు ప్రధాన మర్రితిగా ఉంటున్నప్పుడు విదో పనిమీద నేను వారిని కలసుకొనుటకు వారి ఇంటికి వెళ్ళినాను. అప్పుడు అక్కడ కొంతమంది రైతులను చూచినాను. వారిని ఎందుకు వచ్చినారని అడిగినాను. వారు థాన్యం ధరలను హెచ్చించవలసినదిగా ప్రకాశం పంతులుగారిని కోరటానికి (Deputation) వచ్చినామని, పనిఉన్నదనే కారణంచేత ప్రకాశం పంతులుగారు వారికి (Interview) ఇవ్వలేదని, రెండు రోజులవరకు (Interview) ఇవ్వటకు వీలులేదని అన్నారని చెప్పినారు. తరువాత ఆ రైతులు ప్రకాశం పంతులుగారిని కలసుకొని థాన్యం ధరలు హెచ్చించవలసినదిగా ప్రార్థించినను, వారు థాన్యం ధరలను హెచ్చించుటకు ఏ విధమైన అవకాశము లేదని చెప్పినారు. వారు ప్రీమియర్ గా ఉన్నప్పుడు థాన్యం ధరలను పెంచటానికి వీలుకాదని, ప్రీమియరు పదవినుంచి మారి మామూలు మెంబరుగా ఉన్నప్పుడు ఖస్తాకు రూ 8 ల బోనస్ ఇవ్వవలెనని చెప్పడంలా వాద్యత, అర్థం ఏమీ నాకు తెలియటలేదు. ఇటువంటి ప్రకటనలు చేసేటటువంటి ప్రకాశం పంతులుగారి మాటలలోని విలువను ప్రజలు గ్రహింపలేకపోలేరు. వారు ఈ విధమైనటువంటి ప్రకటనలను చేయడము, నేను జమీందారీ రద్దును బలపరచినందుకు కమ్యూనిస్టుగా మారిపోయినానని అనడము చాలా పొరపాటు. రాజకీయ అభిప్రాయములలోను, సిద్ధాంతములలోను భేదము బండవచ్చునుగాని, ఈ విధముగా అనవసరముగా నిందలు మోపడం చాలా పొరపాటు అని నేను భావిస్తున్నాను.

“ఇప్పుడు ఘనము వచ్చిస్తున్న జమీందారీ రద్దు బిల్లు విషయంలో కొన్ని సవరణలను సూచిస్తాను.

“3 వ సెక్షన్ (B) క్లాజులో ఎన్ట్రీ అంటే కమ్యూనల్ లాండు, లేక పోరం బోకులు, బంజర్లు, అడవులు, రైతి భూములు. కాక ఇతర భూములు అని ఉన్నది. ఈ క్లాజులో లంక భూములు అని చేర్చవలెను.

“మా కృష్ణా, గోదావరి లంకలలో అనేక వేల ఎకరముల భూమి జమీందార్లకు ఉన్నది. ఈ భూమి (Survey) చేయబడలేదు. ఇటువంటి భూములను రైతులు అనేక సంవత్సరములనుంచి సాగుచేస్తున్నారు. కాని ఈ రైతులకు కళ్ళర్లు ఉండవు. ఉదాహరణంగా మా చల్లిపల్లి ఎస్టేటులోని లంకలను గురించి మనవి చేస్తాను. మా ఎస్టేటులోని లంక భూములను సాగుచేసేటటువంటి రైతులకు కళ్ళర్లు లేవు. ఆ భూములను వారు సాగుచేస్తున్నట్లు మాత్రానికి ఏ విధమైన రికార్డులు లేవు. జమీందారులు ఈ భూములకు ఎటువంటి రికార్డులు రైతులవద్ద ఉంచరు. 1937 వ సంవత్సరంనుంచి జమీందారులు ఇటువంటి భూములను సాగుచేసేటటువంటి రైతులకు కళ్ళర్ రసీదులు ఇవ్వటంలేదు. కాబట్టి ఈ విషయములను పరిశీలించి ఈ క్లాజులో లంక భూములను కూడా చేర్చవలసినదిగా రెవిన్యూ మంత్రిగారిని కోరుచున్నాను.

“5 వ సెక్షన్ (i) క్లాజులో జమీందారు యొక్క స్వంత భూములను పరిశీలించడానికి ఒక కమిటీని వేస్తారని ఉన్నది. ఈ కమిటీలో ఒక (Deputy Collector) ను, జమీందారుల తరపున ఒక మెంబరును, రైతుల తరపున ఒక మెంబరును వేస్తారని ఉన్నది. దీనివలన రైతులకు ఏ విధంగాను ఉపకారము జరగదు. రైతులకు రికార్డు

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పూర్వకంగా ఏ విధమైన ఆధారాలు ఉండవు. అందువలన రైతుల తరపున నియమించబడిన మెంబరు వారికి ఏ విధమైన సహాయము చేయలేదు. ఇంక డెప్యూటీ కలెక్టరు జమీందారు తరపు మెంబరు జమీందారుకే ఉపకారము చేస్తారని ప్రజలలో భయము ఉన్నది. జమీందారువద్ద ఉన్న రికార్డులన్నీ జమీందారుకు ఉపయోగించునవిగానే ఉంటాయి కాని రైతులకు ఉపయోగించునవిగా వుండవు. కాబట్టి జమీందారు యొక్క స్వంత భూములు విదో నిర్ణయించే విషయములో (final authority) ఈ కమిటీ వారికి ఇచ్చినట్లైతే రైతులకు చాలా అన్యాయము జరుగుతుంది. అందువలన ఈ (final authority) ని గవర్నమెంటువారి చేతులలోనే వుంచుకొని నల్లెయిలే చాలా మంచిదని నా అభిప్రాయము.

“అంతేకాక ఈ ప్రయివేటు బూమి అప్పదానికి 1908 వ సంవత్సరపు ఎస్టేటు ల్యాండు ఆక్టు (Estate Land Act) లో ప్రయివేటు ల్యాండు అని చెప్పబడిన అర్థము ప్రకారమే ప్రయివేటులాండు నిర్ణయించబడవలెను. అంతేకాని 1908 వ సం॥పు ఎస్టేటు ల్యాండు ఆక్టు 11 వ అథ్యాయము ప్రకారంకాని లేక ఆ చట్టంలోని 182, 183 క్షేత్రముల ప్రకారం రికార్డు ఆఫ్ రైట్స్ (Record of Rights)లో వ్రాహరింపబడినవి కూడ ప్రయివేటు ల్యాండు అవుతుందని వ్రాహరింపబడిన షరతు రిపీవేయవలెను. ఈ షరతు రిపీవేయనిచో కళ్ళర్లు, రికార్డులు లేక లంక భూములను సాగు చేసేటటువంటి రైతులకు చాలా అన్యాయము జరుగుతుంది. అందువలన ఆ క్లాజును మార్పు చేయవలసినదని మన రెవిన్యూ మంత్రిగారిని వేడు కోరుచున్నాను.

“6 వ సెక్షన్లో కంపెన్సేషన్ (Compensation) ను గురించి, 13 వ సెక్షన్ 1 వ క్లాజులో అవిభాజ్య ఎస్టేటుగా వుండుటకుగాను లోగడ 1904 చట్టం ఈ ఆక్టుచాగానే రద్దయిపోతుందని అందుకల్లా ఈ జమీందారులకు గవర్నమెంటువారు ఇచ్చే ప్రతిఫలము జాయింటు కుటుంబములకే చెందుతుంది అని వున్నది. ఇది న్యాయంగానే వున్నది. కాని కొంతమంది కుటుంబములలో పెద్ద కుమారునికే ప్రతిఫలముచెందునట్లుగా సవరించవలెనని సలహాలు ఇచ్చుచున్నట్లు తెలుస్తున్నది. ఇది చాలా అన్యాయము. కాంగ్రెసు సిద్ధాంతములకు వ్యతిరేకము కూడాను. ఒకే వర్గిగ ర్భములో వుట్టిన ఒకనిని భాగ్యవంతుని చేయడము, ఇంకొకనిని దరిద్రునిగాను చేయడం న్యాయం దర్శకంకాదు. కాబట్టి జమీందారీలకు ఇచ్చే (Compensation) ను కుటుంబములలోని అందరు సమానముగా చెందేటట్లు చేయడము చాలా మంచిది. (Select Committee) వారు నేను చెప్పిన ఈ సవరణలన్నింటిని గమనించి, బిల్లులోని క్లాజులను రైతులకు వ్రాహరింపబడునటువంటివాటిగా వుండునట్లు మూడవలసినదని మంత్రిగారికి మనవి చేస్తూ ఇంతటితో విరమించుచున్నాను.”

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much so, we cannot think that they could be treated in terms of their being simple rent collectors. That is the most important point which I want to bring to your attention.

"As far as the rate of rent is concerned, some of them have done injustice to the ryots. They had no legal sanction to enhance the rent but still they have been enhancing it as they liked. The amount to be collected has been settled permanently at the time of the Permanent Settlement; they were expected simply to keep within the maximum of the rates originally fixed, collect the amount, pay peishkush to Government and enjoy the margin after spending for the improvement of the lands in the possession of ryots in various ways. Whereas that was the original understanding, that was not done and particularly has this been so in many of the zamindaris in the north and some in the south. That is why the present situation has been created and steps have been taken to undo the zamindars altogether. As a matter of fact, there is no dispute whether they are to continue or get out. They have to go out. The representatives of the zamindars like the Yuvaraja of Pithapuram have unequivocally said that they must go and he agrees to go and there is no question of dispute about that. But if you take the zamindars as a whole and compare the position of the ryots under them, I do not think they as a whole deserve to be widely abused as so many of our friends did. There are zamindars in Salem district; they are not so big as the zamindars of the north like those of Venkatagiri, Chellapalli, Bobbili, Pithapur or Jeypore—but in most of the estates of Salem, the rates are what were originally introduced at the time of recognition of grant of these estates. In many of the estates, they have been carrying on in such a way that there is not much of difference between the zamindar and the ryot; they are carrying on with mutual friendship the ryots help the zamindars in times of need and zamindars too repay such kindness as opportunity arises. When such is the case, I do not think that hon. Friends have got much justification to abuse them as a class in the way they have done. Those who have done wrong deserve to be abused and I do not want to stand in their way but there is no point in making a general abuse and in an undignified manner.

"As far as my district of Salem is concerned, the ryots' plea would be that they would like to continue as tenants under the zamindars. The reason is that the land revenue is lower than the rates obtaining in ryotwari areas. The mutual relationship between the zamindars and the ryots is such that they do not feel they would be happier if it becomes a ryotwari area. In the ryotwari area the *zulum* and trouble caused by the village munsif and karnam is more than what the zamindar does. The karnam is the most mischievous element in the ryotwari area and every ryot will have to pay him some *mamool*; otherwise charges of encroachment will be made and he will be put to lot of trouble. In the zamindari areas most of their lands have not been surveyed with the result that they are enjoying as much extra land as

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possible and at the same time they do not fear they would have to pay any excess rent. Even with regard to water-rates, there is endless trouble in the ryotwari tracts all due to the making of the karnam. But in the zamin areas they do not have any sort of scrutiny with regard to water-tax and people are free from such trouble. In all what I said, I am referring to my district. Even in the matter of collections in some estates the ryots are not paying their rents regularly; they put it off even to ten years and they wait till then. Not only that, they wait even till they are able to sell their lands and make the payment. These are the advantages which the ryots are enjoying in many of the estates in Salem district. But that is not the case in other districts. In Salem district too there are certain difficulties. There are no land records and they are much handicapped when they go to court and they are put to much inconvenience and much expense of money. If all the areas become ryotwari areas, these benefits will come to them. With regard to irrigation sources, the zamindars have not paid any attention even in Salem district. If they are turned into ryotwari areas, naturally the ryots will be much benefited. These are the advantages and disadvantages so far as my district of Salem is concerned and as regards the other districts, I am not in a position to know conditions there. But I am told that rack-renting obtains in a very large measure and that has created disaffection between the zamindars and the ryots. For all these reasons, there is no dispute or second opinion on the question of keeping the zamindars out of the picture altogether. But on the question of compensation they should not be treated as mere rent collectors. The subsequent decision and the legal understanding are that it is material property and when you are taking away material property, any individual will have to be compensated for his rights that are taken away from him. Regarding compensation the Government can take up a very equitable line of action. Now the zamindars have increased their rents abnormally and for this they have no legal sanction. But somehow or other every three or four years when they issued pattas they used to go on increasing the rate and now it has come to breaking point and so it is very necessary that the rate of rent should be reduced. To meet that situation we have already passed the Rent Reduction Bill and it is a quite justifiable measure. Government have laid it down as a policy that it ought to be brought down to the ryotwari level; that is well and good. But there are some estates in Salem district which are sticking to the original level and the rates are much lower than the ordinary ryotwari rate. In their case I must plead that the Government will have to increase the rate. When you want to bring down to a uniform level you leave in the lurch zamindars who behaved quite very well with their tenants and who were kind to them and had been keeping on to the 1802 level and it is fair that they must be compensated bringing up the rate to the ryotwari level. If you take the ryotwari rate as the basis, I think there is no difficulty in fixing up the com-

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pensation. There is the Land Acquisition Act which applies even as it is for the acquisition of land in a zamin area. I think the compensation is based on twenty times the melwaram and the new melwaram can be arrived at by taking the Rent Reduction Bill into consideration. Even if you pay at this rate it will not be a loss as you will derive five per cent on the outlay. If you have to pay cash to these people, it will be quite possible to do so by raising a loan. This can be got for 3 per cent or $2\frac{3}{4}$ per cent. If you raise the loan and pay them you have got a margin of 2 per cent and if that is to be accumulated for a period of forty years, you can clear the debt altogether and the estates will be the property of Government and will yield revenue. When the survey of the estates has been completed and in water-taxes and cesses Government are bound to get more revenue. On this point I wish to tell Government that if they undertake this it will be a matter of great convenience and benefit to the people and would afford a fair deal to this unfortunate class of people, namely, the zamindars who are to be liquidated.

"With regard to home-farm lands, I wish to say a few words. In many cases, they are zamindars' own private lands and they have enjoying them for a long time. But in some cases they have caused considerable havoc to the ryots by taking all the porambokes and forest lands and assigning them to themselves. In that way, they have caused considerable injustice to the ryots and I have no sympathy for them. But if zamindars have private lands for intensive cultivation in order to engage themselves in agriculture, such people should not be disturbed. They have got their lands from their ancestors. Some zamindars have purchased lands in their own estates because the law allows their purchasing ryoti lands in the estates and cultivating them themselves without leasing them. The moment he leases them to others for cultivation purposes, then he loses his right. Having known this position some of the zamindars, who did not exist as zamindars on account of the estates, have simply kept it for prestige with a view to their own cultivation through their own sons to whom they would have to divide the property. If in that process, they are obliged to lease it out, even to-day they stand to lose. What I mean to say is that if they had been engaged in intensive cultivation in connection with Grow More Food campaign and in that some leases had been necessary, they may be given ryotwari patta to those lands. The reason is that they have paid for the lands and they had purchased them with the genuine desire for intensive cultivation. So, they must be treated in a compassionate way.

"In some of the estates, there is registering of owners and it has to be taken according to the register maintained in the Collector's office. In some estates, there are partners and they have divided it amongst themselves, but they do not have a separate registry because the whole estate is not surveyed and they have a common joint registry. In such cases of joint registry, if they

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are to be treated as one unit, it will cause serious hardship to many people. In cases where genuine partition has been made, they must be treated as separate owners and may be given compensation and in the matter of private lands also they must be treated as separate registered owners.

"With regard to recoveries on account of repairs to irrigation sources, there is a provision in the Bill that five per cent is to be recovered from the compensation to be paid. In some cases, there are no irrigation sources and there is no repair to be made and in such cases, there is no point in making recoveries for repairs to irrigation sources. Wherever there are no irrigation sources, I do not think any recovery should be made for repairs.

"There is a provision in the Bill that estate office buildings also should be taken over. In that connexion, I heard from the Hon. Minister the analogy of the cow and calf transaction. I think it does not apply on all fours to this case and it does not stand to reason. If Government require the buildings, they will have to pay compensation. They need not emphasise the point that the acquisition of buildings would mean high cost to them. Further when the estates are taken over, the work of collection and other matters will be taken over by the Tahsildar and his village munsifs and karnams and I am not sure whether the office buildings will be necessary at all.

"I will have to point out that in most of the estates cart-tracks are not properly maintained. When the estates are taken over I believe that pathways and cart-tracks will be attended to during the time of the survey. I hope sufficient space will be allowed for them. There have been encroachment upon cart-tracks by adjacent landholders and I hope that facilities for communications will be properly provided.

"In the matter of inams I would like to throw some suggestion. There are two kinds of inams, villages owned by temples and villages owned by private individuals. Besides these, there are minor inams by way of service inams. I do not think we are interfering with service inams and so I do not deal with them here. With regard to whole inams, there are some temples which will lose heavily through this measure. To avoid that, it will be better if we make a uniform treatment of all inams. So I propose that we should convert all inams into ryotwari lands; in that way temple lands also may be given ryotwari pattas. With regard to minor inams, a good many people have purchased them for valuable consideration and have been in enjoyment of them for several years. Such inams are mostly small plots of land consisting of two, three, four or five acres in extent. For such cases also, we might give ryotwari pattas. In that way hardship and trouble might be mitigated as much as possible.

"In conclusion I would like to say this: the Act that we pass must be one with specific provisions for all contingencies so that we might not take everything to courts to be settled. Because, otherwise, if for everything, both zamindars as well as ryots are

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to go to courts, both will suffer. The intermediaries, lawyers and such other people, will take a lot of money from both; both will lose their money and both will become paupers. So to avoid that, I insist that the proposed legislation should be specific and definite on every point so that there is no room for dispute. I wish very much the select committee take note of this and make legislation simply water-tight so as to make the working of the measure smooth and easy both to the zamindar as well as the ryot. 'Thank you, Sir.'

"Mr. SPEAKER:—'மைக்' உங்கலிடம் வராவிட்டால் நீங்கள் 'மைக்' கிடமிடம் வாருங்கள்."

* SRI M. KANNIYAPPAN:—“கனம் தலைவர் அவர்களே, இன்று கொண்டுவரப்பட்டிருக்கும் காஸா வெங்கட்டராவ் அவர்களுடைய 'பில்லை' நான் முழு மனதுடன் ஆதரிக்கிறேன். எதற்காக என்பதைக் குறித்தும் அவசியமாக உள்ளபலவிஷயங்களையும் இந்த நேரத்தில் பேசவேண்டுமென்று எண்ணுகிறேன். நாங்கள் தெரிவித்தோம் மக்களிடத்தில் அன்று. நாங்கள் சென்றவுடன் ஜமீன்தாரி 'பில்லை' கொண்டுவருகிறோம் என்று சொன்னோம். அந்த வாக்குறுதியை காப்பாற்றிக்கொள்ளவேண்டியது எங்களுடைய கடமை. அந்தக் கடமையை உடனடியாக செய்திருந்தோமானால் இன்று ஜமீந்தார் ஏரியாவில் இருக்கக்கூடிய மக்கள் இன்று காங்கிரஸை வாழ்த்தியிருப்பார்கள். இங்கே கூடி இருக்கிற பிரதிநிதிகளையும் வாழ்த்தி இருப்பார்கள். ஆனால் நாள் கடந்து இந்த 'பில்லை' இந்த நேரத்தில் கொண்டு வந்திருக்கிறோம். நாம் இதற்கு முன்பாக ஒரு 'பில்லை' பாஸ் செய்தோம். ஜமீந்தார் ஏரியாவில் உள்ள காடுகளிலுள்ள மரங்களை யெல்லாம் வெட்டக்கூடாது என்று. அன்று அந்த சட்டத்தின் பிரகாரம் அங்கே இருக்கக் கூடிய ஜமீந்தார்கள் நடக்கிறார்களா என்று பார்த்தால் அக்கிரமத்தான் தலைதாக்கி ஆடிக்கொண்டிருக்கிறது. அங்கே இருக்கிற மரங்களும் காடுகளும் அழிக்கப்படுகின்றன. அதற்குள்ளாக புல் நிலங்களையும் விற்றிருக்கிறார்கள். இந்த அக்கிரமம் செய்துகொண்டிருப்பதைக் கணமும் நாம் பார்க்கிறோம். நம்முடைய மந்திரி அவர்கள்கூட பல ஜில்லாக்களுக்குச் சென்று அங்கே ஜமீன் ஏரியாவிலுள்ள குடி மக்கள் சொன்ன புதர்களை நேரடியாக தெரிந்துகொண்டு வந்திருக்கிறார்கள். அது மாதிரி அல்ல. அவர்கள் நினைக்கிறார்கள் அவைகள் அவர்களுடைய பாட்டன் சொத்து என்று. அவைகள் அவர்களுடைய சொந்த சொத்து அல்ல, அரசாங்கத்தின் எஜனாக்களாக அவர்களை நியமித்தார்கள். அப்படி நியமித்த காலத்தில் எவ்வளவு வரி வசூலித்துக்காட்டவேண்டுமோ அதை விட எண்மடங்கு ஏழைகளிடத்திலிருந்து வரிப்பணமாக வாங்கி அரசாங்கத்திற்குக் கொஞ்சமும் அவர்கள் முக்கால் பாகமும் எடுத்துக்கொண்டும் சுகபோகமாக வாழ்ந்துகொண்டு இருக்கிறார்கள். அப்படி சுகபோகமாக வாழக் கூடிய பெரிய ஜமீன்தார்கள் எங்களுடைய சொத்து என்று நினைத்து இன்றைக்கு இந்தமாதிரி சட்டம் கொண்டுவந்துவிடப்போகிறார்கள் என்ற பொருளையினால் இன்று அவர்கள் தங்கள் ஏரியாவில் இருக்கக்கூடிய மக்களை துன்புறுத்திக்கொண்டு வருகிறார்கள் என்பதை காணும்போது மிகவும் ஆச்சரியமாக இருக்கிறது. எவ்வளவு கொடுமைகள் இந்தக் காலத்தில் செய்யமுடியுமோ அவ்வளவுணைத்தையும் ஜமீன் ஏரியாவில் செய்யப்பட்டு வருகிறது. அதோடு இனி மக்கள் இவையனை பார்த்துக் கொண்டிருக்கவும்முடியாது. ஏன் எச்சரிக்கை செய்ய விரும்புகிறேன் என்றால் இன்று மக்களுடைய அரசாங்கம் நடக்கிறது, ஜனநாயக அரசாங்கம் நடக்கிறது. கொடுமைகள் செய்துகொண்டு அவர்களை குறிக்கோலாக வைத்துக்கொண்டு வாழலாம் என்று நினைத்துக்கொண்டிருந்தால் இனி இதேசெய்தில் பெரும் புரட்சி நடக்கும் என்பதை இந்த நேரத்தில் ஜமீன்தார்கள் உணரவேண்டும். ஜமீந்தார் வர்க்கத்தை போற்றுவதற்காகத்தான் இங்கே பலர் இருக்கிறார்கள் அவர்கள் தங்களுக்கு சட்டம் இருக்கிறது என்று சொல்லலாம். அந்த மாதிரி சட்டங்கள் இனி மக்கள்

20th January 1948] [Sri M. Kanniyappan]

ஒன்றும் செய்யமுடியாது என்பதைசொல்ல விரும்புகிறேன். பொறுமை யோடு நிதானித்துப்பார்த்தாலும்கூட மக்களுடைய புரட்சிதான் அதிகமாக வந்துகொண்டிருக்கிறது. இதை உடனடியாகச் செய்யவேண்டும் என்கிற நோக்கத்தில்தான் இன்றையதினம் அவசரமாக இந்த 'பில்லை' கொண்டு வருவதற்கு முயற்சித்தார்கள் என்று நினைக்கிறேன். இன்னும் நாம் ஜமீன் area-வில் சென்று பார்த்தால் 150 ஆண்டுகளாக அவர்கள் வாங்கி வரிப்பணத்தில் அங்கே இருக்கிற ஏரியை செப்பனிடவேதையும் அங்கே இருக்கிற மக்களுக்கு வேண்டிய சலுகைகளையும் செய்திருக்கிறார்கள் என்று பார்த்தால் ஒன்றுமே இல்லை. பார்ப்பது பல ஜமீன் area இருக்கின்றன. குடி மக்கள் கட்டக்கூடிய பணத்தை நீங்கள் அரசாங்கத்தின் கணக்கிலிருந்து பார்த்தால் கூட தெரியும், முதலில் அந்த area-வில் எக்கர் ஒன்றுக்கு ரூ. 7-8-0 ஆக இருந்தது வரி இன்று எக்கர் ஒன்றுக்கு ரூ. 32-ம் சில்லையும் வரியாக வசூலிக்கப்படுகிறது என்பதைக் கணாலாம். பொதுவாக செங்கல்பட்டு ஜில்லாவில் பல ஜமீன்கள் இருக்கின்றன. அந்த area-க்களில் எவ்வளவோ கொடுமைகள் நடைபெற்றுவருகிறது. ஒரு ஜமீன் area-வில் ஒரு அணைக்கூட கட்ட முடியாமல் இருந்த நிலைமையில் இப்பொழுது அங்கே பார்த்தால் இன்று அவர்களிடமிருந்து ரூ. 35-க்கும் அதிகமாக வசூலிக்கப்பட்டு வருகிறது. இதை எதற்குச் சொல்லுகிறேன் என்றால் செங்கல்பட்டு ஜில்லா ஜமீன் area-வில் எவ்வளவு கொடுமை நடக்கிறது என்பதை நீங்கள் பார்க்க வேண்டுமென்பதற்காகத்தான்.

“நான் இன்னொன்று சொல்லுகிறேன் இனாம்தார் என்று இப்பொழுது சொல்லுகிறார்கள். இனாம்தாரில் பல இனாம்கள் இருக்கின்றன. அதில் முக்கியமானது ஆண்டவனுக்குக் கொடுக்கப்பட்ட இனாம். இதைக்கூட எதிர்க்கிறார்கள் இந்த காங்கிரஸ்காரர்கள் என்று சொல்லுகிறார்கள். இன்னும் இவர்கள் சுயமரிபாதைக்காரர்கள் என்று சுவர்ன்மெண்டாரிடம்கூட கூப்பாடு இடுகிறார்கள் பல ஆட்கள். இது நியாயமான என்பது புரியவில்லை. ஆண்டவன் போல் எவ்வளவோ காரியங்கள் நடைபெறலாம் எவைகள் நடைபெற்றாலும்கூட அவைகளை ஆண்டவன் பார்த்துக்கொண்டிருக்கமாட்டான். ஆண்டவன் குழைந்ததைக்கொடிய நாமும் பார்த்துக்கொண்டிருக்க முடியாது. இதை யோசித்துதான் இனாம்தார் பிரச்சனையக்கூட அவசியமாக எடுத்துக்கொள்ள வேண்டுமென்கிற கருத்து. அதற்காகவே அதையும் சேர்க்கப்பட்டிருக்கிறது. அதற்குக் காரணம் என்ன. இனாம்கள் பல கிராமங்களை விடப்பட்டிருக்கிறது. அப்படிவிடப்பட்ட கிராமங்களிலிருந்து வரக் கூடிய பணத்தைக்கொண்டு ஆண்டவனுக்கு சிலவிடப்பட வண்டும். ஆனால் அதைப் பார்த்துமபோது அங்கே சுற்றி இருக்கிற கூட்டம் தான் சாப்பிட்டுக் கொண்டிருக்கிறது. உண்மையாக கடவுளுக்கு சிலவு செய்யவே இல்லை இதை மிகவும் தைரியமாக சொல்லலாம் என்பதை இங்கே சொல்லப்பிரியப்படுகிறேன். ஆகையால் இதை உடனடியாக எடுத்துக்கொள்ளவேண்டியது அவசியம். அதற்காக ஏதோ பணம் கொடுக்கப்போகிறோம் அந்த பணத்தைக்கூட ஒரு குறிப்பிட்ட ஆட்களுக்கு அதாவது ஆண்டவனுக்கு செலவு செய்யாதவர்களுக்கு கொடுக்காமல் நேரடியாக அரசாங்கம் எடுத்துக் கொண்டு அதை ஆண்டவனுக்குச் செய்யவேண்டும். அரசாங்கம் பல சிப்பந்திகளைப்போட்டு நடத்தினால் ஆண்டவனை காப்பாற்ற முடியும் என்பதை திண்ணமாக சொல்லப்பிரியப்படுகிறேன். ஏதோ சில சட்டம் படித்தவர்களும் ஆண்டவன் அடிமையில் பத்தியுடையவர்களும் இங்கே கூப்பாடிட்டு பல கூட்டங்களும் போட்டிருக்கிறார்கள். பார்த்தீர்களா காங்கிரஸ்காரர்கள், இனாம்தார்கள் பிரச்சனையை கொண்டுவந்து சொல்லுகிறார்கள் காந்திஜி வனுக்கு சிலவு செய்ய வேண்டாம் என்று சொல்லுகிறார்கள் காந்திஜி பத்தர்கள் என்றுகூட சொல்லிக்கொள்ளுகிறார்கள் காந்திஜியின் பத்தர்களாக இருந்தபோதிலும் சென்னையில் பல கூட்டங்கள் போட்டு பேசி இருக்கிறார்கள் காந்திஜி சொன்னவைகளை அவர்கள் நன்றாக கவனித்துப் பார்க்கவேண்டும் எப்படி எப்படி செய்யவந்தோமோ அப்படிச் செய்யவேண்டும். சட்டம் படித்தவர்களாக இருந்தாலும் சரி காந்திஜியின் பத்தர்களாக இருந்தாலும் சரி யோசனை செய்து திருத்தம் இல்லாமல் காணா அவர்கள்

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AND CONVERSION INTO RYOTWARI) BILL, 1947

[Sri M. Kanniyappan] [20th January 1948]

கொண்டுவந்திருக்கிற பில்லை ஆதரிப்பதுதான் நியாயம் என்பதை நான் சொல்லப் பிரியப்படுகிறேன். அதுதான் கட்டுப்பாடு, சுட்டுப்பாட்டை நடைமுறையில் காட்டவேண்டும். அவர்கள் சுட்டம்படித்தவர்களாக இருந்தாலும் இருக்கலாம்.

“கடைசியாக எதோ அவர்களுக்கு பணம் கொடுக்கப்போகிறோம். அப்படி பணம் கொடுக்கிற விஷயத்தில்கூட கொஞ்சம் நிதானத்துடன் இருக்கவேண்டும். ஏன் இதைச் சொல்லுகிறேன் என்றால் இவர்கள் இத்தனை நாட்களாக ஏழைகளை வைத்து கொடிக்கணக்காகப் பணத்தை சம்பாதித்து வைத்திருக்கிறார்கள். அவைகளை நாம் இப்பொழுது பிடுங்கிக் கொள்ளப்போகிறோம். அவர்களுக்கு எவ்வளவு கொடுக்கவேண்டுமென்பதை நம்மகாணத்தின் வருமானத்தைக்கொண்டு நிர்ணயம் செய்யவேண்டும். அதிகமாகக் கொடுப்பதை மக்கள் ஒப்புக்கொள்ளமாட்டார்கள் என்று பகிரங்கமாக சொல்வது காரை வெங்கட்டான் அவர்களுக்குத் தெரியும். நேற்றுசுட ஒரு மணி நேரம் அந்தியன் மனா நாட்டில் இந்த ‘பில்லை’ க்குறித்து பேசினோம். ஸ்டீவ்ஸ்க்கும்கூட மக்கள் பணம் கொடுக்காமலேயே நிறைவேற்றுவது உத்தமமானது என்று சொல்லுகிறார்கள் என்று சொன்னோம். அப்படி சொன்னபோது அப்படி திட்டங்கள் போடுவதற்கு சுட்டம் இடம் கொடுக்கவில்லை, சுட்டத்தின் பிரகாரம்தான் செய்யவேண்டும். அப்படி செய்வதாக இருந்தால் கொஞ்சம் நான் கழித்து தான் செய்யலாம். அதற்காகத்தான் கொஞ்சமாவது பணம் கொடுத்து விட்டு இப்பொழுதே செய்துவிடலாமென்று நினைத்து எக்கர் ஒன்றுக்கு ரூ. 6 என்று குறைந்த அளவில் செய்கிறோம். என்னை நம்புங்கள் என்று வாக்குறுதி கொடுத்தார்கள். அதை உத்தேசித்துதான் சொல்லுகிறேன்.

“பொறுக்குக் கமிட்டியிலும் நியாயத்தின் பெராலும், உத்தியோகத்தின் பெராலும், திறமையின் பெராலும் நடக்கிறவர்களைத்தான் கேட்கவேண்டும். பெரிய பணக்காரர்களையும் மூட்டைகளையும் போடவேண்டாது. ஜமீந்தார்கள் சிநேகிதர்களையும் போடக்கூடாது என்று எச்சரிக்கை செய்கிறேன். பொறுப்புள்ளவர்களையும், மக்களின் உண்மையை தெரிந்தவர்களையும் சுட்டம் தெரிந்தவர்களையும், உண்மை காங்கிரஸ் ஊழியர்களையும்தான் இந்தக் கமிட்டியில் போடவேண்டும். அப்படி போட்டு கமிட்டியில் நியாயம் வழங்க வேண்டும். அதுதான் தர்மம். அதைச் செய்துவிட்டு உடனடியாக இந்த ‘பில்லை’ சுட்டமாக்கவேண்டுமென்று கணம் காரை வெங்கட்டானை கேட்டுக்கொள்ளுகிறேன். கமிட்டியில் ஆட்சிப்போட்டுவிட்டு எவ்வளவு கூடாது. வெளியிலும் இப்பிரச்சனையைக் குறித்து பலர் பேசுகிறார்கள். அவர்களை இந்தக்கமிட்டியில் போட்டால் இந்த ‘பில்லை’ன் பல பாகங்கள் கேவலமாகி தீயிற்றுவிடும். இப்பொழுது இருக்கும் சுட்டமே மாறுபட்டு வரும். பொறுத்த கமிட்டியில் சுட்டம் செய்ததைத்தான் ஒத்துக்கொள்ள முடியும் என்று சொல்லுகிற அளவில் எடுத்துவிடும். ஆகையால் கமிட்டியில் நியாயத்தை உத்தேசித்து நியாயத்தின் பெராலும் தர்மத்தின் பெராலும் உழைக்கிறவர்களைத்தான் போடவேண்டும் என்று கேட்டுக்கொள்கிறேன்.

“இன்னும் அதிகநேரம் பேசுவதற்கு பிரயோஜனமில்லாததோடு முடித்துக்கொண்டு அவர்கள் செய்கிற காரியம் நல்லதாக இருக்கவேண்டுமென்றும் அதுவும் மக்களுக்கு நல்லதாக இருக்கவேண்டுமென்றும் சொல்லிக் கொண்டு அவர்களுக்கு ஆண்டவன் துணை புரிவார் என்றும் மக்களும் அவர்களுக்கு துணைபுரிவார்களென்றும் சொல்லிக்கொண்டு என்னுடைய வார்த்தையை முடித்துக்கொள்ளுகிறேன்.

* SRI K. VARADACHARI:—“Mr. Speaker, Sir, I rise to support this motion for referring this Bill to a select committee. In doing so, I see that the Government have taken care to have this Bill thoroughly looked into and scrutinized by a large body of members of this Legislature for the first time consisting of nearly 30 members. I apprehend that their intention is that in a

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matter like this, a legislation affecting a large body of conflicting interests, there should be a thorough examination of all the problems and of all interests affected so that justice may be done to all the sections affected. If that were so, I would like to mention a few points that have to be borne in mind both by this House as also by the select committee that may be chosen for the examination of this measure.

“In the first place, Sir, the House or the select committee has to find whether this Bill which seeks, as it is said, to abolish the system of zamindaris in this province, is really a Bill which abolishes that system or whether it is one that is intended to acquire the supposed interests of the zamindars in the estates covered by this Bill. In fact I was rather astounded to see how the Law Secretariat should have introduced the words ‘acquire the interests of the zamindars’ in the very Preamble of this Bill. The acquisition of the interest, as it is mentioned in the Preamble of this Bill, can connote only that the Government recognizes the proprietary interest of the zamindar in all these estates. It is not my intention to say whether the acquisition of right or recognition of the proprietary right is right or wrong at this stage. But if you mean suggesting to the world through this Legislature that this measure is to abolish the zamindars, it is not safe to describe it ‘as acquisition of the interests of the zamindars’ in the estates covered by this Bill. That is my first point. I would like that the Government hasten to correct this language if they do not really believe in the recognition of proprietary rights in the estates and want to stick to the finding arrived at in the Prakasam Committee’s Report. You may remember that that Report gave its finding that the zamindar was a rent collector. In fact, the then Premier Sri C. Rajagopalachariar made a wonderful speech on the floor of the Assembly wherein he defended the position taken up by that Report and declared that the zamindar was no better than a tahsildar. I have to bow to the opinion of a great politician and statesman like Sri Rajagopalachariar and to a man of great experience in the history of, and the law relating to, estates like Mr. Prakasam. I would like to know whether this finding is accepted by the present Government or not. I have no quarrel if the Government take up either of the two positions. But if they accept the finding of the Report, to be consistent with such a position, they should not describe the zamindar as a proprietor or land owner. This measure abounds with these terms and the word ‘proprietor’ is used in almost every section. If the Government do not believe in the proprietary interest of the zamindar in his estate, they should delete altogether expressions which go against the finding of the Prakasam Committee’s Report. That is my first submission with regard to the object or principle of the Bill.

“With regard to compensation, for a history of the recognition of the principle of compensation, we have to go back to the time when the first Congress election manifesto prescribed the abolition of all intermediaries between the Government and the cultivating

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ryot and said that their interests must be abolished on payment of equitable compensation. The manifesto was issued at a time when the Government of India Act, 1935, with all its veto powers vested in the Governor-General and the Secretary of State, tied down the hands of the provincial governments in regard to legislation relating to estates. The Secretary of State had the power to reserve any Bill affecting zamindari interests for the consideration of His Majesty in Council. The Governor-General also had a similar power. Therefore legislation which sought to abolish the zamindari tenure itself was bound to get the assent of not only the Governor-General but also of His Majesty in Council. Under those limitations, the principle of equitable compensation for the abolition of the zamindari system was enunciated in the Congress election manifesto. The words 'equitable compensation' must be understood not only in the context in which they were used but also in the context of the history of the period in which the manifesto was issued. Therefore when the Congress speaks of equitable compensation, it need not make it incumbent upon us to think of compensation on the lines adumbrated in this Bill or as is suggested by the supporters of zamindars. (Interruption by the Hon. Sri Kala Venkata Rao.) The Hon. Revenue Minister asks: 'Suppose the High Command of the Congress still sticks to the meaning which we are now attaching to equitable compensation, what are you going to do?' I must say I bow to its decision. But I say that the High Command has not applied its mind to the words 'equitable compensation' in the altered circumstances of to-day. Even now it has forgotten the context in which it first used those words and has not had the opportunity to interpret them in the light of the present conditions. Therefore it is that my Friend hon. Mr. Prakasam has been frequently mentioning '15 of August,' 'Independence,' 'Freedom,' 'Popular vote,' and the 'Rights of a people under a democratic government.' I am thinking only on the lines he advocates. The words 'equitable compensation' should be understood in the light of the atmosphere in which we are now bringing forward a legislation of this kind. It is not my intention to press upon this House that the zamindars should not be paid anything, that they should be made paupers or beggars and turned out into the streets, or that they should be called robber chiefs or mountain chiefs. It is absolutely unkind of us to use such expressions and they are uncalled for in the business which we are now discussing. My friend Mr. Raghavaya overshot the mark in using these words with reference to the zamindars. When his intention was to see that heavy compensation was not paid to the zamindars under cover of the election manifesto, in supporting his argument he used expressions which were absolutely uncalled for and for which I feel very sorry. Equitable compensation should be understood in the light of the position taken up with regard to the status of the zamindar, namely, that he is a mere rent collector. Equitable compensation to any public servant who, after rendering meritorious service, retires from the field means only a subsistence allowance for him. In this case, we can easily grant a permanent allowance to not

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only the zamindar but also his descendants instead of thinking of the ways and means for finding crores of rupees for payment of compensation for the acquisition of zamindaris. I think that the East India Company which ruled even before His Majesty had much more practical commonsense in dealing with cases of this kind. We find that even to-day several palaigars, whom my Friend called robber chiefs or mountain chiefs, have a number of estates under their control. These zamins had been resumed even in the days of the East India Company. (Mahboob Ali Baig Sahib Bahadur: 'What about the Permanent Settlement?') The East India Company entered into this settlement at a later stage. Even in the year 1757, I find from public records that there had been resumption of estates over which power was exercised by the zamindars and palaigars. When the estates were acquired, what the East India Company did was to fix a permanent allowance for the zamindars or palaigars and their descendants. The ryot was anxious about the abolition of the zamindari system, meaning thereby something else than what we are doing under this Bill. Being unable to survive the tyranny exercised by the zamindar over him, the ryot wanted relief. We are now technically abolishing the zamindari principle itself. That is not what he really wanted. He did not understand what this technical abolition would mean. What is the position to-day? It is not the ryot that is very anxious about the technical abolition; it is the zamindar that is really anxious about the abolition of zamindaris. The zamindar feels that he cannot get on any more with a turbulent ryot population under him and wants that he should be relieved of his estates. Therefore he is pitching his demand for compensation at the highest level.

"I must mention one other point. We have known the history of the zamindari families in this province. You may remember that in 1904 the Provincial Government had to go to the rescue of the zamindars because they found that the zamindars were running into huge debts and alienating their estates. The result was that the estates became dismembered. Kalahasti Estate consisting of nearly 800 villages has gone out of the hands of the zamindar. Similarly Karvetnagar Estate, which consists of an equal number of villages, has completely gone out of the hands of the zamindar. These zamindars are no more than paupers to-day. It was taken away by hundreds of individual private proprietors. None of them belonged to any of the zamindari families, except perhaps one or two in the Kalahasti taluk. That is why the Government had to come to their rescue and pass an Act known as the Imparitable Estates Act by which all debts contracted by persons not for the purposes of their estate, but for their private purpose were not to be recognized by any court of law and that all alienations of land made in respect of such debts were held to be invalid. That was the sort of legislation that was brought in and under the cover of that legislation all these estates have been allowed to survive during the last 45 years. Otherwise all these estates would have gone to pieces long ago.

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"Knowing all these things, are we doing a social thing now by this measure? Certainly we are doing a most unsocial thing by placing in the hands of these zamindars large sums of money by way of compensation. We are inviting upon ourselves the curses of the heirs and descendants of these zamindars for having placed these large sums in their hands and allowing them to fritter them away. There is no doubt that all this money would go into smoke to-morrow. This is not the way to deal with the zamindars who have, by their own history shown themselves to be impecunious and who were never capable of keeping money in their own hands. If they had been wise, and if they had been husbanding their resources properly and with foresight, they would not be clamouring for compensation to-day at the hands of the Government. I submit, Sir, that we are not doing the right thing, the just thing and the equitable thing towards these zamindars by offering them large sums of money by way of compensation and I positively declare that it would be a very immoral thing that any civilised Government would be called upon to do in the year 1948. I therefore suggest, Sir, that the best means of interpreting the words "equitable compensation" used in the Congress election manifesto would be to award such compensation by way of permanent maintenance to their families on a reasonable basis. Otherwise we would be called upon to resort to the alternative method of finding this money by levying a betterment tax, which is now newly invented, for the purpose of financing the zamindari legislation. What will be the result? You will neither be pleasing the zamindar because you cannot give in full, the quantum of compensation which he is claiming, nor the particular section of people for whose benefit this measure is intended, because when you impose a betterment tax, it will only fall on these ryots and when that population becomes vociferous to-morrow and agitate against this additional burden on their land surely the Government will find themselves in hot waters with them. On the one hand, you have sought to reduce the rent roll on these lands by the legislation you have recently passed; on the other hand, you are imposing a betterment tax upon them for the purpose of meeting the claims of the zamindars for compensation. Therefore what has gone in one way will enter through the other way. Why should the Government unnecessarily allow themselves to be caught in a morass of this kind? We are simply leading ourselves into a confusion. The whole scheme, Sir, I submit, is not well conceived and well-planned. A scheme planned on right lines should be able to take away the sting from off the zamindari system. What is it that the ryot wants? He wants that the rent should be reduced to the lowest possible level so as to enable him to produce the food that is necessary for the people of the country. Secondly he wants that the forests should be preserved without their being unnecessarily denuded by the inordinate grant of leases by the zamindars. The Forest Act gives power to the Government to take over these forest lands from the zamindars, including the irrigation sources. At present the village

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officers have no right to collect rents in these zamin areas, because the zamindars do not want the Government officers to collect their rents. They are now handled by non-official agencies. But hereafter these village officers may be entrusted with the collection of rent in the zamindari areas also and a provision to that effect may be included in the present Bill. Thus all the revenues derived in this manner may be kept in the hands of the Government. Also a provision similar to the one in section 3 (4) of the Rent Reduction Act which seeks to make a deduction in rent, may be incorporated in the present Bill and a portion of the rent thus realized may be paid to the zamindars as maintenance allowance. Then there will be no need to impose any betterment tax for raising these 10 or 20 crores of rupees which are required for payment of compensation to the zamindars. I therefore submit, Sir, that the principle of equitable compensation which has been enunciated in the Congress election manifesto has to be interpreted in the light of the situation in which this country finds itself to-day under the independence and freedom that it has obtained since 15th August 1947. The term 'equitable compensation' need not be taken to mean the value of the property. It can be taken to mean compensation by way of maintenance allowance to the zamindars and our object should be to see that the zamindars do not suffer by the abolition of the zamindari system. Then only will this measure be for the real abolition of the zamindari system. Otherwise you are simply acquiring the proprietary interest of the zamindars by payment of compensation which you have no right to do, unless you are going to say positively that you entirely disagree with the findings of the Prakasam Committee. That is my submission, Sir, with regard to compensation.

"Sir, there is another obnoxious feature in this Bill which the Government have not chosen to apprehend. It is not as if the Government have deliberately allowed it to be retained; perhaps it may be due to an imperfect understanding of the prior legislation with regard to private lands. Sir, under the Estates Land Act of 1908 'private land' has been defined as one of the items of property and the exact definition given under section 3 (10) of that Act for private property is this: 'The domain or home-farm land of the land-holder by whatever designation known such as *Kambakkam*, *Sir* or *Pannai*'. You will observe, Sir, that there can be no definition which is more wide than this. When we come to 1936, 28 years later, political considerations impelled the Government of that day to amend the Estates Land Act and the Rajah of Bobbili who was then at the head of the Ministry introduced certain amendments to the Act of 1908 which hit hard a certain section of the people, most of them being small namdars. People holding 10 acres, 5 acres and even less were classed as *namdars* and they were brought within the provisions of the Amending Act. Statistics have been gathered with regard

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to these people who were affected by that Act and my hon. Friend Mr. Vaidyanatha Ayyar has got a complete statement of the position of these small inamdars.

"Sir, you may remember that when Mr. Vaidyanatha Ayyar wanted to move an amendment to exclude inams from the operations of the other Bill, I stood up and opposed that amendment. I do oppose it even now, but my opposition to the exclusion of inams does not blind me to the need for doing justice to that poor section of the ryoti population. The mere term 'inamdar' because it has got mixed up with the term zamindar should not render the inamdar obnoxious and the inamdars should not be made to suffer any cruel treatment at the hands of a civilised Government. I submit, Sir, that these inams are of various kinds. People are forgetting that there are many inam villages which may be analogous to the zamindari villages, but really they are not zamindaris in the true sense of the term. Certain villages have been granted to the inamdars by the zamindars wherein the kudivaram interest alone vests with them, while the melwaram interest has been transferred. Such villages are analogous to the zamindari villages. But there are cases where waste lands, jungle lands and even forest lands have been granted from these estates to ryots for the purpose of reclaiming them and bringing them under cultivation, for establishing irrigation sources and for producing foodgrains out of the lands and such lands cannot be deemed to be analogous to the zamindari lands. It would be absolutely wrong and inequitable to put them on the same footing as zamindars. I therefore submit, Sir, that these inams should be treated in the manner in which they deserve to be treated, namely, that the melwaram inamdar for all practical purposes, should be treated just like the zamindar himself and that the kudivaram inamdar who has reclaimed large extents of waste lands and jungle lands and made them fit for cultivation to-day by establishing irrigation sources and who has spent large sums of money over them, should be given special consideration. Even in such cases, Sir, I do not mean to say that compensation should be paid on the same basis as claimed by the zamindars. In many cases you will find that these villages have either passed on to their heirs and descendants of those who possessed the kudivaram interest or to other people to whom they might have transferred or sold their lands and in such cases, only small plots of land now remain with the ryots. Why I am mentioning this is that by taking cover under an amendment Act introduced to the Madras Estates Land Act, 1908, in the year 1936, the Government of the day had committed a most inequitable, unjust and immoral act by bringing all these small holders under that Act, with the result that anybody who has squatted on a piece of land yesterday can be deemed, under the rules prescribed under the Madras Estates Land (Amendment) Act 1936, to be a zamindar or an inamdar and can be deprived of the small extent which he has in his hands. That is the present position, Sir."

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MR. SPEAKER:—"The hon. Member can continue his speech to-morrow if he cannot finish it to-day."

SRI K. VARADACHARI:—"I would require another 15 minutes to finish my speech, Sir. I shall continue it to-morrow."

SRI M. BAPINEEDU:—"Sir, whenever we re-assemble for a session, I submit, it is better that the Hon. the Speaker gives us an indication of the programme of work for the House during the session, so that Members might arrange their private business according to their convenience."

MUHAMMAD RAZA KHAN SAHIB:—"You are the Chief Whip of the Party and you ought to know better."

MR. SPEAKER:—"We are meeting to-morrow, the 21st, day-after to-morrow, the 22nd and on the forenoon of the 23rd. The Council meets in the afternoon of that day. We adjourn at 1 o'clock on the 23rd and meet again on the 29th. From the 29th we sit continuously till we finish the business on the agenda. We will continue our discussions on this Bill to-morrow and the day after and finish with this Bill on the 22nd."

SRI R. V. SWAMINATHAN:—"Can we not discuss this Bill on the 23rd also, Sir?"

MR. SPEAKER:—"It is not necessary. We will finish our discussions on this Bill on the 22nd and on the 23rd we have got some other small Bills which we shall take up."

"The House will now adjourn to meet again at 11 o'clock to-morrow."

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

The Madras Home Guards Ordinance, 1948 (Ordinance No. 1 of 1948).

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 21st January 1948.

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

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

I.—ADJOURNMENT MOTION ON FOOD SITUATION.

MR. SPEAKER:—“The hon. Member Mr. Anandan Nambiyar has given notice of a motion under rule 36. The motion reads as follows:—

‘I hereby give notice of a motion to adjourn the business of the House to discuss the following urgent matter of public importance, viz.—

“The serious situation created due to the cancellation of the informal rationing as a part of decontrol in the rural parts of the deficit districts of Ramnad, Tinnevely, Coimbatore, Madurai, Salem, etc., and the cancellation of the statutory rationing in the rural parts of Malabar taken in pursuance of the Government’s declared policy of giving up the responsibility of feeding the people in the midst of a serious food crisis which has caused:

- (i) a famine condition in the Province;
- (ii) huge rise in prices of food grains;
- (iii) mass migration of hundreds of families to adjacent districts in search of food; and
- (iv) numerous cases of attack of cholera and such other epidemics causing several deaths.”

I wish to know whether the Leader of the House wants to say anything on the matter.”

THE HON. DR. P. SUBBARAYAN:—“Mr. Speaker, the policy of decontrol has been pursued because the Government of India felt that it was impossible to go on spending the amount of money the Government had had to spend to get food from outside. And besides there was a feeling that if decontrol came, people might be able to get their food. That was the reason. The policy of decontrol is also being pursued in a gradual manner. I do not admit the hon. Gentleman’s promises and all that he has said in his motion: I cannot see the urgency of it either, because my Colleague the Hon. Minister in charge of food is issuing statements almost once in three days reviewing the situation as it obtains in the Province. The Government are keeping a very careful watch over this matter and as I explained before, they are issuing statements time and again and if necessity arises my Colleague, the Member in charge of Food, is prepared to make a statement to

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satisfy the hon. Members of this House. I can assure the House that there is not the danger envisaged by the hon. Member who has proposed this motion. I hope the hon. Member will now feel satisfied and will not press his motion for adjournment, but if he does, I will have to oppose it."

MR. SPEAKER:—"In view of the explanation given by the Leader of the House that the Hon. the Food Minister is prepared to make a statement here and then we shall have a full dress debate on the statement, I hope the hon. Member will not press his motion."

* SRI K. ANANDAN NAMBIYAR:—"I shall be thankful to know when the statement will be forthcoming in order to satisfy not only myself but the whole people because the situation is very critical. If the statement will be forthcoming tomorrow, I am prepared to withdraw."

THE HON. DR. P. SUBBARAYAN:—"I shall explain, Sir. There is no question of making a statement now. I said that if the situation warrants the making of such a statement, my hon. Colleague may make one. As far as we can envisage, the situation at the present time, I do not think such a statement is warranted in view of the fact that information is being given to the public from time to time."

MR. SPEAKER:—"By means of press communiqués."

* SRI K. ANANDAN NAMBIYAR:—"From the information that we get from the Press and the information that we get through our own agencies and things that we see with our own eyes—I have visited several places and seen what is happening in Malabar—I think that decontrol has created a very serious situation."

MR. SPEAKER:—"I wish to know whether the hon. Member is pressing it."

* SRI K. ANANDAN NAMBIYAR:—"I am pressing the motion, Sir. If there will be a statement forthcoming tomorrow or the day after tomorrow I am prepared to wait."

MR. SPEAKER:—"The hon. Member could not expect a statement tomorrow or the day after because we have got the Zamindari Bill to debate. Therefore it won't be possible. The hon. Member should take into consideration the convenience of the House."

* SRI K. ANANDAN NAMBIYAR:—"I am certainly aware of it, Sir. I want to give the Government as much time as possible. At least if the statement would be forthcoming before the end of this meeting, that is, the 23rd, I can wait and a debate can be had afterwards."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, Sir. It is not entirely as if the adjournment motions are only for the Government to make a statement. We are here to give our own views and unless an adjournment is allowed we cannot say here what we want to say in the matter."

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MR. SPEAKER:—"The hon. Member has thoroughly misunderstood. First I must admit the motion. After admitting the motion I shall take the sense of the House and know whether the House will allow the motion for which 35 Members should stand. And then there will be a debate."

"As far as the Chair is concerned the motion is perfectly right. I would like to know whether the House gives permission. Those who are for the motion please stand."

(Sri Pillalamarri Venkateswarlu and Sri K. Anandan Nambiyar stood up.)

MR. SPEAKER:—"The House has not given permission to the hon. Member, Mr. Anandan Nambiyar, to move the motion."

II.—THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947 (L.A. BILL No. 37 OF 1947)—cont.

SRI K. VARADACHARI:—"Mr. Speaker, Sir, yesterday in dealing with the question relating to private lands in the estates, particularly with those in inam villages I was mentioning that in so far as the inam villages were concerned there were two distinct major classes of inams, one class relating to those in which the kudivaram interest was already vested in the hands of the cultivating tenants and the other in which the melvaram was parted with by the zamindar in favour of the grantee. I said that it was a case analogous to the zamindari proper. But in other cases where waste lands, jungle lands and various other lands were assigned by way of inam grants and the inamdars were asked to clear the lands and make them into a village and then make the lands fit for cultivation, those inams should not be classed along with the main zamindar's estates or other inam villages where the melvaram alone was transferred. I said that these villages have changed hands and several alienations have taken place from time to time. Even in the case of the original grantees their descendants have divided those villages among themselves, so much so, several villages are really not villages but small parts of villages in which each sharer had less than five acres or about 10 acres and at the most 20 acres. In such cases these lands should be given away to those people on patta by fixing a certain rent or kist under the ryotwari system or any other system that may be introduced tomorrow. I submit that the Government need not think of paying any compensation for acquisition of those estates. The people who are in possession of these small bits of land and who are depending on it for their living should be given pattas and these people should not be put to a disadvantage by the provisions of this Bill. I make a strong plea that when this measure goes before the Select Committee they should thoroughly examine the question and not victimise these small land owners who are dependant for their living upon these parcels of lands. The same procedure that is adopted for other estates need not be adopted for villages of this kind, where people own small bits of land. They do not expect any compensation to be paid provided they are allowed to use the lands in

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their possession to be enjoyed by them. There is absolutely no equity in paying compensation to these people after taking away their lands and giving them to others who have never seen those lands or who may claim even by adducing false evidence that they have been squatting on those lands till yesterday. In 1936, for the first time, certain rules of evidence, some uncouth rules which would go against the spirit and the tenor of the rules contained in the Evidence Act itself, have been incorporated in the amended measure. (Interruption by the Hon. Minister for Revenue.) This measure does not contain those rules of evidence. I am referring to the provisions of the Amendment Act of 1936. If that danger occurs again all these small owners would be pauperized. Therefore care should be taken to see that those abominable rules of evidence which are incorporated in the 1936 Amendment are removed from their application to this Bill, which we are going to pass into law very soon. I will illustrate my point, Sir, by simply reading the provisions of the Act as they were amended in 1936. I said yesterday that clause (10) of section 3 of the Estates Land Act, 1908, defined private land in a short way. I shall read the portion relating to it. 'Private land means the domain or home-farm land of the landholder by whatever designation known, such as kambattam, khas, sir, or pannai . . . For the first time in 1936 we had a definition of private land which was intended for the purpose of incorporating these lands in the Act. Certain other provisions relating to the procedure and evidence for the purpose of seeing that these small landholders were hit hard were also incorporated by this amendment. The definition of private land in clause (10) of section 3 of the Estates Land Act, 1908, as amended in 1936, reads—

'Private land

(a) in the case of an estate within the meaning of sub-clause (a), (b), (c) or (e) of clause (2) means the domain or home-farm land of the landholder by whatever designation known, such as kambattam, khas, sir, or pannai, and includes all land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the commencement of this Act.'

11-15 a.m. Before the commencement of the Act means the landholder must have proved that 12 years before 1908 he was in cultivating possession of the lands, that is, it takes us back to the year 1896. The landholder in 1936 was called upon to prove that he was in possession of the land before 1908 for 12 years. That was the definition given for private land. Paragraph (b) contains four sub-paragraphs for defining private land. They are—

(b) in the case of an estate within the meaning of sub-clause (d) of clause (2), "Private land" means—

(i) the domain or home-farm land of the landholder, by whatever designation known, such as kambattam, khas, sir, or pannai; or

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(ii) land which is proved to have been cultivated as private land by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the first day of July 1908, provided that the landholder has retained the kudivaram ever since and has not converted the land into ryoti land; or

(iii) land which is proved to have been cultivated by the landholder himself, by his own servants or by hired labour, with his own or hired stock, for a continuous period of twelve years immediately before the first day of November 1933, provided that the landholder has retained the kudivaram ever since and has not converted the land into ryoti land; or

(iv) land the entire kudivaram in which was acquired by the landholder before the first day of November 1933 for valuable consideration' and so on.

This is a big paragraph, and I do not want to read the whole paragraph. What I am submitting, Sir, is that this elaborate definition of private land was intended mainly for the purpose of hitting at the poor inamdars who have small parcels of land in their enjoyment and to take away from them lands and give them to persons who squatted on the land at half-yearly, annual or biennial leases paying waram to the landholders. When we come later on to the procedure laid down for determining which land was private and which land was not private, we come across a curious set of rules framed under sections 183, 184, 185, 185-A and 185-B of the Act. Sections 185-A and 185-B were included only for the purpose of covering those lands which were not covered by the definition of private land in clause 10 of section 3. These are curious provisions. I do not want to read the whole sections, but I wish to draw your attention to section 185 regarding rules of evidence. The section says:

'185. When in any suit or proceeding it becomes necessary to determine whether any land is the landholder's private land, regard shall be had—

(1) to local custom;

(2) in the case of an estate within the meaning of sub-clause (a), (b), (c) or (e) of clause (2) of section 3, to the question whether the land was before the first day of July 1898, specifically let as private land; and

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admissible in evidence for the purpose of proving that the land concerned was private land at the commencement of the tenancy; and

(ii) any such expression in a lease, patta or the like, executed or issued before the first day of July 1918, shall not by itself be sufficient for the purpose of proving that the land concerned was private land at the commencement of the tenancy.'

The presumption is that all land was non-private land until the contrary is proved. The provisos instruct the courts to apply certain tests to see what evidence ought to be let in and what evidence is not admissible. That is the way in which these rules were framed more in a revengeful spirit than based upon any morality or equity or law or jurisprudence. Such is the kind of law in 1936. It is not yet twelve years now. My contention is that these provisions in spite of all the care that was bestowed by the Provincial Government of that day to see that these small landholders were hit, have not been taken advantage of by 99½ per cent of either the owners of the private land or those who claim occupancy rights in them. That is the position. It has remained a dead letter all these days. The danger that I am now referring to is that the provisions of this Bill should not once again resuscitate the law which was enacted in 1936 in the name of protection of tenants but which really did not do any such thing at all, but only retained the old custom. The reason is even the ryots in almost all the areas felt that these provisions were inequitable and immoral, and that they ought not to encroach upon private property of a large number of small landholders. That is why we have not seen litigations under these sections on a very large scale in the rent courts of the Presidency. Therefore, I submit that nothing in the provisions of this Bill should be capable of attracting the provisions in the previous Acts, and once again start in right earnest a heavy litigation between all sections of the people—small landholders and small ryots and people who want to grab at land. People who have no notion that they have lands should not be asked to-day to claim ownership of lands. I do not want that such litigation should take place. Peace should prevail in the administration of land tenure. It is for that purpose that I adverted to this matter.

"This legislation, unless it is scrutinized thoroughly, as I pointed out in the earlier stages, is apt to fall into pitfalls and lead to serious consequences which are never intended either by the legislature or by the sponsors of this legislation. I may state here two things as an illustration. One is the Prevention of Alienation of Communal Land, Private Land and Forest Land Act which we passed in the last session. That Act said that civil courts should have no jurisdiction to go into matters relating to that Act. But at the last stage we had to amend that Bill and then pass the Bill with the amended provisions. One of the amended provisions said that in respect of alienations of private land or communal land there should be a limit to the extent of

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20 acres in *mala fide* transactions and in respect of *bana fide* transactions the whole alienation should be held valid. These were the last minute amendments to that Act. In that Bill, another provision was also introduced, and that is, that the District Judge shall be the person who shall go into matters relating to that Act. But in the Bill originally introduced, there was section 7 which said that no civil courts should have any jurisdiction to go into matters relating to that Act. When we introduced, at a later stage, the jurisdiction of the District Judge, by an amendment, we forgot that we had to amend section 7 suitably. That was an anomaly that crept in by a hasty step or last minute amendments to the Bill. In the Rent Reduction Bill that we passed the other day we found another big anomaly creeping in on account of the sudden changes made in the Select Committee. The changes were not scrutinized properly and they militated against any relief being given to ryots of a particular class, namely, a class of people who were all these years paying their rents in grain. There are three classes of such people. One class of people are those who share the produce with the proprietor, the second class are those that give a certain rate of grain rent, and the third class are those who pay grain rent on the converted rate in cash. The first two classes are provided for in the Rent Reduction Bill. We have got the third class who are not provided for in that Bill at all. What the Special Officer is going to do with this class of people we do not know. Karvetnagar estate is the estate that is hit very largely. Perhaps portions of Kalahasti estate also are affected. Portions of Venkatagiri zamindari are also affected by these Acts. These three estates were a distinct kind of estates which were dealt with specially under special provisions by the East India Company when they made this Permanent Settlement in 1802. As I have said in another connexion these three estates were military palayams who were contributing to Government a prescribed number of cavalry and infantry units. The value of these services was commuted when the permanent settlement was introduced in these three estates. The framers of this legislation did not at all remember this distinct kind of estate in which tenures of land also are peculiar and different from those of the other estates.

"I submit that this Bill should not be treated in the manner in which we have treated the other two Bills, which, of course, were easily capable of amendment. But in this Bill if some mistake occurs, amendment to the Bill will become very difficult later on. Therefore, I submit that Government should, in addition to enlarging the size of the committee, which they have done with all their graciousness, also enlarge the time for the Select Committee to discuss the matter thoroughly and see that it is a perfectly artistic and sensible measure to deal with later on."

MR. SPEAKER:—"I do not think it is necessary for me to fix a time-limit, because, yesterday, many Members have taken less than half an hour."

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MAHBOOB ALI BAIG SAHIB BAHADUR:—“ Mr. Speaker, Sir, I am very happy to support the motion before the House for the abolition of zamindaris, and the party to which I have the honour to belong also supports the Bill. It is unnecessary for me to advance any arguments at this stage. (At this stage, the Deputy Speaker occupied the Chair.) It is too late in the day, Madam, to try to canvass support for the abolition of zamindaris, because from all quarters we have heard that these zamindaris must be abolished very soon. Cogent arguments have been advanced by the Members of this House and the zamindars also have fallen in line with the views of the rest of the Members. While stating that on principle zamindaris should be abolished, some Members have advanced very curious pleas that the ground for the abolition of zamindaris is that the zamindars cannot be recognized as the owners of the land.

11-30 a.m. “ Madam, this is the point which was tried to be made out by my hon. Friend, Mr. K. Varadachari. He said that all expressions which go to show that the zamindars are the proprietors or landholders are expressions which go to show that they have interest in the land and must be changed to some other expressions. That is I think what he stated. Further he stated that if the zamindars have no interest in the land, there is no question of acquiring all their rights. I agree with my hon. Friend, Mr. Varadachari, that historically speaking, the zamindars have no right in the land and that by misconception at the time of the advent of the British into this country, they were considered to be the owners of the land and hence all these expressions as ‘landholder’, ‘proprietor’, ‘landlord’ and ‘tenant’ or even expression as rent found a place in the Permanent Settlement. Madam, it is true, as the Hon. the Revenue Minister himself had stated that it was that misconception that was responsible for the expressions used at the time of passing the Act of 1908, that is, the Estates Land Act. It is true that on account of that misconception, on account of the wrong analogy between a petty zamindar of this country and the landlord of England where the feudal system existed and where he is the real landowner and on the analogy between the tenant in England who has no ownership in the land under the covenants that have been entered into between the landlord and the tenant there, these expressions have come to be used in the Permanent Settlement. What was payable to the landlord by the tenant in England was not tax but rent while historically it can be proved beyond a shadow of doubt that the ryot in India was paying not rent but tax. On account of this confusion, this misunderstanding and the wrong analogy, all these expressions found place in the Permanent Settlement and in subsequent legislative enactments. I entirely agree with my hon. Friend, Mr. Varadachari, with that portion of his speech which dealt with the Prakasam Committee report, but to go further and say now, after 145 years, that by the use of these terms and the meaning that was wrongly given all these years—I do admit—that the zamindars were

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treated as landlords having proprietary rights in the land and the tenants were treated as mere tenants and that the latter were paying rent and not tax, is wrong, because all these 145 years these expressions bore the meaning which they literally bear. So, that meaning has been given to those expressions all these 145 years. The very enactment, the very title of the Permanent Settlement, itself clearly shows that the zamindars have a proprietary right. What was given to the zamindars was Sannadi-Milki-Isthimirar, permanent proprietary rights vested in the zamindar. I said it is wrong and it was so all these years and no useful purpose now will be served by changing the expressions of these enactments. They were doing away with the system itself. To say that you do not recognize any proprietary right of the zamindar in the land and therefore you need not now pay any compensation to him for the acquisition of his interests is something very surprising. An eminent lawyer as he is, Mr. K. Varadachari, to have said that the zamindars had no right although they enjoyed it all these 145 years and that they should not be paid anything for the interests, and for the rights, is surprising. These rights have been declared by the Legislature and by competent courts and on that basis, thousands and thousands of transactions have taken place and people paid valuable considerations for the purchase of these lands, mortgages were effected and partitions have taken place. At any rate, if a lawyer of such eminence of Sri K. Varadachari says that all these things do not mean anything at all, there is no stability.

SRI K. VARADACHARI:—“ I never said that the zamindars should not be paid anything.”

MAHBOOB ALI BAIG SAHIB BAHADUR:—“ That was the basis of the argument. If that is going to be the attitude of the Legislative Assembly, I am sure all that sense of security in property and all that is valuable will disappear and nobody can be sure of his possessions—I mean worldly possessions. That is an attitude which we ought to condemn at least as members of the Legislature. Society depends on the security of interests and rights in properties. If that can easily be changed by the Legislature, no amount of your preaching to be nationalistic, no amount of persuasion on your part to be patriotic will serve any purpose. Therefore, my submission is that it is not inconsistent to say that though historically the zamindars are not the owners, were not the owners previous to 1802 rightly or wrongly—I said always wrongly—yet, they were given these proprietary rights and they must be given compensation on the basis of their present rights. That is not inconsistent in principle. That is my view and that is also the view of the party to which I have the honour to belong. While it is legitimate and perhaps necessary to acquire anybody's land for public good, it is wrong, basically wrong and intrinsically wrong to say as my zamindar friend has put it, that so long as society is based upon the conception of private property, it is basically and intrinsically wrong to say that

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compensation can be given at the sweet will and pleasure even of this Legislature. How can you acquire a property without paying adequate compensation? That is not only illegal but it is immoral, knowing the expression 'moral', understanding the expression 'moral' in the sense that what is good for society is moral. Now let us see whether in this enactment the compensation that is to be paid is proper compensation or whether the compensation to be paid is based on a wrong conception and whether you will be sustaining society in proper form if you pay this compensation on this wrong basis.

1-45 a.m. "Now, Sir, it is said that the value of property depends upon the income—the net income—and that is a correct proposition. But what is it that you are trying to do here? The basis which is mentioned in this Bill is criticised by many and the most prominent of the critics is my revered friend Sri Prakasam. His view is that the rate of rent of 1802 is permanent and unalterable rate and therefore the compensation that has to be given should be based on that. Deducting the amount of peishkush payable to the Government at that time the balance should form the basis. Even from that balance some deductions have to be made for collections, for irrigation work and so on. He comes to the conclusion that one-ninth or one-tenth of the rate prevailing at that time should form the basis and naturally it will depend upon the rate of rent, whether the said rate of rent or otherwise I do not remember. Now, Sir, the fallacy in that argument is this. It is not true that the rent at that time was cash rent. It was a waram rate, rate in kind and there is evidence to show what the ryot was paying to the zamindar. At that time it was not less than half the gross produce. I was a member of the Prakasam Committee and when evidence was let in, I still remember that a zamindar filed a document before us which stated that the rate was three-fifths of the produce. Sir, half the gross produce was the share of the zamindar in 1802. Now another fallacy is the 'assets basis' as it is said. It is not a correct basis. I might inform this House through you, Madam, it is not the assets basis of the pattas. There are documents which go to show the rate of rent prevailing previous to 1802. Whenever rent is mentioned in any of the Regulations, especially in Patta Regulation, the rate of assessment preceding the year of the Permanent Settlement is mentioned—vide clauses 3, 4, 5 and sections 4 and 9 of patta regulations:—

"There is nowhere any authority for determining the rate of rent on the assets basis, as recommended in the report. Reliance on the Patta Regulation which must be read with the Permanent Settlement Regulation for the purpose of rate of assessment leads inevitably to the rate of assessment prevailing in the period preceding the Permanent Settlement. Sufficient evidence has been let in before the Committee to show that half the gross produce formed the share of the Government at that time."

"So it is not a correct basis. As I said it is half the gross produce which was the rate prevailing previous to 1802. It is also

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stated that it is waram rate. Now the question is whether at this time can you justify that rate from the current financial conditions and the economic point of view? Can you say that the half-produce basis is correct and assess it at the prices prevailing in 1802 and say that shall be the money rate prevailing now? On what basis are you entitled to say 'If the zamindar was entitled in 1802 to half the produce now also he is entitled to it.' You can imagine what that will mean. It is ten times the ryotwari rate or more than twice or thrice the rate of rent that is being paid by the zamindari ryots. Apart from other questions after the lapse of so many years to get at the exact date for arriving at these rates is difficult. My submission is it is not a correct rent. Let us not forget the fact that previous to 1802 some areas were under the zamindars and the rest continued to be under the administration of the Government. In both these areas the rate continued to be the same till 1860 or so. It is true that the British Government when it found that this rate of rent paid by ryots was causing a great hardship and on complaints made by the Board of Directors reduced it to half net and that is the zamindari and ryotwari rate. Now the zamindars at that time were receiving half the gross produce. It is no doubt true that in the sixties of the 18th century on account of the rise in prices they converted waram rate into money rate and that was responsible for the difference. While the Government reduced the rate of rent prevailing previously from half-gross to half-net, the zamindars did not do so and they converted the waram rates to money rates when the prices of agricultural produce were higher and hence all these difficulties arise. I do not mean to say that there were not zamindars who from time to time increased the rate of rent. I do not say that. There may have been cases and the conception at that time was that they could eject the ryots and it took several years before legislature came to the aid of the ryots and the 1908 enactment is the result. Why I have mentioned all these facts is to show that from the year 1802 up to 1908 in most cases the rise in the rate is due to the fact that the zamindars were entitled to half-gross if they were taking the produce and it cannot be gainsaid. I would like to hear anybody pointing out that the zamindars according to the patta regulations were not entitled to the rate prevailing at that time. It is not true. Zamindars were entitled to half the gross from 1802 up to 1908 when they converted it into money. Now, Madam, from 1908 permanent occupancy rights were conferred on the ryots and the rate was prohibited from being raised except under certain circumstances. So, Madam, in the first place I feel the zamindars were vested with the proprietary rights wrongly, transactions took place on that basis, and courts confirmed these. As far as the rates of rent are concerned they are entitled according to the Permanent Settlement enactment and subsequent enactments to half the gross or its equivalent in money. We are members of the Legislature legislating for the country. Here is a case where a person is vested with proprietary rights wrongly no doubt but for 145 years it is on that basis transactions have

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2 taken place. Lakhs and lakhs have been spent in purchasing
on. and improving them. The rate of rent has been half the gross
produce. It is on that basis purchasers have purchased. In the
circumstances what is the proper rent which any fair-minded
man, any legislator, can think of? I am glad that the Congress
Party has said that compensation should be given. Even if the
word 'adequate' has not been used in the Congress manifesto,
people who know the English language understand what is meant
by compensation. It is the equivalent in money or kind for the
thing acquired, whether it is land, interest in land or movable
property and so on. Therefore compensation has been consented
to be paid.

"Madam, there are one or two misconceptions in the mind of
the Revenue Minister. He thinks the payment of compensation
should be by a rough and ready method. He is very fond of
rough and ready methods. In previous Acts, in temporary measures
as he called them, under certain exigencies of party politics and so
on, perhaps they were necessary. But here it is a case where pro-
perties are acquired. He says that zamindar is paying the same
peishkush he was paying in 1802. If the peishkush is deducted from
the present income of the zamindar, he says that the balance of so
many lakhs of rupees was all due to the increase in the rent. As I
submitted, Madam, that could not be the right method, because
in the year 1802, the rent was mostly in kind. But about 50 or
60 years afterwards it was converted into money in most cases.
Again if my Hon. Friend has statistics he will find that the
cultivated area at that time was much smaller than now. It
requires a lot of investigation into the matter to find out how the
present income is derived by the zamindar. Supposing a zamin-
dar who was getting Rs. 10,000 in 1802 is now getting Rs. 1,00,000
you must thoroughly investigate the matter and see how far this
increase is not due to the extension of the area under cultivation.
The Revenue Minister says that the present income may be
reduced to one-third at once. It only implies that he thinks
that one-third was left over to the zamindars for their collection
and so he thinks they were all rent collectors. That is not the
correct method. I can understand him if he says: 'From the
present income, deduct the peishkush, the collection charges, and
even perhaps the irrigation charges and this will form the basis
of his annual net income.' The position that is given to the
inamdars in this matter is much worse. Madam, the payment of
compensation on the basis mentioned in the Bill is next to
nothing.

"Madam, in the first place, I am asking a straight ques-
tion: 'Is this Legislature competent to lay down a method of
compensation on this wrong basis?' This Legislature is not com-
petent to do that. The compensation must be a legal compensa-
tion. I wish we avoid all such enactments where the Legisla-
ture is not competent to give a compensation which is wrong and
not based on law.

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"Then the second point is whether the compensation, that
is sought to be given is fair and equitable. When purchases are
made, the value of the property is ascertained on the basis
of the income. A man purchased a certain property from the
zamindar or an inamdard for a certain price because it fetched
a certain amount of income. Now, is it not an expropriatory or
confiscatory legislation if you deprive the purchaser of the value
of the property for which he has paid the money? (At this stage
the Hon. Minister for Revenue was not present in the House
for a few minutes.) I should complain to you, Madam, that
the Hon. Minister is not here to listen to the discussion."

THE DEPUTY SPEAKER:—"He would have deputed
someone to take notes."

(The Hon. the Minister for Revenue entered the House.)

MAHBOOB ALI BAIG SAHIB BAHADUR:—"This is
clearly a confiscatory legislation if adequate compensation, legal
compensation is not paid either to the original zamindar or the
transferee who has purchased it for valuable consideration." (At
this stage, the hon. Member paused for a while and asked some-
thing of the Revenue Minister and the latter replied.)

THE HON. SRI KALA VENKATA RAO:—"It appears some-
one wanted to raise a point of order."

THE DEPUTY SPEAKER:—"The point of order is not
now before the House. The hon. Member may continue his
speech."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"As I said, this
legislature is not competent to legislate granting a compensation
which is inadequate and not according to law. The second thing
is that it is against all principles of the stability of society.
Nobody can have any security. Whatever anybody might have
to-day, he may not be sure of his having it tomorrow. That will
create confusion and insecurity in the country. It is not moral
too. You should not deprive a man of his properties even if
you think that it is going to benefit others.

"Madam, in the Bill before the House there are one or two
serious defects. Compensation according to the rules recognized
by law is compensation for all kinds of interest—interest in the
land and interest over the land and the corpus. It is not quite
clear what the Revenue Minister has in his mind in regard to
land which cannot fall within the definition of 'private land'
of the zamindar and at the same time is not in the occupation
of the ryots.

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considered as the basic net income. Till now these lands were treated as the property of the zamindar. The principles of acquisition clearly lay down what procedure should be followed where the income forms the basis of compensation. There are cases in which the income cannot form the basis of compensation; for instance, there is a forest area or a hill; it does not fetch income at the present moment. Suppose in the year which is mentioned in this Bill, there is no actual income from a land, suppose no income has been derived in the past. It is likely that income may be derived in future. There may be potential rights. The rules laid down for compensation and acquisition must be clearly followed. There are hundreds of judicial pronouncements with regard to these matters. A hill or a forest may be of much value. There may be mines in a land. Their products might not have been tapped in the year under reference. Therefore, is it fair that you should base your compensation on that one year's income?

"My submission is, while I entirely agree with the principle of the abolition of the zamindaris, we have very serious objection to the method and manner of the grant of compensation for acquiring an interest. I might state clearly that the preamble is correct. You are acquiring an interest, which has been enjoyed all these 145 years. It is no doubt open to the Government to consider all these points at the Select Committee stage. As my hon. Friend, Mr. Nachiappa Gounder put it, it is a business proposition for the Government. If you give adequate compensation to the zamindars, it would not be a bad transaction. When more lands are brought under cultivation, we can produce more food. We must utilize more lands for cultivation purposes. The Hon. Revenue Minister has been saying that a sum of Rs. 10 crores is required to pay compensation; it has risen to Rs. 12½ crores now. At what rate does it work? It works at 9 or 10 per cent interest. I do not think any business will give you 9 per cent. According to your financial rules, if a transaction or a venture gives you 4 per cent interest, it must be considered to be very good. In this case if you pay adequate compensation, it would not lead to litigation. The compensation should be fair, if it is based on the conception of the acquisition of property. Highest courts have laid down sound principles to be followed when one acquires another's property; in this Bill the Government acquires another's property. If the rate of interest on gilded securities is 5 per cent, fair compensation for a property is 20 times its net income. That is a fair and adequate compensation.

"Firstly, Madam, let us not expose ourselves to litigation; secondly, let us not be unfair to the zamindars and land owners; let us legislate in a manner which will show that we are just legislators. I support the measure with the qualifications I have mentioned."

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III.—APPLICATION OF SECTION 82 (3) OF THE GOVERNMENT OF INDIA ACT, 1935.

* SRI T. VISWANATHAM:—“Madam, Deputy Speaker, with your permission I wish to raise a point of order, under section 82, sub-section (3) of the Government of India Act against proceeding with the consideration of this Bill. I am doing it in the interest of the correctness of the procedure which we should follow in this House. Section 82 (3) says:

‘A Bill which, if enacted and brought into operation, would involve expenditure from the revenues of a Province, shall not be passed by a Chamber of the Legislature unless the Governor has recommended to that Chamber the consideration of the Bill.’

This section requires that the Governor should make a recommendation to the Chamber in which a Bill is introduced, so that the consideration of the Bill may be proceeded with. This is different from the recommendations which the Governor makes to the Executive in the matter of Finance Bills. Under sections 78 to 81, when a Finance Bill is introduced or a Demand is made, the Minister in charge says that it is made on the recommendation of the Governor. When a Minister says that a demand is made on the recommendation of the Governor, this House should presume that there is such a recommendation and no further point arises. But under section 82 (3) the recommendation is not to be made to the Executive; it should be made to the Chamber, to this Assembly wherein the Revenue Minister wants the consideration of the Bill. Unless the Governor has made a recommendation to this Chamber, we cannot proceed with the consideration of the Bill. The recommendation should be made specifically to this Chamber and the only channel of communication and the only means in which this Assembly has to know whether the Governor has made a recommendation or not must be through a message by the Governor to the Speaker to be conveyed to the House. Unless this is done, the consideration of the Bill cannot be proceeded with. This should not be confused with the recommendation made in the regular routine to the Executive as I said already. We need not be told that the Governor has already made his recommendation to the Executive. We are not concerned with the Executive; we are not part of the Executive. We have to follow the correct procedure either with regard to this Bill or any other Bill. This Assembly has got certain rights. My point is whether the Governor has sent his recommendation to this Assembly. It should be distinctly understood that the recommendation should be made to the Chamber and that could be done only through the Speaker of this House. Madam, Deputy Speaker, I submit that the consideration of the Bill cannot be proceeded with unless the Governor sends his recommendation to this Assembly. It is only in the interest of the correctness of the procedure, that I am raising this point of order.”

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THE HON. DR. P. SUBBARAYAN:—“Madam, Deputy Speaker, my hon. Friend representing Vizagapatam Urban was kind enough to tell me the point that he was going to raise. I have considered the matter. Several times, Bills of this type have been considered in this House and of course we have the recommendation of His Excellency the Governor. We always obtain the necessary permission before such Bills are introduced. In this particular case both the recommendations under sections 81 (3) and 299 (3) have been obtained, sanction in one case and recommendation in the other. That is all that has been provided for. If the Speaker thinks that the usual procedure has not been followed, he will naturally ask the Minister in charge to produce the recommendation. In this case the Speaker has not chosen to do so. I should like to quote the judgment of the Federal Court in connexion with this point of order. They say it does not appear to the Court that the subject-matter of a Bill under consideration by either Chamber or Legislature is a matter with which any Court of Law is concerned. The question whether either Chamber has a right to discuss a Bill laid before it, is a matter regulated by the rules of the Chamber. It is not a matter in which any court may interfere. If the Speaker feels that the requisite procedure as laid down in the Government of India Act or the Rules thereunder, have not been followed, it is for him to raise the objection. If the Government can produce the requisite sanction or recommendation, the House can proceed with the consideration of the Bill. I can assure you, Madam, that the Governor's sanction under sections 299 (3) and 82 (3) has already been obtained and I am prepared to produce it before you if you think it necessary. It is always taken for granted that any Member of this Legislature will not in any way defect from the procedure of the House, because he will be doing so at his own risk and he may be taken to task by the Speaker. You may take it for granted that the necessary recommendation has been obtained and we have got the power to proceed with this Bill.”

12-30 p.m. * SRI T. VISWANATHAM:—“I am afraid the Hon. Home Minister in his reply has quoted a judgment which has nothing to do with the present point. He was discussing there whether a court of law has got the right to discuss certain things which belong to the sphere of Assembly proceedings and being a lawyer the Hon. Home Minister naturally produced a law book. I must say with great respect to him that it does not apply to the proceedings of the Assembly.

“Secondly, I wish to make it quite clear once more as I myself said at the beginning that I will presume that when the Hon. Minister introduces a Bill in the House, he has secured the permission from the Governor. But that is only so far as the executive is concerned and we are not concerned with that here. This Chamber, apart from the executive, has got certain rights. It is not merely a point for the Speaker, but every member of this Chamber has got a right to know whether the Governor has

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recommended to this Chamber to proceed with the measure. That is why I said that it should not be mistaken or confused with the sanction given to the executive and it is exactly this confusion that the Hon. the Home Minister has made. I wish to make it clear to you that the confusion should not be perpetuated. There is no doubt about the sanction given to the executive and he was good enough to tell me and show me the recommendation of the Governor. But that is a thing given to the executive. So far as the rights of the members of this Chamber go, it is only the Chair that can protect the rights of the members of this House and see to it that the recommendation must be made to this Chamber if the Governor wants the consideration of the Bill to be proceeded with here in this House. He can pass the recommendation on only through the Chair and that is what is lacking here. I request the Chair not to be led into the confusion of issues made by the Hon. Home Minister.”

MAHBOOB ALI BAIG SAHIB BHADUR:—“Madam Deputy Speaker, the Leader of the House seems to have overlooked the expression here: ‘unless the Governor has recommended to that Chamber’ and it is to the particular Chamber that the Governor should recommend and that seems to be the point of my hon. Friend, Mr. Viswanatham. But having regard to the expression ‘cannot be passed unless . . .’ I am constrained to say that even now, it is open to them to get the sanction and have it communicated to the House before it is actually passed. So that the proceedings in the House might not on any account become invalid. It is merely a technical matter.”

THE HON. DR. P. SUBBARAYAN:—“Madam Deputy Speaker, there are two points which my hon. Friend has made. I am afraid he was wrong in stating that I was trying to confuse the issue by quoting the Federal Court judgment. It does apply as an analogy; that is once a Bill is passed, even though there may be procedural defects, the court will not take that into consideration because it is a matter for internal procedure in the House itself and that will not, therefore, make a particular law enacted by this Legislature ultra vires of the Legislature. It is in that sense that I quoted it.

“As I have mentioned, Madam Deputy Speaker, it has been usual for this House to consider such measures and it has always been taken for granted that such recommendations have been made. Many Bills have been passed like this, for instance, my hon. Friend the Finance Minister's Bill for the increase in the Sales Tax. With regard to section 82, my hon. Friend contends that one is a matter for the executive and the other is a matter for the Legislature. I contend that such Bills have been considered and passed and no objection has been taken. I am only quoting precedent; it obtained both in the old Legislative Council and in the present Assembly, for example the Prohibition Bill, and the Bill for the settlement of rents in estates. Therefore, I contend,

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Madam Deputy Speaker, that all that is necessary has been done. We have the authentication that the Governor has recommended the consideration of this Bill."

THE DEPUTY SPEAKER:—"If this point of order was raised when the Bill was introduced, the Speaker would have been in a position to tell the House whether the recommendation has been obtained. But since the point was not raised then, I am not in a position to know whether it has been obtained. Anyhow, we can proceed with the Bill and you can only not pass it unless the Governor has recommended to the Chamber to that effect. We are sure to get the recommendation and we can certainly proceed with the Bill."

THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947 (L. A. BILL No. 37 OF 1947)—*cont.*

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Madam Deputy Speaker, as I see the Bill is likely to be proceeded with, I have no difficulty in getting an opportunity to speak. Some felt that the House may not consider the Bill but most of us here know that the Government with the big majority that they have, are sure to proceed with the Bill.

"I am not going to take much time as this Bill has been discussed for several years and in recent months, it has been discussed elaborately. In these days, it is not possible for the Legislature or for any group of people to withstand such legislation provided it is for the good of the common man. It is agreed on all sides and we are happy that the zamindars and inamdars to a great extent have volunteered and I think the House should appreciate and Government should appreciate the move of the zamindars in volunteering to accept legislation extinguishing their rights. In turn, the House has got a great duty to discharge and might I say that this is the occasion when this House should show generosity towards the persons affected? I am not here to oppose the Bill. The time has come when there should be no more delay with regard to the Bill though cogent reasons have been adduced for the postponement of the Bill. I am not an expert in these matters but so far as I could see from things obtaining in the districts, I feel that for the past few months, things are at a standstill; there is no collection and there is no peishkash coming to Government. The suspense should be terminated as early as possible in the interests of all concerned. I may be permitted to say in this connection that the previous legislation, the Rent Reduction Bill has done more harm than good when that Bill was intended to give relief to the tenants. I do not think that the enquiry, the settlement arrangements and other things contemplated there could be given effect to in the course of weeks or months and the sooner the main Bill is brought into force the better will it be for the people concerned. But considering the vastness of the areas to be covered, the manner in which settlement is to be effected, the manner of determination of the assessment which alone will give us an idea

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of the basic rent, I think it will take a long time. Let us hope that Government will put up an efficient and elaborate machinery to deal with the various estates so that the business could be concluded quickly. My own feeling considering how they have proceeded with the business—they have only appointed 12 officers for the purpose—is that they should appoint not 12 settlement commissioners but 120 of them if they really want to carry the legislation into practice.

"I wish to entreat Government—I am not going into the legal aspects at all—that once the machinery has been put into being, I wish to plead with them in regard to compensation. I do not think, that the question of compensation has been dealt with thoroughly. Luckily we are in the first stage of the Bill and let us hope that the Hon. the Revenue Minister and the Cabinet will be able to devise means to ensure the public and the parties concerned that there will be a fair deal. With regard to the rates of compensation, I wish to take this opportunity to say that it is very inadequate. Nobody, the zamindar or the Inamdar who has got property which is likely to be used in the future for the public good can say 'No' to Government's acquiring it and nobody would contest that the parties affected are not entitled to adequate compensation; if it is not possible, at least there should certainly be equitable compensation. I am glad the word 'equitable' has been included in this Bill. When I heard the Revenue Minister once saying—I am not sure of the date—that the question of compensation depends upon the ability of Government to pay people I was naturally perturbed over it. But now that that position has been departed from and equitable compensation is provided for, it will go a long way to allay public apprehension. The rate suggested in the Bill is not enough; but I think this is not the occasion for me to argue with regard to the inadequacy of the various slabs. I may be permitted to say that during the Select Committee stage it will be enhanced. It is also refreshing that we have been told that the Congress High Command has considered the question of compensation and have given some helpful suggestion to Government. Let us hope that these suggestions include enhanced rates of compensation. I may tell the Hon. Minister that the compensation laid down is certainly not equitable far from being adequate. Unless the rates are raised, I think it will to a certain extent amount to expropriation. While we insist on taking out the property on the one hand, we should also not deny compensation particularly as this property is going to yield something. Seeing that it is remunerative business and is not a thing which will not pay, why should not Government give adequate compensation?

"One other point which I would like to mention and bring forward prominently is with regard to the basic sum itself. Whereas in the Bill in certain portions there is mention of tribunal to decide claims, there is no mention in the Bill regarding the manner in which compensation is to be fixed. Not even rules are suggested to be framed and whether they will be placed before

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the Legislature for its approval. No doubt under the existing rules all rules framed under an enactment are to be placed before the Legislature for its approval. The only mention made with regard to fixation of compensation is in clause 7, which says, 'the Government or such other authority as they may empower in this behalf shall determine the amount of the total compensation payable in respect of an estate in accordance with the provisions of Section 6.' Madam, this is the unkind spot in the Bill. I think this will not infuse confidence in the minds of the people affected. If Government really mean that they will institute some authority for this purpose, why not they mention it, as they have done in the case of other matters? Why not they say that tribunals will be appointed to fix compensation and appeals from them will lie to judicial Courts? I find there is a definite exclusion of appeals to the highest courts of justice in the land. I think there should be an appeal to the High Court from the tribunal with regard to the basic sum, which will enable landlords to get some compensation. I entreat Government to seriously consider this question and enlarge clause 7 a great deal more in the select committee stage itself. I do hope Government will bring forward detailed provisions in the Bill itself instead of leaving it to the rules, which will also be placed before the Legislature. When the rules have anyhow to come to the Legislature, why not frame them in the select committee stage and embody them in the main Bill itself and bring them before the Legislature even when the Bill is being considered?

"Madam Deputy Speaker, there is one other matter which I would like to mention on this occasion, though it is not exactly within the purview of this Bill, but which is allied to this Bill. From the present situation in the country and from the way the people are agitated, I can truly say, there should be an immediate announcement by the Government that they would not collect the entire peishkush and that there will be a reduction of it by 25 per cent or 33-1-3 per cent. Madam, this suggestion was seriously considered at the select committee stage of the previous Bill, and the Hon. Revenue Minister said that at an adjourned meeting of the committee he would be able to let the members know of Government's decision, but for some reason it was not done. I do hope it is not too late now, even though a month or two has elapsed since that date; but seeing the position in the country and the agitation among the landlord and tenant, I do hope Government will in the coming week or two take some definite step in that line.

"Finally, Madam Deputy Speaker, I will end up by saying that this measure, while it might have been seriously objected to some years ago, to-day considering the agrarian situation in the country, not only in the zamindari areas but also in the ryotwari areas, it well conceived and at this stage at least, legislation should not be further delayed, but it should go ahead and bring about peace between the ryot and the landlord. This legislature should take into consideration the manner in which landlords have

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co-operated in this measure. I do hope Government will take serious consideration of this aspect of the case in considering the question of compensation, and also see a speedy manner in which compensation should be given, so that there may be satisfaction all round."

* SRI R. SUBBA IYER:—"Madam Deputy Speaker, I propose to speak in Tamil. இந்த ஜமீந்தார் ஒழிப்பு விஷயம் அநேகம் வருஷங்களாக நாட்டில் கற்பிக்கப்பட்டு வந்திருக்கிறது. புதிய விஷயம் அல்ல. முக்யமாக காங்கிரஸ் 1935-ம் வருஷத்தில் சட்டசபையை கைப்பற்றப்பட தீர்மானித்து அப்பொழுது தேர்தல் அறிக்கையில் இந்த ஜமீந்தாரி."

THE DEPUTY SPEAKER:—"The hon. Member may speak in English so that the Minister in charge of the Bill may be benefited by his speech. I am sure the hon. Member can speak better in English."

SRI R. SUBBA IYER:—"I am sure the Hon. Revenue Minister knows Tamil."

THE DEPUTY SPEAKER:—"I know he does not know."

SRI R. SUBBA IYER:—"Madam Deputy Speaker, the question of the abolition of zamindaris has been before the public for a long time, at any rate, from at least the year 1935, when the Congress for the first time put it forth as one of its objects in capturing the legislatures. Ever since that time this question has been discussed threadbare both from the public platform and the Press and on the floor of this House as well as the other House. I am glad that at least after ten or twelve years the present Ministry has come forward with this bold measure; and I congratulate the Revenue Minister for this bold measure. I call it 'bold', because it is bold in several ways and for the reasons that I am going to show.

"I would at first like to refer to the Report of the Prakasam Committee and the conclusions arrived at in that report and contrast them with the provisions of the present Bill. Every one is aware that the provisions of the present Bill are diametrically opposed to the findings of the Prakasam Committee's report. For example, that report said that the tenant was the owner of the soil, that he had rights over forest, communal lands and other things. But the present Bill proposes give compensation to the zamindar for all these various items. Now it is very strange that a report which has been produced by a committee after very laborious study and examination of witnesses and documents, should have been consigned to the waste paper basket and a Bill based entirely on new suggestions be brought forward. Now, the basic idea of the present Bill is that the zamindari rights should be purchased outright and the zamindari areas should be converted into ryotwari areas. From the beginning nobody, not even the zamindars—at any rate now—differed with the principle of abolition of the zamindaris. It was in the time of the last Congress Ministry the committee made its report and everybody expected that the rents will be reduced and the rights enjoyed

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by the zamindars would be conferred on the tenants. Everybody knows that at the outbreak of the second world war that Ministry had to resign, and thereupon this question also was shelved. At a later stage, the Advisers' regime took up this matter, and they thought that going back to the 1802 rates would be a very difficult affair, and therefore they seemed to have worked out a scheme of purchasing zamindaris and converting them into ryotwari areas. They did not pursue the idea further, because they felt at that time of world war, conditions being what they were then, that it would not be easy to obtain the sanction of the Secretary of State to push through any such legislation. It is that idea of the Advisers' regime, the present Revenue Minister has taken hold of with a zeal and enthusiasm which would certainly be praiseworthy if he had taken up the recommendations of the Prakasam Committee's report and implemented them. That would have satisfied everybody. I only want to stress in this connection the scant respect paid to and the manner in which that report has been absolutely consigned to the waste paper basket. That is not the way in which a popular government or a democratic government should do things, much less a Government committed to the same principles as the then Congress Government. That apart, until the present Revenue Minister came forward with his pet idea of introducing ryotwari system in the abolished zamindari area, he had absolutely no difference with the Prakasam Committee Report. And even on the question of 1802 rates of rent, he had no difference up to a certain point; and even at the party meeting when the Bill which was sponsored or rather published by the previous Ministry was discussed his only difference then was that he had some objection to 1802 rent, for which he was given the privilege of bringing an amendment.

"With that background, let us now proceed to discuss the various provisions and the main principles of the Bill. I was astonished the other day to hear the Yuvaraja of Pithapuram telling this House that he was anxious that this Bill should be enacted into law immediately and that there should be no delay. I can understand his anxiety. It is really surprising that even zamindars should come forward and plead for this Bill and say that this measure should be passed within a short time. Because they know they stand to gain by the provisions of this measure; they also know they do not stand to benefit by the previous Bill, and they know they will not stand to benefit by any Bill that any Ministry to come hereafter will bring forward. That is why they are anxious that this business must be settled at once. Now, it seems to me that this Bill is entirely designed to benefit zamindars and not tenants for whom the Hon. Revenue Minister sheds profuse tears.

1 p.m. "Now, look at the provisions of the Bill. A ryotwari settlement has to be effected in every zamindari and compensation has to be computed on that basis. The zamindars are to be compensated for the loss of their supposed rights over forest lands, mines and minerals, fisheries and every conceivable thing including

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prospective cultivation on uncultivated lands. In their first memorandum presented to the Hon. Revenue Minister soon after this Bill was published, the zamindars said that their net income, i.e., the income after deducting cesses and peishkush was about 97 lakhs and all that they wanted was compensation at 20 or 25 times this net income. They never claimed any compensation for fisheries, mines and minerals, waste lands, communal and forest lands, etc. It is really strange that this Bill proposes the payment of compensation to zamindars even for things which they themselves did not ask for. It is only in the second memorandum presented by the zamindars to the Hon. Revenue Minister that a claim for compensation for all these things has been made. All rights which were declared to have been inherently vested in the ryots are now sought to be taken away and conferred on the zamindars and purchased by the Government from the zamindars on payment of compensation. The ryot has all along been clamouring for relief from the oppressive rents which he has been paying, for the provision of irrigation facilities which have been neglected for several years, and for other facilities. What is the benefit that the ryot gets? He loses the rights which he already possesses over communal and forest lands, waste lands, etc. We know that a reduction in rent has been effected by the Rent Reduction Bill. How far that reduction is going to help the zamindari ryot is problematical. Having regard to the statistics relating to the Venkatagiri Estate which the Hon. Mr. Prakasam placed before the House yesterday, I am not sure whether this reduction is going to be of any great benefit to the ryot. (Interruption by the Hon. Sri Kala Venkata Rao.) The only justification for making such a fundamental alteration in this Bill, according to the Hon. Revenue Minister, is that the country has undergone a change since the 15th of August by virtue of its attaining independence. Before that, conditions were so different that the Government could not think of the complete abolition of zamindaris but they could not think of only reducing the rents. Even the Advisers, who considered the idea of purchasing the zamindaris outright, thought that the time was not propitious to approach the Secretary of State for sanction in view of changing political conditions in the country. Now it is too much to say whether the Secretary of State would have given the necessary permission for introducing a Zamindari Abolition Bill if he had been approached then."

THE HON. SRI KALA VENKATA RAO:—"The Secretary of State was approached and he refused permission."

SRI R. SUBBA IYER:—"Well, I do not find mention of it in the pamphlet 'The Zamindari system in Madras' issued under the auspices of the Government."

THE HON. SRI KALA VENKATA RAO:—"The hon. Member can take the information from me. The pamphlet was only an explanatory note published by the Director of Information and Publicity."

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SRI R. SUBBA IYER:—The explanation that there has been a tremendous change after the 15th of August and that conditions before that date were not propitious for bringing forward a Zamindari Abolition Bill falls flat on me. So far as I can see, the position before the 15th of August was not altogether different from the position that is obtaining now except that the country has attained sovereign independence. Giving up the recommendations of the Madras Estates Land Act Committee appointed by the first Congress Ministry and working on the basis of the Advisers' conception of buying the entire zamindaris are, I feel, not in the interest of the ryots but only in the interest of zamindars. The principle of compensation is inconsistent with the position that the zamindar is only an agent of the government for the collection of rent. Conferring on the zamindars rights of ownership over mines and minerals, forest lands, fisheries, etc., and compensating them for the loss of such rights go against the findings of the Prakasam Committee's Report and is in contradiction to the main principle on which this entire legislation is based. If at all any compensation is to be paid for the acquisition of these rights, naturally and in justice it should go to the ryot and not to the zamindar. In respect of private land, this Bill proposes to confer a regular patta upon the zamindar. Even in this respect the Bill confers greater benefits on the zamindar than what he now enjoys under the Madras Estates Land Act. By issuing a patta to, and conferring the occupancy right on the tenant in respect of his ryoti land, I am afraid the Hon. Revenue Minister is not doing anything new, nor is he adding to the existing right of the tenant. It seems to me that the present Bill concedes all that the zamindars wanted in their second memorandum. I think that is going too far.

"Coming to the question of compensation, I am glad that the Government have accepted the position that the zamindar is only an agent for the purpose of collecting rent. If you accept that position, I do not see any reason why any compensation should be paid to him for depriving him of his agency. All that you have got to do with an agency of this kind is to terminate it altogether. No agent is entitled to any compensation for such termination. You may say: The Permanent Settlement has fixed it for all time and therefore I am obliged to pay some compensation. If so, the only compensation that is due to a zamindar for the loss of his vocation by virtue of his losing the agency for collection of rent is a solatium. The solatium that is proposed in this Bill is certainly fabulous. If you say that the zamindar is only a rent collector, there is no need for compensation. Unless you confer proprietary right on the zamindar, which he has not got at present, the question of the payment of compensation does not at all arise. It is perhaps to confer on the zamindar proprietary right, the words 'the acquisition of the interest of zamindars' have been used in the Preamble. I suppose that it is in pursuance of the same intention, the word 'proprietor' has been used in the body of the Bill also, a word

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which is not at all to be found in the Estates Land Act. The word used in that Act is only 'landholder' and not 'proprietor'. Perhaps without the conferment of proprietary right, the zamindar is not at all liable to get any compensation.

"With regard to the financial implications of this scheme, we do not know what it is going to cost the Government except that the Hon. Revenue Minister has been repeating *ad nauseum* that it will cost them ten crores. Nobody knows on what basis this figure was arrived at. I wonder whether the Hon. Revenue Minister himself can give the basis or statistics for arriving at this figure. So far as I can see, it may be ten crores or double that or even more. If it turns out to be more, I can only say that the zamindars will have got all that they wanted in their first memorandum, viz., twenty times their net income, which will come to about 19 crores. The adoption of the ryotwari basis itself is, I am afraid, in the interest of the zamindar and not in the interest of the ryot. (Interruption by the Hon. Sri Kala Venkata Rao.) The Hon. Revenue Minister thinks that I have changed. I assure him that I have never changed."

THE HON. SRI KALA VENKATA RAO:—"The hon. Member has affixed his signature to the report of the Select Committee on the Rent Reduction Bill."

SRI R. SUBBA IYER:—"In the Select Committee, several amendments were moved, various things happened, and it is all a different thing. To say that I have accepted that report is one thing. But to say that therefore I am precluded from saying anything is quite a different thing."

THE HON. SRI KALA VENKATA RAO:—"I don't say the latter."

SRI R. SUBBA IYER:—"I am certainly at liberty to say that the adoption of the ryotwari rate is in the best interest of the zamindars and not in the interest of the ryots."

"What is sought to be done by this Bill is that an estate will be notified, a ryotwari settlement will be effected, and on the basis of the revised rental, compensation will be worked out. Why all this elaborate process? Nobody admits that the ryotwari basis is a just and equitable one. We, Congressmen, have been fighting for a number of years for a codified land revenue system. We have been agitating that the land revenue system adopted by the British Government and the East India Company was not just, was not in the interests of the ryots and was archaic and that a more rational system of land revenue administration should be introduced. Now suddenly to develop a certain affection for this wonderful ryotwari basis and to foist it upon the zamindari areas and to calculate compensation on that basis is a thing which I am unable to understand. It was demonstrably shown to us that the ryotwari assessment was rather excessive and that was why the first Congress Ministry accepted the recommendations of the

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Marjoribanks Committee and granted a remission of Rs. 75 lakhs. As a layman it appeals to me that by adopting that Report, the ryots stood to gain to the extent of Rs. 75 lakhs. If that is so, what is the charm in adopting the ryotwari basis as just and equitable and adopt it as the basis for fixing the rentals in the zamindari areas? It is something like putting the cart before the horse. Now the tenant is clamouring for justice. It is not the zamindar who is clamouring for compensation at this rate. It is the tenant who has been oppressed all along by the zamindar and it is he who has been clamouring for reduction in rent. How are the tenants going to be benefited by this measure? Except probably for one argument that seems to be handy, namely, that in the neighbouring areas we have a settled rate of rent, while there is none in the zamindari areas, and that it is better to adopt the same in computing the compensation to be paid to them, there is no other argument in favour of this principle.

"Madam, even with regard to the ryotwari areas, the Hon. Minister for Revenue has been telling us that he is going to bring in a comprehensive measure, designed to help ryots considerably by introducing a progressive rate of land tax. So, in the normal course of things, we should have expected that the rents in the zamindari areas would be considerably reduced, if not to the 1802 level, at least to the level which he has promised to put into operation in the ryotwari areas. That would have been the fairest thing to be done by the Hon. Revenue Minister instead of proceeding with this measure in this way.

"Now, Madam, with regard to these zamindaris also, there are partible and impartible estates, but I am not concerned with impartible estates. In my own district of Chingleput, there are only partible zamindaris and there are numerous zamindars who own only one-hundredth share of the melwaram right or even a less fraction of it. To purchase all these infinitesimal and insignificant zamindaris and to pay them compensation is not worth the trouble. I would therefore suggest that in the case of all these small zamindaris and inams, it is best both in the interests of the tenants, as well as those of the zamindars and inamdars and also in the interest of the body politic that they are given regular pattas, and thus dispense with all this process of elaborate enquiry and investigation to arrive at the compensation to be paid as contemplated by this Bill."

THE HON. SRI KALA VENKATA RAO:—"What about tenants?"

SRI R. SUBBA IYER:—"They are all occupancy tenants whom, I know, you are not going to disturb.

"Then, Madam, let me come to the question of inams. It is on this question that there has been so much controversy both in the press as well as on the platform. From the very beginning, it has never been the idea of the first Congress Ministry or the Congress itself or even the present Congress Ministry to club this question of inams with that of the zamindaris and thereby create

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a confusion in the whole process. The lugging in of these inams all of a sudden in this Bill perhaps seems to have occurred to the Hon. Revenue Minister as if by inspiration. Even in the Statement of Objects and Reasons to this Zamindari Abolition Bill, I do not find any mention about these inams at all. It is as if by an afterthought that this has been included in the last sentence of the second paragraph of the Statement of Objects and Reasons. This is what the Statement of Objects and Reasons says:

'In many estates in the Province of Madras, the rent levied by the landholder from his ryots is substantially in excess of the assessment charged by the Government on similar land in the neighbouring ryotwari area and is beyond the capacity of the ryots to pay. The zamindari system has perpetuated an assessment which has no relation to the productive capacity of the land. It has further led to loss of contact between the Government and the actual cultivator and has acted as a brake in regard to agricultural improvement. Most of the irrigation works in estates are in a state of disrepair. The complexities of the zamindari system have led to an immense volume of litigation. Many of the records in the offices of zamindars are indifferently maintained and the peasantry, most of whom are illiterate, are at the mercy of unscrupulous agents. Zamindari administration has rarely, if ever, been as efficient as administration in Government areas. There is thus acute discontent among estate ryots and there has been a good deal of agitation by them. The Government are convinced that the zamindari system in force in the Province has outlived its usefulness and should be abolished at the earliest possible moment, etc.'

"Then we come to the last sentence of the second paragraph which states as follows:—

'The Government accordingly propose to abolish the zamindari system by acquiring all estates governed by the Madras Estates Land Act, 1908, including whole inam villages and converting them into ryotwari, paying equitable compensation to the several persons having an interest in the estates.'

This is how inams are sought to be brought in under this legislation. The inclusion of inams was never contemplated by anybody. Even the Estates Land Act Committee, after elaborately discussing this subject, came to the conclusion that there should be a separate enquiry and a separate treatment of the inams question by means of a separate Bill. Even when the previous Congress Ministry published a Bill on this subject for introduction in the Legislature, they excluded inams. Why all of a sudden have the inams also been lugged in under this Bill on the pretext that they also constitute estates as per the amended Act of 1936, passes my comprehension, except probably that the term estate is a very convenient one to lug in everything, whether it is a big inam, or a small inam, or a whole inam or a half inam. It seems to me that the Government are quite unjustified in including inams also under this Bill.

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"Now, Madam, the Hon. Minister for Revenue has been proclaiming and repeating on every platform, on the floor of this House and in press statements that the inamdar is on the same footing as the zamindar. His argument is that so long as there is any land which is covered by the definition of the term 'Estate' according to the Estates Land Act, it is a zamindari. To him, at any rate, it does not make any difference at all, whether the estate is a big one or a small one. The nature, the extent, the income derived from it, the class of owner of it, or what possible hardship could be caused to that estate-holder under this measure—all these things are of no consequence to him. Simply because a piece of land comes under the definition of the term 'Estate', it was lugged in as a zamindari and treated as such. That seems to be the principle which has guided him to include these small zamindaris and inams within the scope of this Bill. Otherwise I don't see how inams could be treated on the same footing as zamindaris. As was pointed out by my hon. Friend, Mr. K. Varadachariar, yesterday, there are certain inamdars in whom vests the melwaram rights alone. Some inams may possess the characteristics of a zamindari, but to club all inams together and to treat them in the same way as zamindaris is, I think, shooting beyond the mark. There are many inams, which by their origin, by their nature and by their tenure, are certainly different from zamindaris. I do not know how this wrong notion had crept in into the mind of the Hon. Revenue Minister, to treat both the inams and zamindaris alike. I would like, in this connexion, to give an illustration so as to bring forcibly the nature of inams to his mind. The present Government contemplates the grant of 5 acres of wet and 10 acres of dry lands to political sufferers."

THE DEPUTY SPEAKER:—"The hon. Member has taken too long a time. He should finish his speech in another two minutes."

SRI R. SUBBA IYER:—"May I request your kind indulgence, Madam, to allow me 15 minutes more?"

THE DEPUTY SPEAKER:—"No. It is now 1-30. The hon. Member will please finish his speech in two minutes."

SRI R. SUBBA IYER:—"I am sorry, Madam, I am rather disappointed. Yet I shall try to finish within two minutes."

"Madam, I was about to say that there are certainly lakhs and lakhs of small inamdars, owning small pieces of land, most of them five acres and less, whose mainstry is agriculture and who live on those lands. According to my hon. Friend, Mr. Vaidyanatha Ayyar, it was 2 lakhs; according to a memorandum submitted to the Select Committee on behalf of the Provincial Inamdars' Association, such inamdars number no less than a lakh. On the side of the Government, there is no such statistics at all. I remember the Hon. Minister for Revenue telling us that the Board of Revenue also has not got any statistics in the matter. That is to say, we are proceeding with this legislation without any

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statistics and without any material to guide us. I wish to remind you, Madam, that one lakh or two lakhs of families are affected by this measure and this figure has not been contradicted by the Government so far. So I take it, that this figure is roughly correct.

"If that is so, to deprive one or two lakhs of families of inamdars who own small bits of land and to confer a patta upon altogether a different set of people for no fault of theirs is not social justice. If you say that the tenant should have the small unit and you take the same small unit from others because they come under the definition of estate I say it is meaningless. What is the corresponding benefit of conferring pattas on third persons who may be equal in number? You are depriving one or two lakhs of families and taking away their livelihood and conferring the benefit upon another lakh or two of families. This is certainly robbing Peter to pay Paul. I therefore earnestly appeal to the Hon. the Minister for Revenue to exclude the small inamdar owning, say 10 or 15 acres of land, from the scope of the Bill. The other day, in connexion with the Prevention of Alienation Bill, people owning 20 acres or so were exempted. Likewise I urge that owners of 20 acres may be exempted under this Bill also; if he cannot do that at least those with 15 acres may be exempted, and left them he given pattas. That is what I would like to submit. I think, Madam, I have exhausted the time you were pleased to allow me. With this appeal to the Hon. the Revenue Minister, I am hoping that the various points I have dealt with will be favourably taken into consideration in the Select Committee. Madam, I support the motion for reference of the Bill to the Select Committee."

1-30 p.m.

THE DEPUTY SPEAKER:—"The House will adjourn for lunch and meet again at 2-30 p.m."

(After lunch—2-30 p.m.)

THE DEPUTY SPEAKER:—"The hon. Member, Mr. Venkateswarlu, will now speak."

* SRI PILLALAMARRI VENKATESWARLU:—"Madam, the Bill we are discussing has been before us for nearly six months. In spite of that fact we are unable to pass it and have it on the Statute Book. It is being delayed and there are so many factors which are helping the process of delay. We know there are extraneous influences responsible for the delay. That is, why at least at this stage our Hon. the Minister for Revenue has taken it seriously and though it essential to see that it is finally referred to a Select Committee. Though the delay is most unwelcome, at least we have had the opportunity of finding out the reaction of the various sections of the population and how people are reacting towards the provisions of the Bill. We know that the Bill is very important and that it is going to seriously affect some sections of the population. The zamindaris as such are going to be abolished. To that extent the Bill is highly welcome. But what are the

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problems facing us in this particular period? I do not agree with the Hon. the Revenue Minister when he says that the Bill is 'The Abolition of Zamindaris Bill'. It is merely entitled as such. But it is acquiring the zamindaris by paying compensation. At the same time even taking that it is going to acquire the zamindaris, is it going to solve the problems that are facing us at large or at least in the zamindari areas? That is the point we have to discuss. Before we finally understand the point and the serious aspect and nature of the business and how it is going to solve the problems facing us, we cannot give any judgment over the Bill.

"The Bill was criticised from many angles. Persons like Mr. Vaidyanatha Ayyar have said that this Bill is being brought about by a Communist Member and he also said that the Hon. the Minister for Revenue is racing for immortality. There is also the criticism that the Bill will help the zamindars more from the side of the hon. Mr. Prakasam though in a way he himself has tried his level best to delay the passage of the Bill till to-day. In reality if we take the whole thing into consideration we find that the Bill as such, even though it abolishes the zamindari system by acquiring, is not going to solve the problems facing us to-day. What are the problems?

"We have heard the speech of the Rajah Sahab of Pithapuram welcoming the provisions of the Bill. He himself has agreed that he is for the abolition of the zamindari system but at the same time he wants some more compensation. What does it mean? It clearly indicate that now-a-days the zamindars are unable to collect even a penny from the peasant and that is why they themselves are anxious to see that the zamindaris are bought out by the Government. They have plenty of money and they will turn out as capitalists. That is why they are anxious to see that the Bill is not only not delayed but also that they get more compensation. For that they are trying all sorts of methods. The highest pressure is being brought by all on the Government. I fear that because of the so-called letters from the High Command after all the zamindars may get more compensation than what is contemplated in this Bill. That is my honest fear and I hope it will not materialise.

"Even though the zamindaris as such are bought off, at the same time we find that these zamindars will not only become capitalists but will remain as big landlords. That is why I say that the Bill as such is not going to solve the problem that is facing us. Most of these zamindars are going to have their own private lands. We know that most of these zamindars have very recently given benami pattas so that when the Bill is finally passed they will have plenty of private land and they will function as big landlords just as the mirasdars in Tamilnad. Till now, in the Andhra particularly, we did not have much of this mirasdar problem. Now we are going to have another class of mirasdars

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"Another thing is that the Hon. Minister has not cared to take into consideration the question of the undertenant. We know that both in the zamindari as well as the ryotwari areas the problem of the undertenant is creeping up. It has become very serious. When a particular section of the peasantry is being affected it is but natural for the undertenant to come and ask as to what he is going to get. When I addressed a meeting, so many undertenants, cultivators and tillers of the soil asked me 'What are we going to get by the passing of this Bill?' I told them that by the Bill as such they were not going to get anything. But I also told them that the Hon. the Revenue Minister had promised that he would bring in another piece of legislation regarding the tenants. It is yet to be seen as to how it will materialise. For passing such a Bill which has been agreed to by all, by the zamindars and everybody, we have taken six months after it was published and 10 years after it was first investigated. We do not know how many years or centuries the Congress Ministry, if they were to continue in the same position, will take to see that the undertenant is protected. Madam, the problem of tenancy should be solved and the land must go to the tiller of the soil. It is being said that the Bill is framed in accordance with the election manifesto of the Congress. I should like to know how that statement is justified. In the Congress election manifesto it is clearly pointed out that the intermediary should be removed and has it removed him? Certainly not. Only the zamindaris have been bought off. What about the big landlord who is not the cultivator or the tiller of the soil? How does it protect the tiller of the soil? That is the problem with which we are faced. Even the Congress election manifesto as such has not been implemented even though they promised to do so. And it has been said that the Bill is being framed in accordance with the election manifesto. The most important point in the Congress election manifesto, as I understand, it is the question of removing the intermediaries. They still remain. Most of these landlords have become vakils and capitalists and businessmen, yet they are holding the pieces of land. Very recently it was unfortunate to hear the Hon. the Minister for Revenue saying that the interests of the landlord would not be jeopardized and that their interests would be protected. In what manner he is going to protect their interests I would like to know. Is he going to protect the interests of the landlord in a way which will hamper or hinder the interests of the tenants? I would like to know this from the Hon. Minister for Revenue.

"In this connexion I should like to point out that the most important problem of finding land for the tiller is not solved. I can understand that the Bill cannot be made applicable to the ryotwari system. My point is why does it not make provision even in regard to the undertenant, the actual tiller of the soil, at least in the zamindari area? Let me remind the Hon. the Minister for Revenue in this connexion, who is well versed in the matter of this land reform, that in Bengal at the time of the Shruawardy

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Ministry he brought in a legislation fixing the extent of private land as 33-1/3 or 32 acres. So also in the United Provinces Tenancy Legislation you find a fixation of private land. So also very recently in Orissa they brought in a legislation fixing private land as 33-1/3 acres. How is it then that under this Bill the Rajah of Challapalli, the Rajah of Pithapuram and other big zamindars are allowed to have large extents of private land?"

THE HON. SRI KALA VENKATA RAO:—"I would like to know whether the hon. Member knows that the private lands owned by the Rajah of Pithapuram are only 20 acres?"

SRI PILLALAMARRI VENKATESWARLU:—"I did not mention that. Perhaps our Hon. Minister for Revenue, because he is in touch with the office, knows that he has only 20 acres of land. But I should like to point out that if we would only take me into confidence he will see that there are hundreds of acres of benami pattas that have been transferred. He has given benami pattas to so many peasants. (Interruption.) They afterwards become private lands. In the course of my speech I shall give a list of private lands which these zamindars are having and then he will be convinced how this Bill will be ineffective as far as the private lands are concerned. At the same time there is a vast extent of banzar and communal lands. According to the Bill a tribunal is going to be appointed to deal with the banzar and communal lands. As to what is going to be the policy of the Government with regard to the banzar and communal lands, it will be left entirely in the hands of the Government. I would like to point out to the Hon. the Revenue Minister that according to the hon. Member, Mr. Prakasam's Bill, the administration of these banzar and communal lands was left in the hands of the village communities. I do not know if the Hon. Minister for Revenue will incorporate this point in the Bill at least in the Select Committee stage. But as the Bill at present stands, the question of banzar and communal lands is going against the interests of the tiller of the soil. To-day I can quote instances where lanka lands are being enjoyed by the rich peasantry and landlords at the expense of the poor. This is happening in his own district of East Godavari. Big landlords are getting the benefit of these lanka lands because they are being auctioned. When land is being auctioned, we know that only zamindars and rich landlords would get the benefit and not the tiller of the soil. I like to know the policy of the Government as to how the poorer sections of the population, that is, the tillers of the soil, are going to be benefited when the lanka lands are to be auctioned. In the case of communal lands and banzar lands, I want a categorical declaration from the Hon. Revenue Minister that these lands will not be leased out to the rich or auctioned or taken away by the rich people but that they will go only to the poorer sections of the population.

"Land is being concentrated more and more in the hands of absentee landlords. This phenomenon is prevalent particularly in Kistna district and generally everywhere. The number of

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absentee landlords is growing and greater portions of land are in their hands now. The peasantry are not able to make both ends meet. They are becoming all the more pauperised. Rich money lenders and big men are able to possess lands. This problem of absentee landlordism must also be solved. Absentee landlordism is prevalent not only in the ryotwari system, it is in zamindari areas also. Instead of saying that this will be dealt with after the zamindari system is removed, it would be better that it is incorporated in this legislation itself. Then only we can call this a comprehensive legislation or else it is nothing but purchasing the zamindaris. I can quote figures of lands that have passed into the hands of absentee landlords. In Chellapalli, most of the lands have passed into the hands of non-agricultural merchants. In Anakapalle taluk 20 per cent of the cultivators are tenants. The rents are as high as Rs. 350 per acre, because the tenants grow sugarcane. This Bill, as such, cannot solve any of these problems.

"Now, I would like to answer one of the points raised by our distinguished leader the Hon. Mr. Prakasam. He said that the Minister for Revenue has addressed a Communist conference and that conference has passed resolutions, and that thousands of Communist delegates came from different parts of Andhra and tried to influence the decisions of the Congress Party. I do not know how it is a mistake or a sin. I know of Ministers addressing zamindar gatherings, addressing Chambers of Commerce, etc. But when the Revenue Minister addressed a Communist conference it has become distinguished simply because it is organized under Communist leadership. As far as I understand the policy of the Ministry, I think the Ministry will not have political distinctions as far as the people are concerned. The point raised by Mr. Prakasam is that he wants to distinguish between Communists and others. The Government are openly taking sides with vested interests. Sections of the ryots came to Madras to express their opinion on this Bill. The Revenue Minister was asked to open a conference, and the lady Member Srimathi Seethamahalakshamma presided over the conference. This does not mean that the Communist Party is entirely in agreement with the Revenue Minister or in other words the Revenue Minister is in agreement with the Communist Party. It is said that only the Communist sections of the population support the Bill—that is the wrong view of the Hon. Mr. Prakasam. I know that the Andhra Provincial Congress Committee has passed a resolution supporting this Bill. The Tamilnad Provincial Congress Committee has also supported it. Mr. Ranga has even written to the Minister supporting him and congratulating him on this Bill. When such documentary proof is there, I do not know how Mr. Prakasam is justified in saying that this is a Communist measure and that only the Communists are supporting the Revenue Minister. The main point we have to consider is how far the Bill is going to solve the problem of land. As I pointed out earlier, the Bill, if passed as such, will only purchase the zamindars, and they will be turned into a capitalist

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class. But still the main problem of land reform is there. In almost every country in the world the zamindaris are being abolished. Thanks to British Imperialism we were not able to abolish the zamindari previously. The Congress Government had an opportunity to do away with the zamindari system in 1937. But it failed miserably. Now the Hon. Revenue Minister has got the opportunity, and he can really be proud of this opportunity. I congratulate him on that.

"I may point out that in most of the zamindaris there is rack-renting. Even the under-tenant (tenant under the ryot) is rack-renting. Sub-tenancy, under-tenancy, etc., are prevalent. All these things must be set right before the Bill is passed into law."

THE DEPUTY SPEAKER:—"The hon. Member has got only 8 minutes more."

SRI PILLALAMARRI VENKATESWARLU:—"I have taken 22 minutes."

THE DEPUTY SPEAKER:—"All right, the hon. Member will have another 10 minutes."

SRI PILLALAMARRI VENKATESWARLU:—"Now I come to the question of compensation. It is proposed in the Bill that the right of the zamindars is going to be acquired. Because it is accepted that the land does not belong to the zamindar, they want to acquire the right of collecting the cist. On so many occasions our distinguished leaders have opposed this principle. In this connexion I like to bring to the notice of the House how the ex-Prime Minister of Madras, Mr. C. Rajagopalachariar, has opposed the principle of paying compensation to these zamindars. Not only he, but most of our leaders, particularly the leader of the House the Hon. Dr. P. Subbarayan (who says that he is the disciple of Mahatma Gandhi) and also the Hon. Revenue Minister (who also claims to be a disciple of Mahatma Gandhi) and everybody without exception have opposed it. But when the question of implementing it came, these leaders and the Hon. Revenue Minister differed from Mahatma Gandhi."

THE HON. SRI KALA VENKATA RAO:—"If Gandhiji agrees will you be agreeable?"

SRI PILLALAMARRI VENKATESWARLU:—"I only like to point out that these leaders are differing from Mahatma Gandhi on this question. I know how Mr. C. Rajagopalachariar has clearly pointed out that there is no need to pay compensation to these people. Let me quote the views of Mr. C. Rajagopalachariar, Governor of West Bengal.

"When the whole system is so rotten, no State can afford to pay compensation except when it is a trifling matter. It can be pointed out that grants or subventions may be given. That is a different matter. Compensation for the acquisition of property is not to be allowed."

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So, it is clear that the Hon. Mr. Rajagopalachariar is not for paying any compensation to all these zamindars. I shall quote the view of Mahatma Gandhi also in this connection when he gave an interview during 1942 to an American journalist.

Q.—What is your programme for the improvement of the lot of the peasantry?

A.—The peasants would take the land.

Q.—Should the landlords be compensated,

A.—No, that would be fiscally impossible.

Q.—It must be confiscation without compensation?

A.—Of course it will be financially impossible for anybody to compensate the landlord.

This is the opinion of Mahatma Gandhi. Of course we do not know if Gandhiji has changed his views now. I do not find any reason for paying compensation. The Hon. Minister also knows full well that there is no ground to pay compensation. But now he is about to pay Rs. 10 crores as compensation.

"There is one more thing, Madam. It has been pointed out in the Prakasam Committee Report that the rights of public thoroughfares, porambokes, etc., vest in the ryots. We find in the Bill that the zamindar is going to be paid compensation even for all these. That point I am unable to understand. There is no need to pay compensation on that score. On the question of calculating compensation the zamindar is put in an advantageous position, and therefore he is paid more than he should get. To calculate the annual basic sum in the case of the zamindar it is proposed to take eighteen and one-third per cent as establishment charges, five per cent on account of maintenance of irrigation works, etc. Even here a serious mistake has been committed. Let us see how much the Government are spending for administration. The income is about 49 crores of rupees and expenditure for general administration is 59 lakhs, that is about 12 per cent. But according to the Bill, it is proposed to take eighteen and one-third per cent as establishment charges. Let us take the account submitted by the Zamindars of Pithapuram and Bobbili. They say, 43 lakhs as expenditure, and that is 18.45 per cent. The zamindars themselves agree that they spend less. The way in which compensation is being calculated is not at all in the interests of the people, and it is really more helpful to the zamindar.

"The first point is that there is no need to pay compensation and even if paid generosity should not be shown. The next point is about the mode of compensation. In other parts of the world, compensation, if paid, was never paid in a lump sum.

"Madam, we have heard the speech of the Hon. the Revenue Minister saying that a portion of the compensation will be paid immediately and the remaining portion will be paid afterwards and that the amount that is to be paid immediately will be about ten crores of rupees."

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THE HON. SRI KALA VENKATA RAO:—"Did I say that? You cannot quote portions of my speeches to your own interest."

SRI PILLALAMARRI VENKATESWARLU:—"Even now and even at this stage, I will be very happy if the Hon. the Revenue Minister comes forward and says that he is not going to pay even a single pie to the zamindar as compensation. I will welcome it and I will then correct myself."

"Then, Madam, about the amount of compensation, how much compensation is going to be paid to the zamindar?"

THE DEPUTY SPEAKER:—"The hon. Member has taken more than his time."

SRI PILLALAMARRI VENKATESWARLU:—"Most of the speakers even from the Congress side have taken hours and hours and I, representing the Communist Party, representing half of the Andhra population, should be given at least half the time that was allowed to the Hon. Mr. Prakasam."

THE DEPUTY SPEAKER:—"To-morrow each Member will get only 10 or 15 minutes and the hon. Member has taken half an hour."

SRI PILLALAMARRI VENKATESWARLU:—"Madam, now, I will come to the private lands. On the question of private lands, really the greatest injustice is being done to the peasant. We know how the zamindar accumulates so much acreage of private land. The Rajah of Chellapalli is having about 14,000 acres of private land. Public lands and even burial grounds and other pieces of land are being claimed as private land. In calculating the amount of private land, the Bill is very defective. Of course a Tribunal is going to be appointed and this matter will be referred to it. But this Bill is giving sanction to own such private land and the so-called private lands have been grabbed by the zamindars in an illegal and improper manner. Under those circumstances, I do not find any justification for owning these private lands. So, I request the Hon. the Revenue Minister to follow the principle of limiting these private lands to say, twenty or thirty acres just as in Bengal and United Provinces. That is the best way of dealing with the problem."

THE DEPUTY SPEAKER:—"The hon. Member should now close his speech."

SRI PILLALAMARRI VENKATESWARLU:—"I have taken only half an hour. I want fifteen minutes more because I have not yet finished my speech."

SRI K. ANANDAN NAMBIYAR:—"I want your ruling on this Madam. Members who have come forward with this Bill have been given hours and days and it is most unjust on the part of the Chair to disallow the Communist Members some more time. I request that more time may be given to the Communist party members and I want a ruling on the matter."

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THE HON. DR. P. SUBBARAYAN:—"Might I submit for the information of the Deputy Speaker, that there is no point of order in what Mr. Anandan Nambiyar says?"

THE DEPUTY SPEAKER:—"It is no point of order. I hope if you come in greater numbers, you will have more time next time."

SRI PILLALAMARRI VENKATESWARLU:—"Madam, I have not finished my speech. I will finish it in five minutes' time."

THE DEPUTY SPEAKER:—"I knew you would ask for more time and that was why I rang the bell even before ten minutes. The other points which you have not covered may be taken up by Mr. Anandan Nambiyar, as I have already called the next speaker."

SRI PILLALAMARRI VENKATESWARLU:—"The hon. Member has not begun his speech. This is a very important legislation and I once again request that I may be given some more time."

THE DEPUTY SPEAKER:—"Mr. Viswanatham will now begin his speech."

SRI K. ANANDAN NAMBIYAR:—"It is most unjust, Madam."

THE HON. DR. P. SUBBARAYAN:—"He is casting a reflection on you, Madam, and he must withdraw it."

THE DEPUTY SPEAKER:—"He does not mean it." (Laughter.)

* SRI T. VISWANATHAM:—"Anyway, it is well rounded off. Madam Deputy Speaker, those who have to speak on this Bill are under several handicaps. A good number of statements and counter-statements have appeared in the press; most of them of course have come from the Hon. the Revenue Minister. When a particular question is asked, he admits that he has got instructions from the Secretary of the Indian National Congress and the President of the Indian National Congress and then there is darkness. When a particular Member asks what those instructions are, he says that they are not to be given out or that he would do it after some time. Then, if some points are raised, of course, he says that he will consider them at the Select Committee stage. To some other questions, he replies: 'I have decided to incorporate some amendments in accordance with the wishes and instructions issued by the High Command.' What those are, we do not know. Therefore, we have to work more or less in a vacuum. (The hon. the Leader of the Opposition: 'In the air.') Madam, these are some of the handicaps with which the House is faced in discussing this Bill. Again the Hon. the Revenue Minister says that Mr. Prakasam was referring to some old instructions issued by the General Secretary of the Indian National Congress and that he has now

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received further instructions from the present President of the Congress and that they are under consideration by the Cabinet. If the instructions are worth the attention of the Cabinet, why should not they be revealed to this House? Those instructions might be altogether quite different from the views expressed by the Members of this House. Anyway, if the matter has been engaging the attention of the Cabinet, it would have been very right that the substance of the instructions which they have issued should be embodied in the present Bill. At least the Hon. the Minister must make clear some of the provisions which he wants to accept at the Select Committee stage. He has said that he is going to accept several amendments particularly with regard to some inams but whenever questions arise on the details of such amendments, the Hon. Minister is very quick and immediately replies that he will consider them at the Select Committee stage. Therefore, at this stage, it is difficult for us to raise points because we do not know what things he has made up in his mind to accept or reject once for all. So, we are starting in the midst of this confusion.

"Madam, the Bill, as it is introduced aims to repeal the Permanent Settlement regulations and is popularly known as the Zamindari Abolition Bill but it is with regard to the abolition of estates that were permanently settled under the Permanent Settlement Regulations of 1802. Then it stands to reason and it stands to common sense that the Bill covers only such Estates as are covered by that Regulation but the Hon. the Revenue Minister has been in some confusion in dealing with these estates. In the course of 150 years, occasion arose when the relations between the ryots and landlords had to be regulated. In doing so, in 1908 one hundred and six years after the P.S. Regulation they included some inamdars also and the provisions regarding the relations between the estate holders and tenants in estates were made applicable to the relations between the landlords and tenants in inams also. It is for the sake of convenience that the provisions with regard to the relations between the ryots and the landholders in estates were made applicable to certain other kinds of landlords also like inamdars. They may be ijaras or inamdars, or official receivers or somebody in the possession of the lands and their relations with their tenants had to be regulated. For the sake of convenience, the provisions relating to the tenants in estates were made applicable to these tenants and it is that that has caused this confusion in the mind of the Revenue Minister.

"Let me take it clear, Madam. The Permanent Settlement Regulations of 1802 regulated the relations between the tenants and the estate holders. As I have already stated, time and again, occasions arose when there were hitches between the tenants and the landlords under the Permanent Regulation and also certain others—it may be inamdars—and for the sake of convenience certain common provisions were made to regulate the rights as between the tenants and the landholders in inams also. Thus in 1908, the Estate Land Act was passed for the purpose of regulating those rights in certain inams also. Confusion

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naturally developed and most of these inams are mistaken to have become estates. So, the Estate Land Act dealt with the estates under the Permanent Settlement; there were also other lands which were in the hands of certain peasants long before the Permanent Settlement and the Government had certain reversionary rights also in those lands. The old records and regulations will show that in the year 1859 or so the Government gave up those reversionary rights in favour of those landholders and thus they were put on the same level as the ryotwari pattadars, the pattadars having freehold lands. If you look into the wording of the Act of 1862 dealing with those inams, you will see that the Government had reversionary rights and that they gave up those reversionary rights. It will thus be found that the inamdars were on the same level as the ryotwari pattadars or the freehold landlords. Those ordinary inams were in existence even prior to the Permanent Settlement regulations and therefore, they were not clubbed together with the Permanent Settlement Regulations. The Permanent Settlement dealt with only certain kinds of estates which were rather different from the so-called inams. Therefore, the first confusion arose when Government wanted to have a piecemeal legislation, as it were, for regulating the rights between the tenants and their immediate landlords in inams. There were the inamdars; there were the sub-tenants; there were the ryotwari pattadars and their sub-tenants. The Government somehow or other left the under-tenant of the ryotwari pattadars in the lurch and took up the question of relations between the sub-tenants and their landlords, the inamdars, the Jagirdars and others. In order to facilitate legislation they said the provisions that were applicable to the estate holders and their tenants would also apply to the sub-tenants of the inamdars and it was only for the purpose of convenience that they were put in the same piece of legislation. By that means inams could not be converted into estates. Now if we want to abolish these estates we have to repeal the Permanent Settlement Regulation. I am just reading the preamble to the Madras Emfranchised Inams Act, 1862: 'Whereas . . . under the inam rules sanctioned by Government, under the date 9th August 1859, the reversionary rights of Government are surrendered to the inamdars, in consideration of an equivalent annual quit rent, and the inam lands are thus enfranchised and placed in the same position as other descriptions of landed property. These lands existed hundreds of years prior to the estates covered by Permanent Settlement. Our records show inams which belong to the 15th century and the 16th century. That is why they were careful to exclude these inams from the Permanent Settlement Regulation and they held separate enquiries with regard to these inams. In one of the statements the Revenue Minister had stated that there could be no inams granted subsequent to the Permanent Settlement. As a matter of fact what happened at the time of the Permanent Settlement was that the inams in existence till 1802 were dealt with by the Government then under that regulation and they said no further inam could be created by any landholder so as to deprive the

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Government of their peishkush. The Government appointed a Commission in 1898 and that Commission went into the validity of the title of all those inams which were left off. Some of them were found to be good and some bad. In some cases it was found that inamdars were in possession for more than 50 years and in some a few years less. They framed certain rules under which the inamdars having shown continued possession for more than 50 years were dealt with in a particular way and different assessments were made ranging from 1/8, 1/3 and so on. The fact that some of the village inams were included in the Estate Land Act does not show that the inams became estates thereby. There is some mental confusion in regard to this piece of legislation when the Revenue Minister says that the inams became estates. In order to regulate the affairs between the ryots, tenants and the inamdars certain provisions were made applicable. The argument is advanced that inams became estates under the 1908 Act and the 1936 Act. But this is not the correct legal position. Many of the criticisms have arisen because the provisions made in this particular Bill are based upon that misconception of the position of the inams. I am not one of those who say that the sub-tenants of the inamdars must be left scotfree. In fact as it is, we see that the sub-tenants, the under-lessees of the inamdars are already brought under control in regard to their relations with their immediate superiors, while the sub-tenants of the ryotwari pattadars are not at all brought under this. So also the sub-tenants of the pattadars in zamindaris are not brought under control. Therefore, I would suggest that these three groups of persons, the sub-tenants of the inamdars, the sub-tenants of the zamindari pattadars who are now vanishing and the sub-tenants of the ryotwari pattadars, should be made to stand on the same footing and a similar kind of provision must be made, not at a later date, but now and forthwith.

"It is nearly three months since the Bill was published. We do not know exactly what steps the Government have taken to regulate the relations between these sub-tenants and their immediate landholders. The Revenue Minister in the early stages made a good deal of promise that he will not bring in a piecemeal legislation but it will be a very comprehensive one including ryotwari pattadars, inamdars, tillers of the soil, cultivators and so on. I think it was on the first or second day of his assumption of office he made such a statement. I was very glad to hear that. But I knew his was the language of inexperience. Probably now after eight months he has found out from experience that it is not possible. There is nothing wrong in admitting and in learning things. We are all learning and the Revenue Minister may also learn a great deal. But now I may say with all respect to the Revenue Minister and the Government that the sub-tenants of the inamdars, zamindari pattadars and the ryotwari pattadars should all be brought under the same piece of legislation so that their rights in relation to their sub-tenants may be regulated upon a just and equitable basis rather than treat inamdars as zamindars and be satisfied.

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"Now there are certain fundamental principles which should not be forgotten in this connexion. They are based on certain ideologies. There are some people who do not believe in private property and therefore the argument which they advance is different from that of ours. So long as the present Government and the Congress and also the members of the Muslim League Party believe in the institution of private property, there are certain fundamentals which we should not overlook whenever we introduce any legislation in this House. The first thing is that no property should be taken without payment of adequate and equitable compensation. That is a principle agreed to by the Government and embodied in this Bill but it looks on account of certain conflicting forces of political opinion, the principle itself has been forgotten when these things are being translated into action. The Government of India Act embodies this principle that property shall not be taken away without payment of compensation. I think it is the tentative decision of the sub-committees of the Constituent Assembly that private property cannot be taken away without compensation being paid. Now persons who have acquired rights under existing law on the faith that they will not be deprived of those rights without due compensation. That is a principle which will follow automatically from the principle of private property. Then if the Government and the Legislature are debarred from infringing on the rights of private property, the proposition inevitably follows that the rule of law must be held supreme and the Courts of law must be the ultimate arbiters of justice and not the Government. These three principles are absolutely essential. I am arguing this on the basis that all of us excepting a very few believe in the institution of private property and we want to maintain it. Our laws are framed on this basis and our economic structure is based on this and so it is that we cannot deprive a man of his property without compensation and we cannot affect *bona fide* rights acquired under law and we cannot also oust the jurisdiction of the courts in the settlement of disputes. Unfortunately however it is these three principles that are infringed upon by the provisions of this Bill. I am not going into the quantum of compensation which is proposed to be given or how the Government have arrived at this in this Bill. Personally I believe that a different course should have been adopted. I would never have invited so much criticism about this compensation and the method of working it if things were left to me. I would not have the final say in these matters in my hands or those of the Government but leave it to a judicial tribunal. I would say 'It is necessary in the interests of the public that the Permanent Settlement Regulation should be repealed and therefore on a notified date the estates will vest in the Government. Government will take all the necessary steps to secure and improve those lands in the best way possible.' The Revenue Minister says here in this Bill that the Government will undertake a survey and settlement but in public speeches and on the floor of the House he says that there will be great changes, he says that in some of

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the lands there will be no rents at all and that he is going to abolish the land tax. No doubt there are many proposals about this land reform ever since Marshall wrote and since the days of Adam Smith and Ricardo. This is an ancient country and after trying various systems and the practicability of many proposals, our predecessors have come to the conclusion that the best method is to impose some kind of tax upon land based upon its extent and the produce got therefrom. Until 1802 there was the cropwar rate in this country. In 1802 the Government decided that this cropwar rate was working great hardship and therefore they said that the cash basis should prevail. In some of the Indian States even now there is this cropwar rate. Now during war time and during the consequent scarcity of foodstuffs the economists said that the cropwar rates are good and if the nation wants to produce more the tax should be on this basis, though they were holding different views previously and saying that this system was crude and antediluvian. These are all theories which will be advanced according to the exigencies of the situation. There is really no such thing as an absolute standard for all time to come. That is why you should not commit yourself to this or that. The Revenue Minister says that he is thinking of several changes in the land revenue system. Then why should he say in this Bill that he will have the ryotwari system and that the compensation will be paid on this or that basis? He says that the rent will be settled and that will be the basis on which he will give compensation. I would say I would not have brought this point as a provision of this Bill. I would simply have said that I take the estates as it is necessary in the public interests.

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"Then those estates may possibly be treated as ryotwari lands and taxed on that basis. It is not necessary that you should tax them per acre or according to crops. You may exempt some lands. It is not necessary that you should have a flat rate of taxation. You can change all these things. But you should not think of the tax-structure in this way, as it were by a side-door. This affects 30,000 square miles of the Province. The Hon. Minister says at one place that he is going to change all the tax structure, but he says that with regard to the 30,000 square miles, he will fix the tax once for all. And on that he would fix the compensation. This is confused idealism. It will lead to confusion. (The Hon. Sri Kala Venkata Rao: '30,000 square miles also can be adjusted to the other things'.) The Hon. Revenue Minister will take six or seven years to do this. If this is the way of dealing with important agricultural reforms, the Hon. Minister can please himself. But as a humble student of men and matters I am merely pointing out some of the defects. I am not here to contradict and criticise him. As a fellow-worker in the field of agrarian reform, I am making my humble suggestions, from the point of view of the truth of the matter. The Taxation Enquiry Committee Report of 1927 has discussed all these things. But the Government did not enforce any new system of taxation of land. Nobody is as yet certain which is the best system. We are

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all thinking aloud. There is nothing wrong in thinking aloud. What is the point of bringing nearly one-third of the Presidency under a particular system, which will take six or seven years to settle according to his own computation and then say in the same breath that he would adopt another system meanwhile for the rest of the province?

"With regard to compensation the Revenue Minister presumes that in 1802, a definite proportion in perpetuity of two-thirds to the Government and one-third to the zamindar was made and therefore he says he would keep the same proportion. I am not speaking for any estate holders, but I should say that the principle has been wrongly enunciated by him. The legislation which we are trying to make here will be scrutinized by all knowing persons and I think it is much better we are very careful in our legal position. There is no evidence that in 1802 the proportion between the estate holder's income and what he has got to pay to the Government was 2:1. Let us see its history. There was a lot of trouble between 1788 and 1802 in this country in regard to land revenue collection by the Government. There was great confusion. The East India Company was not able to collect the land tax. The estate holders had police powers and military strength. They had a sort of immediate control over the country. There were many fights between . . . (At this stage the Deputy Speaker rang the bell.) Am I to stop?"

THE DEPUTY SPEAKER:—"The hon. Member has one minute more."

SRI T. VISWANATHAM:—"Then I had better stop now."

* BEGUM SULTAN MIR AMIRUDDIN:—"Madam, Deputy Speaker, so far as the principle of this Bill is concerned, namely, the abolition of the zamindaris, it has the support of all sections of the House, including the zamindars themselves. Yesterday, the Yuvaraja of Pithapuram informed us that the zamindars were as a matter of fact, anxious that there should be no delay in the passage of this Bill. The only question in dispute is that of the quantum of compensation to be allotted to them. The zamindars contend that they are entitled to adequate and equitable compensation on the basis of the election manifesto of the Congress and also of section 299 of the Government of India Act, wherein it has been specifically prescribed that no law should be passed in regard to the acquisition of immovable property for public purposes without providing for compensation. It is true that the word 'just' does not occur in this section, but the term 'compensation', as defined in the Oxford Dictionary implies that it should be fair and adequate. Compensation signifies that which is given in recompense, an equivalent rendered; the term etymologically, suggests the image of balancing one thing against another. Hence the fact that the word 'just' has not been mentioned in section 299 of the Government of India Act does not make any difference in regard to the assessment of compensation."

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"The principle of granting compensation for property acquired has been recognized in all civilized countries of the world. In Britain, in a King's Bench case, Justice Moulton declared that compensation implied that the owner was to receive for the lands he gave up, their equivalent, that is, that which they were worth to him 'in money.' (Lucas and Chesterfield Gas and Water Board—1909 1 K.B. 16.) Again the Constitution of the United States of America (vide the 5th amendment) makes an express provision that property cannot be taken away without just compensation. This principle is also implicit in the Australian Constitution. According to the decisions of the Australian Courts, just compensation may or may not be something more than the market value of the property. But, we need not traverse western countries in order to discover the principle of equitable compensation for as was rightly pointed out by the Hon. Mr. Prakasam the other day, this principle will be found embodied in the ancient law books of India herself and can be discovered among the laws of Manu.

"The hon. Member Mr. Prakasam concedes the point that those who are deprived of their properties should receive equitable compensation, but what he contends is that the zamindars are not entitled to anything more than nominal compensation, because they are not the proprietors of the land but mere rent collectors. This may be true historically with reference to some zamindars though not with reference to all, but legally the position is different. The hon. Member Mr. Prakasam, who is himself an eminent lawyer is aware that the 'Melwaram' right of the zamindars has for a long time been recognized as proprietorship by various Acts and Regulations since the beginning of the 19th century and by the judicial decisions of the highest courts in the land. Having been treated for the past 145 years as owners of the estates and having been fortified in their position by judicial decisions, there is no gain-saying the fact that they zamindars are entitled to greater consideration to-day than the hon. Member Mr. Prakasam would vouchsafe to them. When a man's right has been established not for a short time but for a long number of years, that right should be given due recognition and consideration. Thousands of transactions have taken place during the past century and a half on the basis that the zamindars had proprietary rights, and it is too late in the day not to recognize those rights now. I find that the present Government have conceded the principle that the zamindar is the owner of the land, for in the Bill before us the term 'proprietor' has been used with reference to him. Having given him the designation of 'proprietor', the Government can no longer take shelter under the plea that he is deemed a rent-collector. Such being the case, the zamindars are entitled to equitable compensation in conformity with section 299 of the Government of India Act.

"The hon. Member Mr. Viswanatham rightly stated that the question of determining the compensation should have been left to the courts of law. The hon. Mr. Mahboob Ali Baig also stressed this point. That would have been the best course to adopt. If the

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Government are not agreeable to this, I hope at least they will bear in mind the necessity to conform to the fundamental canons of justice obtaining in all civilized systems of jurisprudence. With reference to impartible estates the Government should bear in mind the rules of primo-geniture in regard to the payment of compensation, instead of being swayed by the rules prevalent in the Hindu joint family system. Let me point out that I am not concerned much with the problems of the zamindars. I have referred to their case simply because there are certain moral norms to be followed when undertaking legislation. If a sense of security in private property is to be maintained, if the stability of society is not to be shaken, there can be no gainsaying the fact that those who are deprived of their belongings should be given due compensation. Hence it is that I have referred to this matter and not because I am in any way interested in the zamindars.

"I am interested in some others that are mixed up with the zamindars in this Bill. Although this Bill is stated to be a Bill for the repeal of the permanent settlement, we find that the inamdars have also been included in it. As has been rightly pointed out by a number of speakers, the origin, the history and nature of the inams have been different from those of the zamindars; and hence they should have been dealt with separately and formed part of separate legislation. We find, however, that, in this Bill, the zamindars and inamdars—big and small, rich and poor, have all been clubbed together despite the fact that the Government have not the necessary information with reference to inams. In 1936, Sir Archibald Campbell, Member of the then Executive Council, confessed that the Government had no information as to the number of inam villages in the Province, or the number of shareholders among them, or the number of villages covered by decrees of courts or the number of villages that had passed into the hands of *bona fide* purchasers for value. I do not suppose that the Government are to-day in any manner wiser in regard to these matters. Yet without possessing the necessary data, without making due investigation and inquiry about the inams they intend to liquidate them along with the zamindars. The result of this Bill will be that owners of small holdings in regard to whom I am most concerned—will be deprived of their properties and rendered, so to speak, adrift. In civilized societies the actions of the State have to be limited by considerations of social justice. It is very necessary that the Government should examine the question of small holdings with due regard to the economic and sociological implications involved therein. It must be remembered that while the big vested interests will be able to stand the strain of partial expropriation, the small inamdars are not in a position to do so. I wish to point out that a large number of owners of small inams are receiving a mere pittance by way of rent whereas their tenants obtain a larger income because they lease other lands also. I wish to enquire whether it is social justice to deprive these small inamdars of their holdings in order to transfer them to the richer tenants? In all their actions the

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Government should be governed by considerations of fairness and equity and should not place dogmas, theories, slogans and shibboleths above human interests. I ask, is it fair, is it just, is it humane to make those who are already poor, poorer, in order to benefit some one better off or even poor, simply because the former is technically a landlord and the latter, a tenant? The tenants are not the only persons to be considered. There are others, though they come under the category of landlord, who are equally poor or even poorer who deserve sympathy. No Government can afford to challenge the voice of reason and be swayed by doctrinaire principles. Reason demands that the small inamdars should not be liquidated and should not be clubbed together with the rich zamindars. The Government should see that the legislation they undertake tends to human benefit. Therefore, I urge that small holdings should be defined, and the owners thereof should be excluded from the purview of the present measure. I wish to stress this particularly in view of the fact that a large number of women, including many Hindu widows in this Province, are the owners of these small holdings. I think the other day, the hon. Mr. Vaidyanatha Ayyar gave some figures in this regard. Hindu widows have been hit hard by a recent legislation. I am referring to the Hindu Widows' Rights to Property Act which was passed in this House without retrospective effect being given to it from 1937 which we demanded. Let not the Government take any further step to add to the miseries, the unhappiness, the hardships, the difficulties and the mental agonies of the poor widows of the land. I appeal to the Hon. Minister for Revenue, particularly on behalf of the widows and the poor women of this Province, to exclude small holdings from the purview of this Bill. (An hon. Member: 'What about widows of tenants?') They should also be looked after. My point is that the Government are not acting wisely in making the poor widow or some other poor inamdar poorer. By rendering these people adrift in these hard and difficult days, the Government will be creating new problems for themselves for it may be that they will have to launch measures for the rehabilitation of these people. All those who are poor, whether they come under the category of landlord or that of tenants, should be treated with sympathy and due help should be extended to all without discrimination. So long as the Government believe in the rights of private property, so long as they recognize the sanctity of private property, they must observe certain forms of conduct, and there is no justification in their depriving the small inamdars of their holdings. When ryotwari pattadars are owning extensive tracts, why should small inamdars be dispossessed of their petty holdings? We cannot be fitted into a pattern of life which the Communist members of this House envisage. I therefore, hope that small inams of less than 20 acres will be excluded from the operation of this Bill.

"It is also regrettable to note that not only secular inams but religious inams also have been included within the scope of this

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measure. The consequence of this will be that not merely inams given to Hindu religious and charitable institutions but also those which were granted to Christian and Muslim religious institutions, will be hit by this Bill. This interference on the part of the Government with the religious institutions of Muslims and Christians will be a violation of the declared policy of the Congress that the religion and culture of the minorities will be protected. It may be urged that these religious institutions are not being administered efficiently. Well, if it is so, it is open to the Government to bring forward legislation to rectify the defects. The Hon. Minister may come forward to give an undertaking that the religious institutions will be duly compensated by the award of Government annuities. But I wish to enquire how long the present Government will continue in office? Everything has an end; nothing in this world is everlasting, permanent and eternal. It may be that at some future date a Government with atheistic tendencies might establish itself in this Province. If this were to occur, one of the first acts of that Government will be to abolish, by an administrative fiat, all grants given to religious institutions. Such a contingency, I am sure, will never appeal to the Hon. Premier of this Province, who is a man of religion, and who made a fervent plea, the other day, at the Convocation of the Annamalai University for the preservation and strengthening of religious institutions. In the circumstances, I request the Hon. Minister for Revenue to exclude religious and charitable inams from the purview of the present Bill. I know that there are a large number of Members belonging to the Congress Party who subscribe to my views in this regard. India has, from time immemorial, been a land of spirituality and it will be calamitous, not merely for India but, I feel, for the whole world if the influence of religion is undermined in this country. I shall conclude with the hope that the Hon. Minister for Revenue will bear in mind the points mentioned by me and do the needful when this Bill goes to the Select Committee. With these words, Madam, I wish to support the principle of this Bill."

* SRI K. BRAHMANANDAM REDDI:—"Madam, Deputy Speaker, the best contribution that this Assembly in its present lifetime, can make to the rapid progress of this essentially agricultural land of ours, is to put this Bill on the statute book as early as possible. We are told that the acreage to be affected by this Bill is about 17 million acres and that the peasants likely to be benefited by this Bill are several millions. Hence, it being a very vital improvement of the impoverished peasantry, it is incumbent on us to consider this Bill in all its aspects, particularly from the point of view of compensation. Although I do not wish to take up much of the time of the House, we have to consider the question of the proprietorship of the soil, i.e., whether he is an intermediary or a ryot, because it has a vital bearing on other important issues in the Bill, namely, the question of compensation, etc."

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4 p.m. "It has been said in the Prakasam Committee Report and in the opening speech of the Hon. Minister for Revenue that the zamindar or the inamdar is only an intermediary and that he could not be presumed to have any rights of proprietorship in the soil. I do not wish to traverse the same ground as it would be unnecessary and as it would also be unproductive investment of energy. But we have unwanted jurists among us and around us who reputed for their efficient legal quibbling, time and again come to the aid of the zamindar and declare that if they, the zamindars, are to be eliminated, they will have to be paid on the basis of the market value of their lands or else section 299 of the Government of India Act stands in the way of the acquisition; or they quote Privy Council decision or the Madras Law Journal decision in support of their stand. The other day, we saw Mr. Vaidyanatha Ayyar arguing in that strain; we have seen his heart bleeding for the zamindars, bleeding for the ryots, bleeding for the inamdars, bleeding for the Harijans and it did not also fail to bleed for the God who can ordinarily be expected to take care of Himself. I was at a loss to know whether his heart did really bleed at all. It was a very odd picture that I saw that day. We saw he was arguing for the widow when considering the Hindu Women's Right to Property Act. He argued vehemently at the party meeting saying that retrospective effect should not be given to the rights created in favour of the widow. But he argued with equal vehemence and with much force here that retrospective effect should be given. I do not know whether the House would be amused over such a kind of volte-face. It is very easy for him to come here and plead conscience in the bargain but I want the House and you, Madam Deputy Speaker, to judge whether it is conscience or licence. The question whether the zamindar has proprietorship of the soil or not is relevant in considering what claims need be paid and what compensation would be equitable. Even conceding for a moment for the sake of argument that the zamindar has rights of proprietorship in the soil, is it such an inviolable right, is it such a touch-me-not business that overriding and paramount considerations of State or commonweal of the population or the rapid progress of country towards elimination of exploitation of one section of people by another, cannot trench on? It is only a right created by a sanad or in the interpretation of that sanad and if the public weal demands it, that right has to be done away with. That is only the ordinary and orderly process of evolution and that is the beauty of progressive civilization. The zamindar is not the proprietor of the soil. His position is that of a rent-collector. As has been said on good authority he is not even a rent-collector but is a mere officer of State just like the Tahsildar or the karnam. There is ample authority for this position if only you take the trouble to go through certain portions of the Prakasam Committee Report. There is authority to show that the zamindar is no other than a mere officer of State for the collection of rent. If he is such a one, if he merely collects rent, remits to the treasury just like the Tahsildar or the Revenue Inspector does, what is the

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compensation that is to be paid? What is equitable compensation cannot be abstractly said. You can only consider the equity or otherwise of the compensation in relation to the right possessed by the zamindar. If his right is only that of a mere rent-collector or that of an officer of State, what is the compensation that is equitable? If I am going to discharge a servant of mine, what is the compensation that I need pay? What is the position if he is engaged for only a particular purpose? (At this stage Mr. Speaker occupied the chair.) If it is established on good authority and an unassailable case has been made out for the proposition that the zamindar is no other than a rent-collector or a mere servant, I think that the rate proposed is a little excessive. Regarding the quantum of compensation, so long as there are people to voice their opinion there cannot be any unanimity. The rate that is proposed works at about $2\frac{1}{2}$ times or twice the present income. I should think it would be quite sufficient if a year's rental is given."

THE HON. SRI KALA VENKATA RAO:—"That will be more according to your formula."

* SRI K. BRAHMANANDAM REDDI:—"If it is more, I am sorry. It will be sufficient to say that the scheme of the proposed compensation is a little excessive so far as zamindars are concerned."

"Much has been said and written about inams. In fact so much has been said, re-said and written that if you read them or hear them, it would leave you in the wilderness. Irrespective of legal quibblings to the contrary, whether they are zamindars or not, there is no questioning the fact that they are intermediaries; there is absolutely no doubt about that proposition. According to the Congress Election Manifesto which is our Bible so far as the Congress is concerned, all intermediaries ought to go and inamdar is one such. The Bobbili Ministry which is supposed to be a reactionary one, has created certain rights for the tenants, namely, the rights of occupancy. The rapid progress of the country towards the rehabilitation of agriculture requires that intermediaries should be removed and the ryot must be made to feel that he is the absolute master of the land. It is also necessary to increase the nation's output. For that purpose, whatever may be the rights of the inamdars, they have to be taken away. Of course, other people may say: 'What about the other cases like the business magnates?' and my hon. Friend, Mr. Varadachari, as is expected of him asked what is to happen to the ryotwari pattadar. I realize that the rich pattadar ought to come under the Act some time and that is surely going to happen. (Sri N. S. Varadachari: 'Why not now is my question?') As is usual with him, he is hasty. My submission is that you cannot conceive of any comprehensive legislation touching zamindars, ryotwari pattadars, business magnates and others."

(Sri N. S. Varadachari rose.)

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SRI K. BRAHMANANDAM REDDI:—"I do not want to yield."

MR. SPEAKER:—"I wish to know if the hon. Member wishes to raise a point of order."

SRI N. S. VARADACHARI:—"Yes. Apart from the statements that the hon. Member has been making what proof does he adduce to show that inamdar is an intermediary?"

MR. SPEAKER:—"It is not a point of order at all."

4-15 p.m. * SRI K. BRAHMANANDAM REDDI:—"I am glad, Mr. Speaker, you have come to my rescue and I am glad also that I am not very near Mr. Varadachari. My submission is that he is an intermediary. But he says why not ryotwari pattadars also be included in the Bill. As I have said it is the stock argument that is usually advanced against any legislation governing the social or economic aspect of society. They are things which are as important as this; but each has its own time; you cannot expect a zamindari legislation to repeal permanent settlement to consider the ryotwari pattadar. That is my answer to my Friend, Mr. Varadachari. Now, Sir, if these inams are to be excluded, what about the charitable and religious inams? Of course, all of us in this House excepting probably my two Communist friends, are religious-minded, though we may not be pious. It is true if this Bill is going to affect religious institutions you are certainly traversing on a ground which is liable to be misunderstood. If it be the case, I only request that the Government may put themselves in touch with the matter and give such annual compensation as is necessary for the proper upkeep of the religious or charitable institutions. I do not wish that the Government should yield to the pressure from interested quarters and exclude these religious and charitable inams; because in the Presidency after the passage of this Bill you are going to have an uniform tenure and an uniform rate. There may be a drawback in it, but it does not matter. So, let us not create a different kind of tenure and a different kind of rate for these inams. If necessary, Government may give a lump sum annually, as has been promised by the Revenue Minister, and thus help these institutions for their proper upkeep, so that our religious feelings and sentiments may not be affected.

"Now, Sir, a controversy has been raging as regards the adoption in this measure of the ryotwari rate. Whether the rate that ought to be adopted is the 1802 rate or the present ryotwari rate, is the question. Of course, it is established on good authority and a very unassailable case has been made for the proposition that the rate fixed in 1802 is an unalterable one. So far as I can understand the case, it is so. But I ask, whether it is not unalterably fixed so far as the zamindar alone is concerned, or whether it is unalterably fixed so far as the Government is concerned also and whether it is open to the Government at any time to revise the rate, to enhance it or to decrease it. Such being the case I do

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not see much weight in the argument that we should resort only to the 1802 rate. There is no use of merely promising relief to the ryots. There is no use of telling them, that even though they are now paying Rs. 10 as rent per acre, ten years hence, they will have to pay only Re. 1 per acre. It is better they are given immediate relief. It does not matter if that is a little higher than the 1802 rate. I understand on good authority that to work out the 1802 rate, or to work out its equivalent in kind, would be a very difficult process, which might take a decade. If it is so, it would be much better to adopt a rough-and-ready method and relieve the ryot of his burden now. Further the adoption of the 1802 rate would mean setting in motion a huge Government machinery with the resultant drain on the public purse. Further, it is not as if, in a progressive State, in a State that is to progress by leaps and bounds, or that is leaping, this rate is going to last for ever. This may be transitory. Tomorrow, our ideas may change, we may be changing the tenure, changing the rate; we are told by the Revenue Minister that this system of taxation is no good; it is a burden on the ryot, and a progressive rate of taxation should be introduced. If the Revenue Minister is able to fulfil his promise in a short time probably we would have no ground to say that the 1802 rate of rent is not accepted and that the ryotwari rate is adopted. Supposing, about a decade hence, we are going to be very prosperous from the point of view of agriculture, is not the Government of that day entitled to ask the ryot to pay, not his present Rs. 10 rent per acre, but say, Rs. 50 or Rs. 100 per acre? So it is a changing thing. So, if the Government of the day feel that a particular rate is a proper rate, it should have the best right to levy it.

"Now, Sir, this Bill has been before the public for a decade, and especially after it has been published, it has taken so many months for us to come to this stage of discussion. When that is the case, one is amused to see Mr. Hameed Khan, who calls himself to belong to a progressive party—perhaps according to their light—proposing to move an amendment to circulate the Bill to elicit public opinion. I would ask him if he is here (I see him in the House though not in his usual place) whether there is anything under the sun which has engaged the attention of the public and the Press so much as this measure. It has been engaging the attention of the public and the Press for a decade ever since the Congress Election Manifesto was first published in 1935. I do not see any point in circulating this Bill to elicit public opinion. He will pardon me, if I say, it may befit him, representing as he does from Madras, a labour and peasant constituency situated four hundred miles away from where he resides. (Interruption.) I am not saying anything very much offensive.

"I do not wish to take up much time on the other points of the Bill. Sir, under section 5 of the Bill the burden of proof is laid on the ryot to prove that the land in question is not private land of the zamindar; but under section 185 of the Madras Estates

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Land Act, 1936, the burden of proof is clearly laid on the zamindar to prove that it is his private land. Why this difference, I want the Revenue Minister to explain in his reply.

"Secondly, Sir, I have a grievance with regard to the tribunal that is to be constituted under section 5 (2) of the Bill. I see that this tribunal is to consist of a Deputy Collector appointed by the Government, a non-official appointed by the proprietor and another non-official appointed by the ryots of the Estate. This is a troublesome and cumbersome process. The Deputy Collector being a nominee of the Government may not take sides. The representative of the proprietor will be a man dead against any change and there is the representative of the ryots who will be for all change. Thus one representative is a man who does not wish to interfere, the second is one dead against any change, and the third man, how he is going to be elected and by whom no one knows. It is all cumbersome and may not work well. So I would suggest to delete that clause and appoint a committee of officials or non-officials by Government themselves. (At this stage the Speaker rang the bell.) I have only one point to mention. No appeal is provided over the decision of the tribunal and the District Judge is made the *persona designata*. I herein agree with Mr. Vaidyanatha Ayyar's argument, namely, that it is likely to cause hardship. That may be considered at a later stage.

"Finally, Sir, I suggest Government may also consider the advisability, whatever amount of compensation is fixed especially to the small inamdars, of paying in one year or instalment the entire amount of compensation instead of spreading it over several years, as in the case of zamindars. The number of inamdars who will get compensation under this measure will be very few and the money also will be small. So there is no point in paying them in small sums in several instalments. I suggest they may be paid in a single instalment in the beginning itself. Thank you, Sir."

4-30 p.m. MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Mr. Speaker, Sir, I rise to congratulate the Hon. Minister for Revenue on bringing forward a beneficial and revolutionary measure affecting, as Mr. Brahmananda Reddi said, 17 million acres of land. Such an agrarian reform is necessary in this country. Many valuable suggestions have been made by hon. Members and we see that the Hon. Revenue Minister is taking note of all the points. When the Estates Land (Reduction of Rent) Bill and the Estates Lands (Prohibition of Alienation) Bill were in the Select Committee stage, he accepted all reasonable amendments. I hope that in the Select Committee stage of this Bill also, he will accept all reasonable suggestions. With this hope, I support the Bill and in doing so I wish to make a few suggestions.

"I have been repeating that it has become a fashion with this Government to take vast powers in that Bills which they introduce in this House. Many Members of the House, like

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Mr. Brahmananda Reddi, repeated arguments parrotlike without reading the Bill and thinking that all zamindars will go as soon as this Bill is passed into law. Section 1 (3) of the Bill reads—

"This section and sections 23 and 25 shall come into force at once; and the rest of this Act shall come into force in regard to any estate on such date as the Government may, by notification, appoint."

If you are very anxious to take credit for passing this Bill and proceed with haste in spite of the request of the Opposition to go slow, I do not see any reason why you should not say that from a particular date or from the date of the passing of this Bill into law, all property of the zamindars, inamdars and under-tenure-holders shall vest in the Government. It is always bad for any Government to have too much power and, as the hon. Lady Member Begum Amiruddin said, we do not know for how long you are going to sit on the Treasury Bench. I hope the Hon. Minister will give adequate reason in the course of his reply. But I advise him not to have too much power as it is likely to create doubts in the minds of the public.

"It has also become a fashion for the members of the Opposition to say—Mr. Brahmananda Reddi also said it—that they are speaking on behalf of the public. I do not know whether speaking the public mind is their monopoly only and whether they should not consider the views of others also in a Bill dealing with such an important problem.

"It has been accepted by all sections of the House that the zamindars should go. It has been suggested—and suggested very wisely—that inams should not be included within the scope of the present Bill. I do not know on what grounds Mr. Brahmananda Reddi based his argument for the inclusion of inams. It was made clear that there was no information about inams with the Government. I do not know whether the Hon. Revenue Minister wants to include inams also simply because he has got votes behind him. If he arranges a 'Gallup' poll and ascertains the opinion of the public as to whether inams should be included or not, he will see that the people are not in favour of including the inams. Inams will have to be included at a later stage. The only argument of the Hon. Minister and that of hon. Sri Brahmananda Reddi is that we have included zamindaris and inams because we think that we should include both. What about the forcible argument of Mr. K. Varadachari that, if you club together zamindars and inamdars in the same legislation, you should certainly include the rich ryotwari pattadars also who are crowding even the Congress Benches to-day? I know that many Ministers like the Hon. Sri Gopala Reddi and many members of the party in power have more than one thousand acres. If you include zamindaris and inams, I am sure the Hon. Minister is intelligent enough to bring a comprehensive Bill dealing with all land tenures in our province. Because we are not getting such a Bill, I don't think that you are reasonable

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to the public of this province. The Hon. Minister goes about from place to place vaguely promising some legislation on matters of which neither he nor we are aware. If the Government have got a clear view of the future agrarian reform, we expect that the Hon. Minister will introduce the necessary legislation for that also. Ryotwari pattas are going to be issued to the zamindars in respect of their private land. Some members like Mr. Brahmananda Reddi said that there should be a maximum limit to the private land of the zamindars. I do not see any reason why there should be a limit in their case alone, when there is no limit to the patta land of the Ministers and the members of the party in power. If and when the Hon. Revenue Minister prescribes a limit to the patta lands of others, then we can include the zamindars also. Till then it is not proper to fix a limit to the private land of the zamindars.

"Various views about the position of zamindars have been expressed in this House. There is one view that the zamindars are only rent collectors. There is another view that they have got proprietary rights. I do not know how some members of the party in power have become so blind as not to be able to read the Bill. Mr. Brahmananda Reddi is amused to think that the zamindars are proprietors. If only he has read, he will see that the Bill mentions not once, not twice, but fifty times that the zamindars are proprietors and that this Bill aims at acquiring their proprietary rights. They have got a Bible in their election manifesto. If they are guided by that Bible, it will be all right. Very often letters from the Congress High Command and counter letters read in full and in part are there to add to this Bible. We do not know whether hon. Member Sri Prakasa has been asked not to proceed with the Bill and what the intention of the Secretary of the Congress is who has written to the Minister for Revenue to proceed with the Bill. We do not know whether we have to read between the lines or the entire correspondence. We do not know the position of this House. It is not proper for any member of this House to say that we cannot hear the Opposition, that we cannot hear the Communist members and that we will be guided only by the Bible. In this Bill, the Revenue Minister has accepted that the zamindars have been proprietors for the last 150 years and the Congress also has accepted that position.

"Here is a question between the zamindars and the Government. Government are going to be not only a party but also a judge. In introducing this Bill, the Revenue Minister said that tribunals were going to be set up by the Government. It is an accepted canon of law that you should not be a party and at the same time a judge in a dispute. The zamindar wants to get so much for his property. You want to acquire his property and you yourself want to decide the value that he should get. The Revenue Minister and Mr. Brahmananda Reddi may not know the consequence of this. If a future Government wants

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to acquire the very house of Mr. Brahmananda Reddi, then he will realize that it is not proper for a party to be also a judge to decide the very case.

"As the hon. Lady Member Begum Amiruddin has very well explained, the Government of India Act, 1935, envisages that, when we proceed with land legislation or legislation dealing with property, we have to pay compensation. What is fair compensation? If you differ regarding the quantum, at least you must make a near approach to compensation. You should not pay very low compensation and at the same time say that you are paying compensation. If you want to give compensation, give an equitable compensation or say that you take it free. Only the other day, the Hon. Minister for Public Works, Mr. Bhaktavatsalam, came forward with a demand for a huge sum for taking over all the trams in the City. He said that we should pay the market value. For buying some iron and steel, you are paying the market value, whereas for acquiring certain property rights you are paying a poor compensation. He told us that there was no company manned by Indians capable of assessing the assets and that therefore the Government had to appoint a European company. When you have taken care to appoint such a capable company in that case, for finding out the value of a property you are appointing here a deputy collector. We know what a war time deputy collector is."

THE HON. SRI KALA VENKATA RAO:—"There the company does not assess the value of any property."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"It not only values but decides the fate of the Tramway Company. If it is not assessing, what else is it doing? But here a deputy collector and two representatives decide to whom a particular land belongs. The zamindar is asked to prove his case in regard to every inch of land. I do not know whether the Revenue Minister is thinking only in terms of money. They decide the nature of the tenure of the land in the zamindari area. A war quality deputy collector and two representatives—I do not know how the representatives are going to be chosen—are going to decide the fate of every acre of land belonging to the zamindar.

"If the tribunal decides that a particular land belongs to the zamindar or the ryot, there is no provision for appeal against such a decision. I do not know why the Government fight shy of providing appeals in regard to the private land of the zamindars."

THE HON. SRI KALA VENKATA RAO:—"My hon. Friend must understand that the extent of private land of the zamindars in the whole province is not more than 30,000 or 40,000 acres."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Every acre of land claimed by the zamindar or the landholder as his private land will go before this tribunal and the tribunal will examine the history of the land and decide whether it is really

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his private land or not. The Hon. Minister for Revenue was pleased to say that this work will take about five or six years to be completed in the Province. What guarantee is there that the tribunal will do justice in all cases? It is quite possible that the zamindar may try to bring his influence to bear on the tribunal and a poor ryot who might be affected adversely by this measure will not be able to vindicate his right by appealing to a higher court. Why should the Government fight shy to make provision for appeals to the civil courts against the decision of this tribunal?

"Again, Sir, with regard to the payment of compensation to the zamindars, the Hon. Minister for Revenue has provided a sliding scale for determining the compensation under section 5 (d) of this Bill. This is rather a difficult and debatable subject on which ever so many amendments might be moved by Members of the House and I would therefore leave it to the Select Committee to thrash it out thoroughly there and come to some definite conclusions. As you know, Sir, the Hon. Minister for Revenue is famous for accepting amendments to the Bill at every stage and I hope that the Select Committee will examine this point in more detail and make necessary amendments. It would therefore serve no useful purpose in discussing these provisions as they stand at present, because we do not know what changes will be made at the Select Committee stage and what the shape of the Bill will be when it emerges from the Select Committee. But I should like, however, to offer a few remarks on the scale proposed in this Bill for the determination of the amount of compensation to be paid to the bigger zamindars. Sir, I do not know on what basis or on what principle these scales of compensation are worked out, but I see from the table that zamindaris, where the basic annual sum exceeds Rs. 1,00,000, are to be compensated at $12\frac{1}{2}$ times that sum or Rs. 15 lakhs whichever is greater and that in the case of zamindaris where the basic annual sum exceeds Rs. 3,000 but does not exceed Rs. 20,000, the compensation proposed is $17\frac{1}{2}$ times such sum or Rs. 4 lakhs whichever is greater and in the case of zamindaris where the basic annual sum does not exceed Rs. 1,000, the compensation proposed is 25 times such sum. I cannot understand on what canons of law or justice these differential scales of compensation have been worked out. Is it based on the extent of the zamindari area to be acquired, or on the value of the land, or is it based on the quantity of produce that could be obtained from these zamindaris? Further, I do not see why there should be such large variation between one item and another in the scale of compensation to be paid. In one case $12\frac{1}{2}$ times the basic annual sum have been proposed as compensation, while in another 25 times that amount have been fixed. What is the reason for such great disparity? I do not know where the Hon. Revenue Minister got his advice from, for working out these scales; whether he took the advice of his I.C.S. Secretary or whether he got his advice from the Congress High Command, or he took

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it from the Congress Party's Bible, namely, the election manifesto. I do not know, but I shall wait to hear what the Hon. Revenue Minister is going to say in regard to this point.

"Sir, there is no machinery to determine the compensation that is to be given to the zamindar. Is it the Government themselves that are going to determine the compensation or is it the officers that are going to do it? It is all right if the Hon. Minister for Revenue is going to do it; we have great confidence in him, but he is not going to do it. I will read section 7 which deals with this point. It says, 'The Government or such other authority as they may empower in this behalf shall determine the amount of the total compensation payable in respect of an estate in accordance with the provisions of section 6.' Who is the officer whom they are going to empower in this behalf? Has he been appointed? What are his qualifications? All these things, we do not know. Nothing is stated in this Bill, nor has the Hon. Revenue Minister also explained it when he introduced the Bill. Is there going to be any appeal against his decision? Suppose the officer determines the quantum of compensation at a certain figure and the zamindar is not satisfied with the amount, to whom is he to make his appeal? No appeal against the decision of the officer has been provided for. When you are buying the proprietary rights of the zamindar, it is but just and proper that you should also provide for an appeal against the award of the officer to the High Court or to any other higher tribunal. I hope that the Hon. Revenue Minister who is a compromising gentleman will realize the force of this argument and see that some adjustment is made in this matter by bringing in some suitable amendment to this section, so that the zamindar or the proprietor may not have any misgivings in the matter of the quantum of the compensation to be determined by the special officer.

"Then, Sir, it has not been stated specifically in what form or in what manner or at what times the compensation is going to be paid. Section 9 of the Bill states that 'the compensation may be paid in such form and manner and at such times as may be prescribed by the rules made by the Government.' Is the compensation going to be paid in sovereigns or is it to be in stones? These things we do not know."

MR. SPEAKER:—"By stones, the hon. Member evidently means precious stones; is it not?" (Laughter.)

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, the Government not only determine the compensation, but they also take powers in their hands to pay it in whatever form they like, at whatever time they like and in whatever method they please. I hope that if my hon. Friend Mr. Brahmanandam Reddi and other members who have supported this procedure would have gone into the Bill in detail, they would have found what dictatorial powers the Government propose to take under this section.

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It has become a fashion, Sir, with this Government to take whatever powers they like in all measures which they have introduced in this House recently. All their actions are not to be questioned in a court of law. I submit, Sir, that the Government should not have such wide powers in this matter. After you have fixed a certain amount as compensation for an estate, by all means pay it, once and for all, and be done with it. There is going to be no appeal against your award. But why do you drag on in this matter? Why do you say that you are going to give it in such and such a form, in such and such a method and at such times as you please? Are you going to pay it in bread or in stone? With such wide powers as the Government have under this Bill, it is possible for them and for the Hon. Revenue Minister to give even stones instead of bread to these zamindars. I submit, Sir, that it is not proper for the Government to come forward with this measure saying that they would give the compensation in whatever form they like. Are you going to give precious stones, as was suggested by the Hon. Speaker?"

SRI KALLUR SUBBA RAO:—"In sterling."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Perhaps my hon. Friend Mr. Subba Rao is not aware that we have not got enough sterling balance to be paid for this purpose. I suppose that he has not understood the mind of his own party or that of the Congress. I know that for each and everything the Government have got to wait for the direction from the Congress High Command and they do not know what the intention of the High Command is in regard to this matter. Whether they are going to pay immediately or after two or four years, they do not know. It all depends upon the decision of the Congress High Command. Therefore, there is no question of this House deciding this matter here. I submit, Sir, that it is quite improper to treat this House, in which you are presiding, in this manner and bring in a legislation of this kind taking such vast powers in the hands of the Government and asking the House to give its approval and taking decisions outside. I hope, Sir, that this aspect of the question will be considered by the Select Committee and that the Hon. Revenue Minister will be good enough to amend this section in such a manner as to make the form of compensation more specific and clear.

"Then, Sir, after taking possession of the land and before compensation is finally determined, the Hon. Revenue Minister says that he is going to pay an *ad interim* payment in the nature of an advance to these proprietors and zamindars. What is the object of paying an advance after taking possession of the land? (An hon. Member: 'Charity'.) This is not even charity, Sir, because we do not know when the compensation is going to be determined, to whom it is going to be paid and in what form it is going to be paid. If the payment is going to be made to the court, then where does charity come in? Here section 12 of the

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Bill contemplates *ad interim* payments to the proprietor or any other person whose rights stand transferred to the Crown, including other landholders and undertenure-holders. I do not know whether the Hon. Revenue Minister, in drafting this Bill, has considered the complications that will arise in the settlement of compensation among the various claimants who will spring up from a joint Hindu family according to the Hindu Law. Sir, the estate is impartible and you are not going to partition it immediately. According to the Hindu Law, it belongs to the eldest son of a joint Hindu family and according to section 12 of this Bill, this compensation which is likely to be paid in any form the Government please, is going to be paid, not to the zamindar who is alive and healthy and who is entitled to it, but probably deposited in a court of law in the name of the joint Hindu family. What will be the result? You will be creating a lot of litigation among the members of the family on account of this measure and nobody will be able to obtain the amount. Perhaps, I am right when I suggested that instead of paying it directly to the parties concerned, you will be depositing it into the court and you know very well what will happen to such court deposits. There will be petitions and counter-petitions, claims and counter-claims and anybody and everybody will come and claim it and say that he is related to the zamindar. There may be any amount of legitimate and illegitimate claimants and we do not know what will happen to this amount. I cannot understand what made the Hon. Minister for Revenue convert these estates first into joint Hindu family properties and then make people quarrel over it. I do not like the very idea of the Government paying compensation into the court. As a lawyer, I know what complications will arise in such cases and how much money will be wasted in law courts, with no benefit to any one party. I therefore appeal to the Hon. Minister for Revenue not to tempt the zamindars with such things and not to make one man's property the property of several persons and create all sorts of litigations and quarrels among themselves by the measure which he is proposing to introduce. Unless you settle these things otherwise than by invoking the aid of the Hindu Law, you will be inviting endless trouble and litigation and you will not know where it is going to lead.

"Sir, most of the arguments of the members of the Congress Benches are simply slogans, because all of them simply condemned the zamindari system as a whole and wanted that the zamindars should go. I think they were simply playing to the galleries when they made such observations without realizing the seriousness of the measure. Sir, the time will come when the very properties of these people will become unsafe at the hands of a future Government."

THE HON. SRI KALA VENKATA RAO:—"We are sure of it when you come over here!"

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, the manner in which members of the Congress Party have supported this Bill, without having even read the Bill and without having understood the contents of this Bill clearly shows that they are simply carried away by emotion and are playing to the galleries. I submit, Sir, that this Bill which deals with problems of such great magnitude and which affects the lives of thousands of zamindars and inamdars who have been in existence for a long time, has been conceived in haste, that its provisions are defective in many respects and that the Government should think twice in the Select Committee about all the implications involved in this measure and then come forward with it before this House for getting its approval."

MR. SPEAKER:—"I am now going to read a message received just now from the Revenue Department. The message is this:

'The Secretariat of the Madras Legislature may be informed that under section 82 (3) of the Government of India Act, 1935, His Excellency the Governor recommended on 28th November 1947, the consideration of the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, by the Chambers of the Madras Legislature.'

In this connexion I wish to ask the Government why they have not communicated this message at an earlier date. His Excellency the Governor has given his recommendation to this Bill on 28th November 1947. If the Government had informed me of this message earlier, the hon. Member Sri T. Viswanatham would not have raised the point of order to-day. In future I wish that the Government should inform me then and there all such messages, not in this way, but they should be put in a proper form as they do in case of the prorogation and the calling of the Assembly.

"The House now stands adjourned to meet again at 11 o'clock to-morrow. At 4 o'clock to-morrow, the Hon. Revenue Minister will make his reply."

The House adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 22nd January 1948.

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

I.—QUESTION AND ANSWER.

STARRED QUESTION.

Withdrawal of a criminal case relating to newsprint offence.

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

(a) whether it is a fact that a criminal case relating to a newsprint offence against P. V. Krishnayya Chowdary of Guntur was withdrawn; and

(b) what the reasons are for the withdrawal?

THE HON. SRI H. SITARAMA REDDI:—" (a) & (b) There was a case of seizure of 115 bales of newsprint at Guntur in December 1946 from the godowns of Lt. P. V. Krishnayya Chowdary, proprietor and printer of "Desabhimani", a defunct Telugu daily. The case was investigated into by the Superintendent of Police, X Branch, C.I.D., Madras, but further proceedings were however dropped for the following reasons:—

(i) that the investigation showed that there was no evidence that Lt. P. V. Krishnayya Chowdary sold any of the newsprint in the blackmarket;

(ii) that the proprietor's liability under clause 4-B of the Newsprint Control Order, 1941, to submit returns to the Government of India could not be established satisfactorily; and

(iii) that the action taken by the Government of India in directing the confiscation of the newsprint was considered sufficient and the only possible course in the matter."

SRI V. RAGHAVAYYA:—"May I know whether Mr. Chowdary was permitted to sell the newsprint on his own account and keep the money with him?"

THE HON. SRI H. SITARAMA REDDI:—"Sir, as I have already stated the newsprint that was found with him was confiscated by the Government of India and it was sold to Messrs. Charles Morgan & Co."

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SRI V. RAGHAVAYYA:—"Is it a fact that on the day of the search iron and steel materials were found in his house which were contraband?"

THE HON. SRI H. SITARAMA REDDI:—"I have no information about the iron and steel found. If my hon. Friend wants he can put a separate question on the matter."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"May I enquire on what date the case was withdrawn?"

THE HON. SRI H. SITARAMA REDDI:—"There was no case to be withdrawn. No prosecution was launched."

SRI S. NAGAPPA:—"May I ask the Government what led the Government to suspect that Mr. Chowdary was blackmarketing in paper?"

THE HON. SRI H. SITARAMA REDDI:—"As I have already said there was no proof that he blackmarketed in newsprint at all."

SRI S. NAGAPPA:—"I want to know, Sir, whether there was any ground for suspicion before the case was investigated?"

THE HON. SRI H. SITARAMA REDDI:—"The case was investigated because there was information and then there was a raid."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know why, when it was found as a result of subsequent investigation that there was no case for prosecution, the stocks were confiscated?"

THE HON. SRI H. SITARAMA REDDI:—"As I have already said there was not sufficient evidence to prosecute but there was enough evidence to forfeit the paper and so that was done."

SRI V. RAGHAVAYYA:—"May I know how long the stocks that were seized were in the possession of the Government and how long did the investigation take place before the case was withdrawn?"

THE HON. SRI H. SITARAMA REDDI:—"As I have already said there was no case and there was no question of any withdrawal. The matter was investigated and I find from the file that the matter was finally disposed of by the Ministry on the 3rd March 1947."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. the Minister be pleased to state whether the Government have got any proposal to remove the control on paper?"

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

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SRI S. NAGAPPA:—"My point was not answered, Sir. My point was what led the Government to suspect Mr. Chowdary in order to prosecute him and investigate into the case?"

(No answer.)

SRI V. RAGHAVAYYA:—"May I know how long did the investigation take place and for how long the goods seized at the time of the search of the house of Mr. Chowdary, were in the custody of the Police?"

THE HON. SRI H. SITARAMA REDDI:—"The papers seized were in the godown of the gentleman concerned and they were locked in the godown. They were there till they were disposed of as per orders of the Government which were finally passed as I have already said on the 3rd March 1947."

MR. SPEAKER:—"There was only one question for the day and it is over."

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

II.—ELECTION TO THE PUBLIC ACCOUNTS COMMITTEE.

MR. SPEAKER:—"I have to inform the House that the following candidates were nominated for election of nine members of the Committee on Public Accounts for the Fourth Session of the Madras Legislative Assembly:—

- (1) Sri N. S. Varadachari.
- (2) „ Kallur Subba Rao.
- (3) „ V. M. Ramaswami Mudaliar.
- (4) „ K. Brahmanandam Reddi.
- (5) „ C. K. Govindan Nair.
- (6) „ V. C. Palaniswami Gounder.
- (7) „ C. M. Kothari.
- (8) Janab H. S. Hussain Sahib Bahadur.
- (9) „ M. Mohamed Ismail Sahib Bahadur.

As the number of candidates is equal to the number of vacancies to be filled, namely, nine, I hereby declare them to have been duly elected to the Committee on Public Accounts."

III.—GOVERNMENT MOTION.

MOTION UNDER RULE 17 OF THE MADRAS ASSEMBLY RULES.

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

'that rule 17 of the Madras Legislative Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 22nd January 1948.'

"I have already told the House, Sir, that it is necessary to take this day to get the work that is before the House finished."

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"If I put the question, Sir, which I have got in my mind, the Leader of the House will say that the non-official days will be taken over for

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official business as long as the Government think fit. That will be the answer. In spite of that prospective answer I would like to know from him as to how long the Government propose to take up the non-official days for official business. Even at the beginning when one of the non-official days was taken for official business I have pointed out that we had but one day in the week for doing non-official business. I submit that very important non-official business is being done and has to be done in the Legislature as the Province stands to-day. Therefore the Government must have some consideration for the important business that are coming up on non-official days and should spare these non-official days for non-official business as much as possible. My previous request does not seem to have had effect. May I know from the Government for how long they propose to take the non-official days for official business. As I said at the beginning, they may say: 'As long as they think it necessary.' Even so they must be able to give us some idea as to the length of time over which the members of the House will not have the privilege of transacting non-official business in the Assembly."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"If the answer that has been anticipated is to be forthcoming then there will be no remedy except to do what should be done finally, namely, to amend the rules, and take away the day that has been allotted . . . (The Hon. Dr. Subbarayan: 'I challenge you to amend the rules!') for non-official business. Then it would be far better and more reasonable than to have this farce of a non-official day in a week in the rules and yet day after day and week after week, whenever Thursday comes and Thursday goes, allow the non-official day to go along with the Thursday. I hope the Government will take into consideration this aspect of the question that there is what is called in the constitution 'an opportunity given to the members to put forward their views on resolutions and on subjects of importance according to their own requirements.' And this non-official day is highly essential for a minority in the House. That is the only opportunity that is given to the minority in the House and particularly the Opposition to speak out on subjects of interest to the public. Besides, from my own experience of the Legislature I believe that the Hon. the Speaker can prevent the Government from taking away the non-official . . ."

MR. SPEAKER:—"It is not possible for the Speaker."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I am submitting, Sir, for your consideration that if the Hon. the Speaker is firm on the matter . . ."

MR. SPEAKER:—"Hon. Member has been connected with the Legislature for the last 25 years and he must know that even if I am firm the Government can carry the day."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"That is the very reason why, Sir, I say that when it is believed that the Hon. Speaker is the custodian of the rights of the members, he will exercise the rules properly and justly. After all there are rules

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like these for closure motions. It is not as if, if anybody gets up and moves that the business of the House should be closed, the Hon. the Speaker should accept . . ."

MR. SPEAKER:—"May I tell the hon. Member that in regard to the closure motion power is given to the Speaker. Under rule 17 the Speaker has no power."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I submit, Sir, that the rules are made for man and not the man for the rules. (Laughter.) I believe the Hon. Speaker has the inherent right apart from the rules to exercise his judgment in order to protect the rights of the minorities. If he cannot exercise his judgment as I have suggested so far as this rule is concerned he can talk to the Government and tell them that they ought to be more considerate and they ought not to take away the non-official day week after week in the manner in which this Government has done all these days."

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I am here to oppose the motion because I have been trying my best during the last six months to get through a resolution which was proposed by me. Once or twice it came in the front page of the agenda paper and then the Hon. the Leader of the House came with this motion and I lost it. And then at the end of the year there is the question of prorogation. At every stage the Government in the name of democracy bring in the rules. They quote the rules in time and out of time. They always do injustice to the poor minority section of the House. And, Mr. Speaker, you are also neglecting us, because we are sorry . . ."

MR. SPEAKER:—"I am afraid the hon. Member is not right in saying that I am neglecting anybody. The hon. Member should withdraw his statement."

SRI K. ANANDAN NAMBIYAR:—"I withdraw, Sir. What I request the Hon. Speaker to do is to influence the Leader of the House to see that we are given our share. I do not cast aspersions on the Hon. Speaker. I request the Speaker to use his good influence. We have no influence on the Leader of the House whereas you have. We recognize it so. You could have done it. I can quote my own case. For six months I have been trying and I could not get that resolution here. If in a House of this sort where the Government have an overwhelming majority, and where there is no non-official business for the party which is in Opposition, surely their case must be considered. In the name democracy and in the name of popular Government the rights of minorities should not be suppressed. So, if there is anything wrong in the rules it must be amended. Till that is done, there is no scope for justice being done to the minority. Therefore, Sir, with much vehemence I oppose the motion."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I wish to disapprove of the manner in which non-official days are being taken over by the Government. I am the person who is most affected by to-day's motion of the Leader of the House for I

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a.m.

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find that two of my resolutions have been assigned priority in the agenda as a result of the ballot. If the Government take over this day for official work, I do not know where my resolutions will stand after the next ballot. If the Government had urgent business, I wish to inquire, Sir, why they did not arrange for the fourth session of this House to commence from Monday, the 19th instead of from Tuesday, the 20th January. The session could very well have commenced from Monday. Then we would have had the opportunity of getting through non-official work to-day. It is very inconvenient and also not a sound policy financially to call people from all over the Province to assemble in Madras only for four days. There is no meaning in convening a meeting and dispersing after four days only. If the Government had urgent business, they could have extended the sitting of this House from four to five days. They could have easily done that and it would have given satisfaction to those who had non-official work. I hope the Government will bear this in mind, and that in future if they have pressure of official work, they will extend the number of days for the sitting of the House and not deprive us of the few days that are available for non-official work."

* SRI K. BHASHIAM:—"Sir, I see the injustice of taking away the days reserved for non-official business. The remedy, as has been pointed out more than once, is either to extend the sittings of the House or, if the rules are to be amended it should be so amended as to make it impossible for the Government to take away the days allotted for non-official business. Because, it is necessary that very many important social legislations pending from the non-official side should be taken up as early as possible. I know that Government are in difficulties and administration ought to be carried on. I do not say that they are not entitled to priority in this matter. But by extending the time for the sittings of the House they can have official business done as well as non-official business. It must be possible for the Leader of the House to arrange that. Or apart from Thursday another day must be set apart for non-official business. That also can be done. While I agree to the motion made by the Leader of the House, I should like to respectfully point out to him the difficulties to which the non-officials are put in respect of this matter. Their views are to be considered in this matter."

MR. SPEAKER:—"Before I call upon the Hon. the Leader of the House to speak, I must inform the House that the analogy drawn by Mr. Abdul Hameed Khan is not correct. In respect of a closure motion, the Speaker is given powers to over-rule, whereas Rule 17 of the Assembly Rules says:—

Allotment of time for non-official business and precedence of business.

'On Thursdays; except Thursdays during the period of the discussion of the budget, non-official business shall have precedence. On all other days, no business other than Government business shall be transacted except with the consent of the Leader of the House given on behalf of Government.'

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Provided that on a motion made by a member of Government for the suspension of this rule, the Assembly may resolve to transact Government business on Thursdays other than Thursdays during the period of the discussion of the budget.'

The House is the final authority. It is not correct to say that the Speaker is the final authority. I have already told the House that in Canada and in Australia the House was the final authority and not the Speaker. In this connexion, I wish to read to the House the duties of the Speaker. I am reading from the book 'the Speaker of the House—Michael Macdonagh', page 30—

He never addresses the House except from the Chair, in the discharge of his presidential duty. The chief function of the office is to secure to the House the twin blessings of order and free speech. It is with this object in view that he controls and guides debates, that he keeps the discussion strictly to the subject at issue, that he decides points of order, that he enforces the rules of the House by which all its proceedings are regulated; and that he selects, often from many competitors who claim to be heard in debate by rising in their places the Members who are to speak.'

I must follow these rules. It is not correct to say that the Speaker is all in all. I have said before reading from this book that the House is the supreme authority and not the Speaker. The House can decide the motion before the House."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"On a point of personal explanation, Sir. I did not refer to the rule regarding closure as a matter of analogy. I merely submitted that the Hon. Speaker has the discretion either to accept the motion for closure or not. There are also certain inherent rights of the Speaker without which the business of the House cannot be carried on justly. I only hoped that the Speaker would use his influence on the Government in order to see that they do not act unjustly as they have been doing."

THE HON. DR. P. SUBBARAYAN:—"In the first place, I would like to point out to my hon. Friend who represents the Railway Constituency that this Constitution does not work under things he seems to be acquainted with. The Government of the country is carried on under Parliamentary system which is by deliberation. Therefore, as the Executive, we must have priority with regard to passage of measures which we consider important in the interests of the administration of the country. Only in that sense time is being taken. I should like to remind the Leader of the Opposition that if he turns up the Hansard he will find there that rarely non-official days are available in the House of Commons. The Government, as a rule, take over the days allotted for non-official business, because their work has got to take precedence since after all they are the Government of the country, and they have got to be given the time to do what they think is necessary for administration. If hon. Members will read the number of Bills

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still pending with the Government, they will find there are already 10 on the list and there are still others to come later on. But I assure hon. Members because of the excitement they seem to be in, that they should disport themselves in this House with regard to their speeches and the grievances which they have. We are meeting on Thursday, the 29th instant, which will be available for non-official business."

SRI P. NATESAN:—"On a point of personal explanation. Sir. I think the Leader of the House has given some sort of answer which may be considered satisfactory. But look at the enormous man-power wasted here . . ."

MR. SPEAKER:—"The Hon. the Leader of the House has replied. Just now I said that I must enforce the rules. After the reply of the Hon. the Leader of the House I cannot allow the hon. Member to speak."

SRI P. NATESAN:—"I am only making a submission to the Hon. Speaker who is the custodian of the rights of the Members of the House. Look at the enormous amount of man-power that is wasted when you require the non-officials to send their resolutions or Bills. The time taken . . ."

MR. SPEAKER:—"The hon. Member cannot speak after the reply has been given."

"Here is the turn for hon. Members to exercise their rights. If they want they can vote against this motion. (Voices: 'It is not possible, Sir.')

The motion—

'That rule 17 of the Madras Legislative Assembly Rules be suspended and the House do resolve to transact Government business on Thursday, the 22nd January 1948'

was put and carried.

IV.—THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947. (L.A. BILL No. 37 OF 1947)—cont.

MR. SPEAKER:—"I now fix twenty minutes to each speaker."

* SRI K. BHASHYAM:—"Mr. Speaker, Sir, the zamindari Abolition Bill is a Bill which has been brought forward in furtherance of the item in the programme of the Congress, which has been there for quite a long time. We really agree with the principle of the Bill. As a matter of fact, the zamindars themselves are in favour of passing the Bill through as early as possible. Evidently they do not like this suspense hanging over their heads. They like to end this suspense and they do not like to prolong this agony of the abolition of the zamindaris. Perhaps they are also in a hurry to get the compensation money which they expect at the end of it. Possibly they are afraid that if the abolition of zamindaris is put off, the compensation money may not be worth being called compensation at all."

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"Every section of the House seems to be agreed as regards the abolition. So, there cannot be any difficulty about it. But there are certain points which have to be noticed in dealing with this measure. As regards the question of compensation, there has been no data given to us by the Minister for Revenue. He has only told us in a vague way that about Rs. 10 crores or Rs. 12 crores will have to be paid as compensation. He has not given the actual calculations in respect of compensation. I refer to this because we want to know, before we go through this Bill, the exact amount by which the Government will be benefited or the general revenues of the Province will be benefited by taking the zamindari into hands of the Government. I made a calculation myself, and I find from the figures which I obtained that Government are getting about 47½ lakhs as peishkash from the various zamindars in the Province and they are getting another Rs. 17 lakhs by cess. Now, they are bound to lose this Rs. 64 lakhs in the first instance when they take over the zamindaris. A crore and ninety-nine lakhs of rupees is the amount which has got to be collected as rent from the various tenants in all the zamindaris. If the rent is going to be reduced to the ryotwari level it will come to one crore and twenty lakhs only. One-third of this amount, i.e., 40 lakhs, I have based for the purpose of working out the compensation. This does not include the inams. Government have got no information about inams. They may have some information about zamindars, and the details are also there in the Prakasam Committee's report. So far as inams are concerned, Government had to acknowledge that they had no information, and I do not think that Government are to-day in possession of any information about the amount which they are deriving from inams, and what compensation they will be liable to pay in respect of those inams which may be taken over by the Government on the passing of this Bill."

"On the other hand, I calculate that it may be possible that the amount of compensation will work out and will come to about fifteen or twenty crores and the estimate of ten crores that is made is not adequate at all. As a matter of fact, taking into consideration the commitment made in respect of compensation with regard to the religious and charitable inams that they should be fully compensated so that their incomes might not suffer, the amount of compensation will come to nearly twenty crores. Again the Hon. the Revenue Minister himself has stated that in respect of land-lords owning less than ten acres of land, compensation will be paid more generously to them. We have not got the exact figure of the compensation payable in this respect. It may be about twenty crores and taking into account the interest payable on it year by year, we do not know what the effect of this taking over of the zamindaris will be. Again money has to be spent on the repair of tanks and the improvement of irrigation channels and this may come to a substantial sum and taking all these things into consideration, we do not know what the effect of this taking over

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will be on the finances of this Province. I would like the Hon. the Revenue Minister to enlighten us and to give us the benefit of his calculations at least at the end of the debate on this Bill to-day.

"Sir, speaking of the tenants in the estates—I do not want to be misunderstood by persons who are saying that they ought not to suffer from high rack-renting by the zamindar prevailing in many estates. It is not a case between the tenant and the zamindar but now it is a case between the zamindar and the Government, because tenants have been really benefited by the Rent Reduction Bill which we have recently passed by which rent has been settled that they should only pay the ryotwari rates and therefore, they have no grievance. Only the persons affected by this Bill will be the zamindars and the general public because the money which is to be paid as compensation to the zamindars comes only from the general public. I am pressing upon the Hon. the Revenue Minister to state clearly what is the financial gain which he expects in taking over these zamindaris.

"Sir, there is one other matter which I would like to point out in respect of compensation. There is a good deal of agitation and as a matter of fact, there will be very soon a division of this Province into the Andhra Province and the Tamil Province and the division will take place as early as possible, at least within eight months. Therefore, it is necessary for us to know at this stage how much compensation will be payable by the Tamil Province and how much by the Andhra Province. After all, when the division is imminent one should naturally like to know how the payment of compensation is going to be divided between the two provinces, whether it is in any proportion or otherwise and if a proportion is to be fixed, one should like to know what that is.

"Then, Sir, there is one other important thing which I would like to refer. It cannot be said that the zamindars are all persons who have been taking all this money and putting it into their own pockets. Many of them have built and are running schools, hospitals and chatrams out of their incomes from the zamindaris. They also look after the upkeep of the various public utility institutions. I should like the Hon. the Revenue Minister, before the abolition takes place, to look into the question of those institutions and see that they do not suffer on account of this abolition. Already, I may state for the information of the House, one zamindar in the southern districts has really come bag and baggage and has come to stay in Madras leaving some of those institutions to their own fate. What is to happen to those institutions, say at the end of April, when the schools and colleges are going to be reopened, we do not know. Of course, their position will be very difficult. Therefore, I would like the Hon. the Revenue Minister to take these facts into consideration and to see how many such institutions are there and also to provide for their upkeep and maintenance.

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"Sir, there are one or two other matters which I would like the Hon. the Revenue Minister to pay his generous consideration. So far as the purchasers of properties of the zamindaris are concerned, those zamindars who have paid hard cash and got possession of the zamindaris ought to be treated more generously, than persons who are originally zamindars. You are now thinking of paying some more compensation to the inamdars to make up for their loss; when such is the case, persons who have purchased these zamindaris by paying hard cash, ought to be paid more compensation than the zamindars who owned them otherwise.

"Mr. Speaker, Sir, there is one other question which I would like to bring to the notice of the Hon. the Revenue Minister and that is with regard to the creditors of the zamindaris. So far as this Bill is concerned, as it stands, once the compensation is paid, it relieves the Government from all other claims. Some zamindars might have mortgaged their zamindaris on the market value of the property but the compensation that is payable is much less with the result that persons who have advanced money on those mortgages would suffer and they would get very little amount out of the money which they have advanced on the market value. Therefore, if the compensation is very little, persons who have advanced money for various necessary purposes, may be put to a great deal of trouble in respect of this matter. Therefore, I should like that if the abolition should really take place, Government should apportion the compensation amount between the various creditors and see that if they suffer, they suffer equally. I want to bring to the notice of the House one instance. Suppose zamindari is worth ten lakhs and a person has advanced five lakhs on that and another person has advanced another five lakhs. The zamindari is now under two mortgages. Suppose the compensation payable is only two lakhs of rupees. If the first mortgagee is to get the whole of the two lakhs, it will adversely affect the second mortgagee who has also advanced money in the strength of the property. What I would like to suggest to the member in charge of this Bill is that they should be made to suffer proportionately and Government should not merely give the benefit or preference to one creditor, namely, the first mortgagee.

"Then, Sir, there is the question of the upkeep and maintenance of the family of the zamindar. Members of the zamindari family in olden days used to get generous scales of money as sumptuary allowances. It may be that particular zamindars might have charged particular portions of their revenue for the maintenance of the family and this is a matter which has to be considered at least in the Select Committee stage.

"Then, Sir, I would like to say something about the scaling down of debts with regard to the zamindaris. I do not know what the effect of the scaling down of the debts will be in the zamindaris. I should like to point out that the scaling down should be in respect of all the creditors. Whatever is available

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should be distributed among the various creditors concerned. What I am pressing is that the Government should apportion it among the various creditors. So far as the inamdars are concerned, they stand on a different footing. I have fought a battle already with respect to that question especially, the charitable and religious endowments. These latter institutions get adequate compensation. According to information, Government have taken power to govern these zamindaris from time to time as each zamindari comes under the axe of this Act, and it is necessary that some time should be allowed for getting all the information and details with regard to each.

"Then, Sir, with respect to inams, the Hon. the Revenue Minister has said that persons owning less than ten acres of land would get generous treatment in respect of compensation. I would like to put that figure at twenty acres and those persons owning less than twenty acres must be more generously considered than others. In these days, ten acres are hardly sufficient for the upkeep and maintenance of a family and therefore I would like that twenty acres should be the limit instead of ten acres. Then there is the question of the method of compensation—whether it is to be in bonds or Government securities or in cash. I should like to have some information on this—whether Government are going to adopt a long term payment or whether they are going to pay in cash or in bonds. On such information, the House can wholeheartedly accept the principles of the Bill, and give its support for the various measures brought before it."

SRI K. ANANDAN NAMBIYAR:—"Sir, while speaking on the Bill, I must state at once that the Communists are most dissatisfied with this Bill though the Hon. the ex-Minister, Mr. Prakasam, among others, said that the Revenue Minister is going in accordance with the wishes of the Communists in this matter. We make it clear that the Communists will not be satisfied until we feel that the tiller of the soil gets the soil and unless he gets the absolute right. According to this Bill, the tiller of the soil will not get the soil.

(At this stage, the Deputy Speaker occupied the Chair.)

"Madam, the Indian National Congress has accepted the principle that the right of the soil belongs to the tiller and that there should be transfer of property to the underdog. There are zamindars who are given binami pattas for hundreds of acres of land; they are going to become the landlords hereafter and they are going to enjoy the right but the actual tiller of the soil does not get anything. The Hon. the Revenue Minister accepted in his opening speech that there will be a stage when the tiller of the soil will get a share. What we want is, Madam, that the lands should be transferred straightaway from the zamindars to the actual tillers of the soil without any intermediaries, at one stroke.

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"The zamindari abolition Bill is hanging for the last ten years, we have heard and we are still hearing about it but still even to-day, there are persons who are speaking on behalf of the zamindars. The hon. Member Mr. Bhashyam has now pleaded on behalf of the zamindars and said that they should have more compensation and he also raised the question of the method of payment of that compensation, whether in cash or in bonds. Thus, there are persons still in the Congress who are pleading on behalf of the zamindars. If that is the case, we have no hope. We do not believe in the statement that at another stage, landlordism will be abolished. We are not at all satisfied with this legislation brought in by the Congress. The real tillers of the soil should be given the lands and that is the only thing that we desire. Yesterday Mr. Raghavayya was saying that the landless tenants should be given the land. There must be a provision in this Bill to see that the landless people get a share but there is absolutely no provision whatsoever and I strongly protest and say the motion brought by the Revenue Minister is not at all satisfactory to us. 11.4. a.m.

"Then I will come to the inams question. My hon. Friend Sri Venkateswarlu could not speak for want of time on this topic. I would emphasize that inamdars should not be given any consideration whatsoever. People are saying that temple inams should be treated differently. What if, if they are temple inams? If the Gods cannot look after themselves and if the worshippers cannot look after their Gods why should the Government be asked to undertake this responsibility, I want to know? It is not the duty of the Government to look after the interests of all the Gods. It is the duty of the worshippers, the Hindus, Christians and Muslims to look after these respectively. The temples will be looked after by them. I strongly protest against the exchequer paying anything to these temples and the worshippers alone should be held responsible for this. The Government are saying that they have no money to spare for education, for increasing the salaries of the teachers and they have raised the fee for the students and the Government have no money to pay even for their own N.G.Os. When such is the case how can they find money to pay for these temples, I do not understand. Regarding the payment of compensation to the inamdar he should not be given any compensation at all whether he is a post-settlement inamdar or a re-settlement inamdar, or included or excluded. The object of the Congress must be to see that landlordism is abolished in toto. It can be done step by step. This legislation cannot be taken as the first step. This is not even an attempt towards that object. At this rate there is no chance of abolition of landlordism in this land. I can tell you that the food crisis is more acute in the Amnad area. There are famine conditions here in the South. What is the reason for all this? The reason is due to the

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zamindars who have neglected their land; they do not care for providing irrigation facilities nor repair the tanks and to-day they are responsible for the chaotic conditions and the famine in Ramnad and I can quote instances. The same is true in the Andhra parts also. It is also due to the mismanagement of the whole affair. They should be punished for this and not encouraged in the manner proposed. Why should crores of rupees be paid to them I want to know? They are not suffering for want of money. Even as it is, they are the richest people in the country to-day and they do not need any compensation from you. By this method you will be making them only richer capitalists. They will then exploit the villagers. Therefore I do not see any justification for giving any compensation to these zamindars. They have neglected their lands and they are responsible for most of the chaotic conditions. We are facing the worst famine ever possible or ever heard of in our country. We are on the verge of another Bengal tragedy here. Yesterday I tried my best to bring this situation to the attention of this House but I miserably failed because hon. Members here unfortunately have not exactly realized what the situation is. I have been watching and I have seen personally how hundreds of families migrated from Ramnad to the city of Madura and settled on the pavements with their women and children. That is the situation in the south to-day. No doubt by a slow process the zamindar will be handing over his properties to the mirasidars and from them the Government will take possession and hand it over to the ryots. Our people will not wait till then. I want this House to realize that the ryot is going to be the tiller of the soil and the owner of it and he will occupy it. He will refuse to pay any rent to the zamindar or any mirasidar. We are on the verge of a great agrarian revolution in this country. The law will be taken into our own hands. I may be put in the Vellore jail. But we cannot forget the facts that have arisen. If the rights demanded by the ryots are not given to them they will take the law into their own hands and I want the Government to remember this betimes. Of course the Hon. the Leader of the House and the Home Minister may be grudging and may be saying, 'You may speak, I will show you the Vellore Jail'. I have seen it already. I am not exaggerating anything but I am only mentioning what is happening in this country. I wish the Government will take it in the proper perspective.

"Then reverting to the compensation question, the Hon. Revenue Minister has arrived at a wonderful formula. I do not know how he got the idea of 25 times. Why could it not be 26, or 24. I do not know how he has arrived at 25, 22½ and 17½ and so on. He says that it has been agreed in the Congress Election manifesto to pay equitable compensation. But why should it be 25 times? There is no answer to this. This is the sort of legislations that are being brought forward in this House. I say there is no necessity at all to pay them any compensation and the

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tax-payer is not prepared to allow any such payment. The Government say that they will issue bonds. We won't allow that also to be done. I have seen in one of the resolutions of the Zamindari Association, they claimed that they wanted cash payments because they feared that a Socialist Government when it comes into power may cancel and repudiate these bonds. The Hon. Revenue Minister may agree to this argument and say that he will pay them in cash thinking that these poor zamindars will suffer if a Socialist Government came into office. The hon. Mr. Bhashyam raised the question whether you are going to pay in cash or in bonds. It is no doubt a very very important question. He knows that in future such bonds are invalid. I say that the nation is not going to accept any of these bonds. I say there is no money now. There is the teachers' question, and you say there is no money. Then there is no money for payment to these zamindars and inamdars also. Many said that the inamdar was a poor man and these people got their rights before a long time. The lands were handed over during the time of Tippu Sultan, the East India Company and so on. Therefore they must be accepted. Many things were did at that time and you are not accepting all of them. Why should you accept these only? We won't agree that they are to be treated as right to-day. The zamindars should not be paid any compensation and the lands should be handed over to the tillers. Take the mirasidars and jenmis in Malabar. We want to finish them off and give the whole thing to the tillers of the soil. (Laughter.) Of course the Hon. Home Minister may send Police forces and promulgate section 144 and crush these ryots. I ask who else has the right to land other than these peasants? There may be members sitting here who are landlords and there may be lawyers who are all mere absentee landlords. There the poor men are working day and night and those are not given the right. We therefore disagree with the principle as embodied in this Bill."

THE DEPUTY SPEAKER:—"You have only one more minute."

SRI K. ANANDAN NAMBIYAR:—"I hope I will be given five more minutes, Madam. If a Bill for the abolition of the zamindaris on the lines I have advocated brought forward it will have our support. The ex-Premier Sri Prakasam was saying that the Hon. the Revenue Minister is fast joining the Communist ranks. I say we will not accept him in our ranks if he were to stick to the principles enunciated in this Bill. My hon. Friend Sri Prakasam may be rest assured about that. This is not the policy of the Communist party. Let not Sri Prakasam weep over the Revenue Minister joining our ranks. We do not believe in a socialism of this type.

"Socialism and communism of this type are not the things we want. We want the right of the tiller of the soil to be recognized. We want the Congress Government to agree to it and we request the Hon. Minister for Revenue to change the Bill accordingly!"

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M. S. ATAULLAH SAHIB BAHADUR:—Madam, Deputy Speaker, much water has flown ever since the discussion on this Bill was started. Many have raised relevant and irrelevant points for the consideration of the Hon. Revenue Minister. These zamindars, as indicated by the suffix 'dar' are the owners of the land. In the Permanent Settlement of 1802 it has been stated that they are the proprietors of the zamins. Now we have come to repeal that Act in such a haphazard way. Though the Hon. Revenue Minister has brought this Bill with due consideration, he must not have mixed up the inam question also with this. He does not indicate anywhere the method of payment and the time limit for payment. It is easily said that we should take away the lands from the zamindars. Some of the Communist friends said that the zamindars do not deserve to be paid compensation for they were only rent collectors or bill-collectors. But why then the Government of India Act has laid stress and the 1802 Settlement also has stated that they are the proprietors of the land? Our Communist friends' contention is that the tillers of the soil are the owners of the land. I ask my Communist friends, 'By what means these tillers of the soil got these lands?' These zamindars have really paid ample sums of money for their lands. If these people are asked to go away without a compensation or with only a token compensation—the Hon. Revenue Minister has not indicated how much he is going to pay—will it not be a piece of injustice? The Hon. Revenue Minister says that the payment will be made in the course of seven years. But is he assured of continuing in this place for seven years? It may be a bit of impertinence on my part, but it is my belief and I am not sure of getting up from my bed alive after I go to sleep; and as such I don't proceed to do things in the hope of living for long. May the Hon. Revenue Minister live for seven years more or 70 years more, but he cannot assuredly tell us that he would be able to carry out his intention in the course of 7 years. On the other hand, the Hon. Revenue Minister should hurry up and settle the matter, if at all he intends taking away the land from the zamindars. He should settle it in the course of the present regime itself. As it has been proposed by, I believe, Mr. Nachiappa Goander, he should take the lands and pay them straightaway and finish with the thing in his regime and have the name and the fame for the whole thing. Otherwise what he starts will be left unfinished. I am afraid the attitude of the Hon. Revenue Minister is not at all understandable.

"I said that many zamindars have paid large sums of money for their estates in recent years. But I do not say the same thing in the case of impartible estates. But the question of partible and impartible estates is not under discussion now.

"The question of payment is made more complicated by the amount being deposited in Court. What shall I say, about the method he has proposed to adopt? It is very curious indeed! When the owner is there and when he is entitled to compensation,

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he says he will not pay him direct, but he will pay the amount in courts the rightful owners must apply to the court and take time to receive it from courts. We feel that taking away the estate from the zamindars at one stroke of the pen and paying them token compensation will be an act of communism as the hon. the Communist Member who spoke before me said. Madam, it is agreed that this is not a Communist Government. This is a Congress and secular Government. And under a secular Government everybody's safety is assured and his rights are safeguarded.

"Madam, what have these poor zamindars done to the Congress all these years, I ask? I will not be wrong if I say that most of the zamindars have given their due share if not more than they could have afforded for the cause. How painful will it be if you do this act in turn to them? Some of my zamindar friends have already expressed that they are willing to part with their estates provided they are given due compensation. The Government should make proper payments and early payments. I urge on the Government that whatever they want to do, they should do it properly, rightly, justly and in time and not postpone it to a later date.

"Madam, inams which are quite different from zamindaris have been included in this Bill. Many a member has stated that it should not have been done. It is the duty of the Government to see that things that were given by their predecessors—the kings, the Rajas and the Maharajas—in appreciation of services rendered, should not be taken away at a stroke of the pen. They deserve much more than the zamindars—that is what has been said on the floor of the House and I wish to emphasize that the Government should take this into consideration and do its duty well. I have done."

* SRI RAJA GURUNATHA CHETTIYAR (Zamindar of Elampalli).—"கனம் உதவி சபாநாயகி அவர்களே, ரிவினியூ மந்திரி அவர்கள் கொண்டு வந்திருக்கும் ஜமீன் ஒழிப்பு மசோதாவை ஆதரித்து நான் சில வார்த்தைகள் சொல்லவிரும்புகிறேன். முக்கியமாக ஜமீன் ஒழிப்பு விஷயத்தில் ஜமீன்தார்கள் இதை மிகவும் வரவேற்கிறார்கள் என்று முதலில் தெரிவித்துக் கொள்ளுகிறேன். ஏனென்றால் இப்பொழுது மசோதா ஆலோசனையில் இருக்கும்போதே அவர்கள் வரி வசூல் செய்வதற்கும், மேலும் இதர காரியங்களை நடத்திக்கொள்வதற்கும் மிகவும் சிரமப்படுகிறார்கள். ஆகையால் இதை எவ்வளவு சீக்கிரம் இந்த சட்ட சபையில் சட்டமாக்கி விடுகிறார்களோ அவ்வளவு ஜமீன்களுக்கும் நல்லது. சட்ட சபைக்குக்கூட நன்மையாக இருக்கும் என்று தெரிகிறது. இதில் நான் சில யோசனைகளை சொல்லிக்கொள்ள ஆசைப்படுகிறேன். முக்கியமாக மசோதாவில் கொடுக்க உத்தேசித்திருக்கும் நஷ்ட ஈடு மிகவும் குறைவாக இருப்பதாக தெரிகிறது. ஏனென்றால் சில ஜமீன்தார்கள் இதை விலை மதிக்கக்கூடிய பொருளாகக் கருதி இவைகளை வாங்கிக்கொண்டு வந்திருக்கிறார்கள். அதையும் அப்பொழுது இருந்த சர்க்காரும் அங்கீகாரம் செய்து கொண்டும் அதன்படி கோர்ட்டுகளில் தீர்ப்புகளும் வழங்கப்பட்டிருக்கின்றன. அவர்களுக்காவது மேற்படி தொகை கிடைக்கும்படியான அளவில் நஷ்ட ஈடு கொடுக்குமாறு கேட்டுக்கொள்கிறேன்.

"பரம்பரையாக உள்ள ஜமீன்தார்களுக்கு அதிகமாக நஷ்ட ஈடு கொடுக்க வேண்டிய தேவை இல்லை. ஏனென்றால் அவர்கள் நிலங்களை விலை கொடுத்து வாங்கவில்லை. என்னுடைய நண்பர் கூட சொல்வதுபோல்

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* SRI N. S. VARADACHARI:—“ Madam, Deputy Speaker, if I offer any remarks to-day, I trust the Hon. Minister for Revenue will take them in the purely constructive spirit in which I offer them. There is no use saying that, even if you express difference of opinion on matters which are not of vital importance, the motive of the person making them is not fair. I do not offer the above remarks with reference to any particular set of circumstances but I find a propaganda is on foot and I myself am free to confess to the House that on one occasion in my own constituency which is neither zamin, nor inam, nor ryotwari, an attempt was made, to use the phrase of Mr. Anandan Nambiyar, to finish off my political life by abusive propaganda. Mr. Nambiyar does not know that people are not finished when they talked about in the House. If he knew, as I know a little more correct English, he would avoid such expressions like finishing off persons, which means more than the gesticulation which followed his remarks. I would like him to present his case without excitement, without passion and with the best of reason on his side.

“ The whole case for this Bill is that it complies with the election pledge of the Congress, which is not by the way a Bible; I can never think of it as a Bible. I can think of it only as a safe guide to our own conduct and in implementing it, we ought to exercise our discretion in the best manner possible consistent with the circumstances of the case which deserve careful examination at every step. I have no objection to intermediaries being done away with. If the zamindar is called an intermediary, it is because he had only the right of collecting rent and this fact was stated more than once as a finding on the floor of this House by the Prakasam Enquiry Committee. But will that description apply to other people who are included in this Bill? That is really the point I am going to elaborate in the short space of time that is left to me.

“ We are all intermediaries in the one sense in which ryotwari pattadars such as myself or the Hon. the Revenue Minister or for that matter Mr. Brahmanandam Reddi who waxed so eloquently are intermediaries. I do not find him here and I shall drop my remarks with reference to him. We should not speak of another person here who is not in the House at the present time. To do so, is to say the least, not very sportsmanlike. I do not propose to say more because he is not here. I shall keep this rule for my own conduct for the future that I shall not refer to any remarks made by anybody who is not present at the time when I answer him. The point that he raised is this: are these so-called inamdars intermediaries? I say ‘ absolutely no ’ except in the sense in which I, the Hon. Minister for Revenue and Mr. Brahmanandam Reddi, all ryotwari pattadars are intermediaries. If there is any proof that they are intermediaries apart from the statements made by the Hon. Minister or any other Members of this House, I am prepared to yield. In the case of inams where the right of collection of rent

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alone was given as in the case of the zamindars, I admit the inamdars are intermediaries and they must go. I am prepared to go as far as that. I have carefully examined all the title deeds given to inamdars. How are they worded? It is almost the same title that a ryotwari pattadar possesses to-day. It says that on payment of a particular rent which you may consider very favourable, the land shall pass on to you as a free holding. But then the argument is advanced from the Communist Benches that these grants were made by Tippu Sultan or Asoka or somebody else in the remote past and they cannot hold good at present. Ryotwari pattadars were also there when the same Tippu Sultan or Asoka or some Hindu or Muslim Prince ruled long before the British came. I have examined the inam title deeds of owners of property Hindus, Muslims and Christians. The original title deed shows that none of them was regarded in any way as an intermediary; he had the rights of sale and had all the privileges attached to full ownership. I say that you can, by no means, call these people anything different from pattadars; you cannot call them intermediaries and try to include them in this Bill. I will give you two specific instances which I have put before the Minister for Revenue. I have put them as documents to be examined by him carefully. One is from Salem. I have pointed out to him a case in which the title deed was issued by this very Government, not by Tippu Sultan or others. It is the District Collector who issued the document stating that you are holding the inam on payment of rupees 40,000 which we have taken from you as value for your holding in court auction, in terms of ryotwari tenure. I have put this document in the hands of the Hon. Minister. I do not know if he has examined it. My general experience shows that the Government have always treated those inamdars not differently from ryotwari pattadars. In the Salem district in many cases they have raised the rents almost to the ryotwari level and given them ryotwari pattas as in the single instance I have put before the Minister. I gave him another paper from which the same inference can be drawn. In this case the document is signed by no less a person than Mr. Ramamurthi, who was the then Collector of Salem. He had to decide the question, the very vexed question, whether inamdars were intermediaries or not. The reference arose this way. Under the Local Boards Act, zamindars had to pay half the cess and the ryots the other half. Some inamdars who had not much money to pay at that time, obviously raised the question why they should pay more than the zamindars. The then Government said in not a charitable mood 'no, you are not an intermediary and so you have to pay full cess.' It is said they are not intermediaries in the sense in which zamindars are. I do not know what value this testimony from an able administrator would receive from hon. Members of this House. I have put it on record and it is for the Hon. Minister to state whether my submission is correct or not. The Government took large sums of money from the inamdars for property sold in court auction and promised them ryotwari tenure

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in so many words. I think the Government considers these documents as sacred title deeds. Then the Government should not consider them as intermediaries in any sense of the term, at least to the limited extent of its application to the Salem district. It would be an act of political dishonesty now to turn round and say 'you are an intermediary; of course we have taken taxes from you as from a ryotwari pattadar; it is all right; but we are going to pounce on you still further; now we consider you an intermediary.' We might not have considered you an intermediary before; we have taken from you money through court auction; we have given you title deeds even mentioning ryotwari tenure but all that must now go.

"Generally speaking, there has been very little information, at the start, let me say, on the question of inams. Since there has been much criticism on this point, more information began to flow in and the Hon. Minister for Revenue will not hesitate to congratulate some of us on having pulled him up and made him collect such information as would be useful when the Bill is considered in the Select Committee. I have finished the question of the examination of the title deeds. What do these documents show? Among the inamdars owning 38 lakhs of acres, about 82 per cent of them own small holdings of less than 10 acres each. I say, is it fair to call them intermediaries at this stage having given them to understand that they were not so on a previous occasion, (The Hon. Sri Kala Venkata Rao: 'Do you mean me.') Not you, Sir; you are to-day the Revenue Minister; but Minister in succession, Advisers in succession, to the British Government which was then occupying the citadel of power, all of them gave solemn assurances that they were not intermediaries and you have no right to go back on those assurances at this stage. Even if you do, they stand on a different footing from the zamindars. There are those among them who own less than ten acres and who subsist on the income from these ten acres. There is a village near my home and I visited it recently; the inamdars there total about 14 and the village hardly consists of 35 acres of wet lands and 60 acres of dry lands. The ryots who are supposed to cultivate the lands and who are going to receive the pattas at the generous hands of the Hon. the Revenue Minister in pursuance of this Bill are two gentlemen. The two have to own the entire acreage hereafter. It would be an interesting question to study how many are the ryots who are going to receive the pattas and how many are the so called intermediaries, who are going to be deprived of pattas. I may tell you one case and you do not tell me afterwards: 'You talk of poor widows or poor people for whom this is their only means of subsistence.' It is the case of a Government servant's widow and she has six children to support. She has been deprived of inam land and her total holding was only ten acres. This case has been brought to my notice and I am prepared to take the Hon. Minister there if required and show to him the slender holding which has been snatched away from this poor widow even without

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the law being passed in this House. There are many cases similar to that which have got to be treated as standing on a different footing. Let me plead with the Hon. the Revenue Minister that if he cannot do full justice to all, he would at least consider claims on behalf of these people.

"I come to the next point. I put down an amendment last time to the Rent Reduction Bill to the effect that those who had acquired leases after 1933, the date which is mentioned in the Act of 1936, would not be entitled to pattas. The Minister admitted that this suggestion was very reasonable on the first day; I thought that he would give an amendment. The amendment accordingly was drafted on behalf of Government and was put before us. On the final day, I came for voting rushing from the midst of my domestic preoccupations of which he was aware, I was told that it would not apply to all but only to charitable and religious institutions. I say this is hopelessly wrong. What right had a person who stepped into a lease after that date to be converted into a ryotwari pattadar simply because the provision of the Government Bill helps him to do so. He had himself in his mind never entertained any notion that he would be given patta. Leases after 1933 should not be recognised for the purposes of grant of pattas. The result of that would be this: Right against the spirit of the Congress Manifesto you will be investing rich people, certainly people not worse off than the owners, with title to the lands which they never possessed and which even in their heart of hearts they never imagined would ever fall to them. I say, you are creating a new class of intermediaries whom it would be very difficult to uproot. The political gifts that you are making of ten acres of land which some may take, are they to be treated as intermediaries? If that is so, I would warn these gentlemen not to take these ten or five acres of land. It is a gift intended to reward particular action in the past. Similarly also, inams in the past were gifts intended for equally noble purposes, sometimes far nobler purposes than this present gift and it is by no means right to deprive them of the rights and privileges to which they had been entitled long before the Revenue Minister had ever imagined that he would be the author of land reform in this Province. If an inamdar is in bona fide possession of land and is cultivating it by himself or by hired labour or has invested capital on the land for wells or maintaining gardens his claim ought to be recognised to such lands; that would be small mercy indeed; but I have now to ask for small mercies. Apart from compensation, may I plead with the Revenue Minister to give him at least a share in the waste lands which he may yet turn to good use and to recognise his right to the soil in that respect? (Sri K. Anandan Nambiyar: 'No. No.')

I do not propose to plead with Mr. Nambiyar who intends to finish off everything and never would start on a right campaign. Let me plead for reasons of equity that the compensation to inamdars should be on a different footing since I have shown that their origin is different, that their

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claims are different. To my mind, their claims for a differential treatment have been satisfactorily established and if I am able to convince those who will be shaping this Bill to change the Bill in a slightly different way, then we would have met their demands. Let me hope that two principles will be accepted in the determination of compensation; these are principles based on equity. The loss that has to be recompensed is to be looked into and at the same time the capacity of the party to bear the loss must also be examined. While it is generally believed that the zamindar or the inamdar is a fairly well-to-do person, there are many among the two classes who are merely called zamindars whose estates on account of partition and other things have become negligible in value. In the case of the inamdars whose position I have tried to explain at length—82 per cent of them own less than ten acres of land. Their position is different, much consideration has to be bestowed regarding their capacity to bear the loss; apart from our action being legal, the quantum of compensation should be adequate. The test should be whether each one can bear his burden; it is not as if we can include all together. It is not as if the zamindars and the inamdars can be put together. It is a case in which each class will have to be examined separately. I would stress this point to the utmost; in giving away pattas do not shut your eyes and make a new class of intermediaries arise, sometimes in possession of thousands of acres while those they are displacing might not have even owned ten acres. I have got an instance in which one gentleman in the northern districts owns 1,760 acres and more of temple lands. Is he to be given patta? Mr. Anandan Nambiyar would be glad if God could be deprived of all this property but he cannot deprive Him; unfortunately God is too powerful and cannot be mauled by these poor specimens in this House. (Laughter.) Let not a new class of title-holders be created; and titles in supersession of valid titles which were respected right through the centuries. Can any person by sheer accident come into possession, honest possession and real possession of 1,700 and odd acres by mere reason of a Government Bill? I suppose, this is unjust and I shall have to point it out again and again not only on the floor of the House but at every place to which I have access that for a legislation to be just and fair it must not exceed the bounds of charity and afford title to those who had really no right to possess them. The second principle which I wish to emphasise is that in awarding compensation, kindly remember the burden that each party can bear. I do not impose heavy burdens on a small man and try to strangle him because he has no proper advocacy in this House. Place that much on the shoulders of each person that he can bear, in order that the rest may live, in order that he who bears the burden may live and then we shall all live as one contented family fighting solidly on the food front and raising more for the people of this country which after all is the object of any legislation, especially legislation on tenure reform."

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SRI S. NAGAPPA:—“Madam, Deputy Speaker, I am glad after all, after so many years the Bill has come; but I am extremely sorry that it falls short of my expectations. I thought that alongside the abolition of zamindaris the Hon. Revenue Minister would make every tiller of the soil the owner of the soil but he has not done so. He calls this the Zamindari Abolition Bill but I say it is only a Zamindari Purchasing Bill; he wants to spend ten crores of rupees for purchasing the zamindaris. He wants to give 25 times the basic annual sum and being far above their wildest expectations, the zamindars are very eager to have the business disposed of as early as possible so that they can be rid of the bother of making collections and remittances and be free from their commitments. I wish to know what has been done to make the tiller of the soil, the owner of the soil. In the olden days when the Agriculturists' Debt Relief Act was passed, I was told that the case of the agricultural labourers will also be looked into. Ten years have gone by and to our surprise nothing has been done in the interests of the agricultural labourers. They want our co-operation just to snatch away something from the zamindars and to create another set of jagirdars. Had the Hon. Revenue Minister taken some pains to see that the actual tiller of the soil becomes the owner of the soil, it would have been better. But now it pains me to say that he is only interested in a certain class, which is his own class and not the particular class of the population which form the bulk of the agricultural population of the Province.

“According to clause 5 (2) a tribunal is to be set up; the Chairman, a Deputy Collector, will be appointed by the Government and there will be another appointed by the proprietor. I wish to know wherefrom you are creating the proprietor; the real proprietor is the man who is tilling the land and is responsible for producing food. He has not got the courtesy to give representation to them on the Board. The ryots also have been given powers to nominate their own men but why do not you give any representation to the tiller of the soil on the Board? This Board has the supreme authority to decide the fate of the zamindars.”

THE HON. SRI KALA VENKATA RAO:—“This provision refers to a portion of zamin lands which does not exceed 40,000 acres in the Presidency, namely, the private lands of zamindars and so I feel there is no need for all this talk about representation on the tribunal.”

12-45 p.m. SRI S. NAGAPPA:—“Madam, Deputy Speaker, I ask the Hon Revenue Minister, why he has not conferred the right of the ryots? May I ask him, ‘Who is a ryot?’ The ryot is the man who actually tills the soil and is responsible for the production of the food. How can you call a man who practises as a lawyer in a distant place arguing cases but own some land in a remote village as a ryot? In the Bill I find compensation is to be paid to the Crown. I do not know to which Crown the Minister refers. We

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do not have any Crown; we have only ryot and State here. If the owner of a land is not the ryot, the land should be transferred to the State.” (The hon. Sri Kala Venkata Rao: ‘That means the same thing as the Crown.’) We do not want to call the State, the Crown, for you may have an imaginary Crown; it does not mean the Crown as conceived by the common people. Perhaps the Bill was drafted before the 15th August 1947 and hence that word.

“Now on the question of compensation, Government have been pleading with the support of the Congress High Command. The High Command only said, compensation should be given. Did it say, ‘so much should be given as compensation?’ (A voice: ‘Yes.’) It is all guess work. You say, as rent collector the zamindar is eligible for compensation. But when he is otherwise able to maintain himself, why does he require compensation? Are we here to enrich the rich and make the poor poorer in the name of democracy. I see no reason for bringing this legislation. I wish the Hon. Minister to bring forward another Bill abolishing all zamindaris and big ryotwari pattadars, and the actual tiller of the soil is made the owner of the soil.

“As regards inamdars, what work were they doing all these years. Why should they be maintained? Are they to be maintained as parasites of the society? I think there is nothing wrong in abolishing the inamdar or zamindar or any aghaharamdar. (Laughter.) The man who actually tills the soil should be made the owner of the soil. There are several big landlords owning hundreds of acres of land like zamindars, and you want to allow them to become richer and richer. They are left out in this Bill. Simply because the Minister comes from a zamindari area, perhaps he deals only with the zamindar. He forgets he rules the whole population of the province. So if you have the good of the people at heart the zamindari system and the ryotwari system should be done away with and the tiller of the soil should be made the owner of the soil.”

SRI P. KANDASWAMI PILLAI:—“Sir, are we abolishing ryotwari system or abolishing zamindari system? I do not understand what the hon. Member speaks about.”

SRI S. NAGAPPA:—“I shall make you understand, if you resume your seat.” (Laughter.)

THE DEPUTY SPEAKER:—“Whom are you addressing? You ought to address the Chair.”

SRI S. NAGAPPA:—“Through you, Madam, I am addressing him. I can only make him understand; but I cannot give him the power of understanding. (Laughter.) Madam, I put forth the analogy of ryotwari system only to understand implication of the abolition of zamindari system. By abolishing zamindari system the Government are creating ryotwari pattadars who have been a menace to the people. I am now pleading with the Government to shelve this Bill and bring in another

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Bill, a comprehensive one, a revolutionary one, abolishing landlordism altogether and making the actual tiller of the soil the owner of the soil. (Sri Guntur Narasimha Rao: "Suppose a man engages coolies to cultivate his land?") If each man looks after himself, he need not engage coolies. Only people like Mr. Guntur Narasimha Rao who cannot work, will have to engage coolies. Finally I appeal to the Hon. Revenue Minister to take in good spirit my constructive criticism (laughter) and to shelve this Bill and bring another comprehensive one abolishing zamindaris and all landlordism and make the actual tiller of the soil the owner of the soil. Thank you, Madam."

* SRI T. K. T. N. R. TATACHARI:—"Madam, Deputy Speaker, after the storm raised by Mr. Nagappa, I think, everything will sink into insignificance. Still I will remind him that this legislation should not be conceived in a spirit of hatred. It would be well to remind ourselves that this Bill is not intended to injure or expropriate anybody, but is only intended in the interests of national economy and production, which in these days are very important. Of course eminent lawyers, whose names need not be mentioned here, have raised a number of objections, legal as well as constitutional, but it is enough to say that whenever such legislation was conceived, the lawyer is not the man who could or should state the principle. Even jurists often find, in progressive legislations, the principles to justify such legislation, only after it has become a fact. Grained as they are on set principles and juristic notions, which have had to change from time to time it is impossible to contend that the present principles of legislation can justify a measure of this type. But when social justice is concerned, principles evolve themselves after the effect is achieved."

"Now, a lot of objection has been raised regarding inams even delving into the origin of the inams. The Acts of 1908 and 1936 have made these inams spilt milk, over which no weeping would improve matters. With regard to section 299 of the Government of India Act, what is the compensation mentioned there? It is stated by all here that it should be fair and equitable compensation. Though the words 'fair' and 'equitable' are not mentioned there, it has been argued differing by eminent lawyers and even Begum Sultan Mir Amiruddin has gone into the etymology of the word—as though there is no precedent. I would only cite the case in the article of Mr. T. T. Krishnamachari, which appeared in the 'Hindu' sometime back, in which he said that the Chicago Corporation had deemed fair and fit, by a later amendment of the Constitution Act, to give one dollar as compensation for a huge property which was acquired for public purposes. So the words 'fair and equitable' compensation and equity or justice are very mercurial terms which can be handled by a person who handles it to his own advantage. The words 'fair', 'equitable' and 'equity' have to be judged in the light of the circumstances in which the words arise and the supposed rights which are

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expected to be compensated. Where there is precedent by way of legislation, particularly in this province itself, all these ideas of fairness and equity sink into insignificance. And I contend that section 185-B of the Madras Estates Land Act, 1936, which proposes to acquire kudivaram right of the inamdar by payment of one year's rent is itself a basis on which we can proceed without straining on the words 'fairness' and 'equity.' The hon. Member, Mr. Mahboob Ali Baig had said that this measure was confiscatory, expropriatory and absolutely unfair. I suppose he was a member of the Council which passed that Act in 1936. Now, the question of fairness and equity sinks into insignificance when the larger interests of the nation and then production, particularly food production involving agricultural operations are concerned. Various reforms which have gone before have not given any relief in this respect, and so it has become absolutely necessary in the interests of society to get on with a legislation of this kind."

"Then about the quantum of compensation, there has been a lot of agitation that it is more than what is fair."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"On a point of personal explanation, Madam, Deputy Speaker. It is no doubt true that I was a member of the Legislative Council which passed the Act of 1936. It does not mean that I voted for one year's rent as compensation for the giving up of the kudivaram right. I may refer my Friend to my minute of dissent attached to the Prakasam Committee's Report. That will be more useful to our purpose than saying that, because I was a member of the Legislative Council which passed the Act of 1936. I am now estopped from saying that the compensation is not adequate."

* SRI T. K. T. N. R. TATACHARI:—"I never meant to apply any estoppel to Mr. Baig. What I wanted to point out was that there was a statutory precedent in that Act that fair and equitable compensation meant only one year's rent."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"My Friend forgets that in that very Act of 1936, fair and equitable compensation means one year's rent as on 1st November 1933. My Friend knows that that was a competitive rent which was considered fair and equitable. Therefore the inamdar was not at all a loser."

* SRI T. K. T. N. R. TATACHARI:—"I wish to prove that the compensation awarded under this Bill will be no less than one year's rent as it stands to-day. The compensation on the top of the slab is $12\frac{1}{2}$ times the two-fifths of the basic annual sum (one-third of which minus $13\frac{1}{2}$ per cent represents only 20 per cent of the ryotwari rate as computed in this enactment on certain principles.) Two-fifths multiplied by $12\frac{1}{2}$ times makes $2\frac{1}{2}$ times the ryotwari rate which in the case of every estate would amount to no less or more than a year's rent according to the present rent roll. The slab of compensation is a little too much as the larger estates are reached and it may have to be narrowed down. As regards small estates whose basic annual income is less than

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Rs. 500, I am afraid that the compensation proposed will make the proprietors indigent. Fairness and equity should not leave the subject whose property is acquired by the State in a state of indigence, and it is the duty of the State to protect him. I would suggest that a fair compensation to these small estate holders would be 30 times the annual ryotwari rate.

"As regards inams connected with temples and for services rendered therein, I should like to put in a plea on their behalf representing as I do one of the most premier temples in India. There are a number of service inamdars connected with the Tirupati temple to whom compensation must be paid on a different scale. Every service inamdar is a person who renders service to society. In every society, temples, archakas and other inamdars are a necessity. Ministers who come in and Ministers who go out first go to the temples to pray to God. In these days of increased population and more pilgrims, the return that the inamdars get from the inams is not sufficient to carry on their services. I therefore suggest to the Hon. Revenue Minister to devise measures either under this Act or under the Hindu Religious Endowments Act to adequately compensate the inamdars for the services they render either by payment of an annual sum or a share of the offerings. In these days when the non-gazetted government officers are agitating for more salary, it is not fair to turn them out into the streets.

"I now turn to the provisions of the Bill. The process of enquiry and apportionment is unnecessarily duplicated in clauses 8 (1) and 14 (2). In clause 8 (1), all persons whose rights stand transferred to the Crown in pursuance of section 3 shall have to go before a Special Tribunal and ask for apportionment of the compensation. Under clause 14 (2), the same set of persons can apply to the District Court with a right of appeal to the High Court. This is an unnecessary duplication which must be eliminated in order to avoid conflicting findings on the same set of facts.

"Clause 12 (5) provides for adjustment of *ad interim* payments and clause 12 (6) provides merely for the recovery of interest and not for the refund of any excess paid. Suppose a person is entitled to Rs. 1,000 only. If he had already been paid Rs. 1,200, there is no provision for recovering the excess of Rs. 200.

"Clause 13 (1) treats the compensation payable to the proprietor of an estate as the property of the Hindu joint family. I think it would be better to make the personal law of the recipient of the compensation applicable to him than to inflict on him the complexity of the Hindu joint family law.

"As regards clause 17 (2), I would suggest that it should be made more specific as regards the rate of rent which the manager is expected to collect. The manager will have to make arrangements for the incorporation of the estate as part of the ryotwari area and collect the rent on ryoti land at the rate at which it was payable to the proprietor immediately before the notified date. It does not make provision to reduce the rate of rent. If in an estate,

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the rent is not reduced under the Estates Land (Reduction of Rent) Act, the manager is expected to collect the rent at the prevailing rate.

"Under clause 19 (1) all buildings used as offices in the estate shall stand transferred to the Crown. It will be futile to make a separate provision without providing compensation separately for the buildings, as it would offend section 299 of the Government of India Act. Building can come under section (b) in which several kinds of property are mentioned as included in the term 'estate'.

"Under clause 21 (3), peishkash is made payable up to the fasli preceding the notified date. I think this might cause hardship to the proprietor if the notified date happens to be far from now.

"In conclusion, I would refer to certain acrimonious statements made against the Hon. Revenue Minister instead of congratulating him on what all he has done to get this Bill passed in spite of so many obstacles in his way. Reference has been made to the master and disciple relationship. I think it is too esoteric a relationship to deserve such a prominent and public mention. Instead of feeling proud for the performance of the disciple, reference to Judas and Jesus and thirty silver pieces may be the outcome of the jealous chagrin of bottled down politico-legal eminence of a queer sort.

"With these words, I support the Bill."

* SRI K. R. KARANTH:—"Madam, Deputy Speaker, within the short time allowed to me, I shall just speak on the main features of the Bill without sentiment or prejudice which seems to have got into the debate now and then. In the first place, I must say that it is a rather difficult situation in which we, Members of this House, are placed. From the papers and the speeches made here we find that this Bill came up for discussion before the Congress Parliamentary Sub-Committee. I read that as a result of the discussion, the Committee wished to impress—upon the Government, I take it—to subject to a thorough examination any scheme considered in the province for ensuring that such a scheme is not confined to mere abolition of zamindaris but affords a clear picture of the financial and administrative measures contemplated for improving production and agricultural efficiency as well as the ryot's lot. Even from that point of view, I am afraid that no materials have been placed before us and we have not been told what exactly has been done in this behalf. Therefore I can deal with the Bill only as it stands.

"In the first place, I wish to submit that a great deal of injustice is caused by clubbing together in one Bill two things which are essentially different in many respects. One would agree that the lot of the cultivator should be improved; as it is really hard in many places. But the clubbing together of the zamindaris and inams will not do him any good. Essentially I take it that the

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zamindars have got only the right to collect the land revenue and that they have no right of proprietorship. If any of the zamindars here contradict that position, I regret that I cannot agree with them. The Government and the Hon. Revenue Minister have accepted that they are only agents for the collection of revenue, and they are proceeding on that basis. (Interruption by Sri M. G. Natesa Chettiyar.) If I had more time than twenty minutes, I would have tried to show to Mr. Natesa Chettiyar from passages and reports from 1802 up till this date how the zamindars were only allowed the right to collect the revenue on behalf of the Government."

SRI M. G. NATESA CHETTIYAR:—"There is also a counter-argument to it."

SRI K. R. KARANTH:—"I know that there are counter-arguments even for the most obvious things. That is a point on which I need not take up the time of the House, as most of us are agreed on it. I certainly do not expect the zamindars to agree to a position which cuts under their feet.

"The very basis of compensation is that the zamindars are only rent collectors. If you terminate an agency, you look to the services rendered and also the harm done by the agents. Though I do not say that all proprietors have done harm, from my experience during the short time I have been here, I find that a great deal of harm has been done. Irrigation works have been neglected and tank-beds auctioned for raising babool trees and these are things which I have seen. There are also very good zamindars like my hon. Friend from Salem who, I know, is very much loved by the ryots. Let us give credit where it is due.

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p.m.

"Essentially the zamindars are only agents of the Government for the collection of revenue and it is on that footing that we are paying them compensation and not on the footing of proprietorship. When viewed in that light, I submit that the opening clauses of the Bill dealing with definitions, and especially the definition of the term 'proprietor' are rather unhappily worded and I hope that the Government will realize that they have made a rather serious mistake in using those words.

"Then, Madam, so far as inams are concerned, even here I would make a distinction between two classes of inams. The Estates Land Act of 1908 included under the definition of Inams, such inams where only the right to land revenue was granted. Section 3 (2) (d) as it stood before the Bobbili amendment of 1936 said as follows:—'Any inam village in which the melwaram alone has been granted in favour of a person, not already owning the kudivaram right.' So that for that class of inams being included in the present Bill, I have not much objection, because they have been dealt with as such for a long time, although I certainly agree with my hon. Friend Mr. Prakasam that historically all along, inams were treated legally on a different basis. But

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rightly or wrongly they have been clubbed together in 1908. If we go further and take up the amendment of 1936, or what is known as the Bobbili amendment, we will find that these inamdars had the proprietorship of the land in the full sense of the term. If you want to acquire their rights now, then the procedure adopted in this Bill of clubbing the two together and treating them alike, would be a great piece of injustice. If you want to do justice to the cultivating tenant, let us do so by giving a proper compensation where it is due, but certainly not by this device of clubbing the two things together, which certainly are fundamentally different in their essence. I therefore submit that these two kinds of inams should not have been clubbed together at all. A great deal of injustice is being done to that class of enfranchised inams, which had obtained recognition at the hands of the Inams Commission, where the inamdars were granted regular pattas and which they have been enjoying for over fifty years even at that time.

"Then, Madam, let me say a word or two about the compensation proposed to be paid to the zamindars as such. I have no objection to the adoption of the present basis by the Government, namely, one-third of the ryotwari revenue, but the deductions made are, I am afraid, too small. It is almost ridiculous to say that irrigation works which had to be maintained by the zamindars could be maintained at a 5 per cent level. In 1802 when one-third of the rent was left to the zamindar and two-thirds taken as peishkush, certainly nobody expected that the irrigation works which were expected to be maintained in the proper condition could be maintained at 5 per cent. I am afraid that the present Government have been too lenient towards zamindars, while they have not done proper justice to certain other class of people. There is no provision for making some deduction out of the compensation to restore irrigation works where they had been badly damaged. If you are going to treat a zamindar who has spoiled the irrigation works and one who has looked after them properly, on the same footing and pay compensation on the same basis, then that will not be fair to the latter. I have repeatedly said, even when I was in office that the zamindars who have destroyed irrigation works in their estates and who have neglected them all the time should be treated differently and should be given a less compensation than the one who has maintained them properly.

"Then, Madam, our deduction for establishment charges is calculated at 8½ per cent. It cannot be said that 8½ per cent will be enough for meeting the establishment charges.

"Section 6 (b) of the Bill which prescribes the method of determining the compensation for rights in an estate is defective and requires very substantial improvement. The section as it stands would mean that the compensation is to be calculated on the basis of the gross income of the year previous to the notified date. To take the gross income derived by the Government from the estate in respect of fisheries, forests, mines, etc., referred to in

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the latter part of the section will not be a proper basis for determining the compensation. These are some of the points which have to be looked into very carefully at the Select Committee stage.

"Then, Madam, I feel that it is very wrong for the Government to take upon themselves the business of assessing the compensation. It should certainly be left to an independent tribunal. We know what are all the influences that are at work in any democratic Government. I do not blame anybody. It is much better to state the principles in the Bill and leave to an independent tribunal to assess the amount of compensation to be paid.

"A great deal of injustice is likely to be done in the matter of notifying dates, which should also be guarded against.

"Then, Madam, there is the question of home-farm. I do not think that we will be doing social justice if we allow large extents of land to be given as home-farm lands under this Bill. I have known of zamindaris where private farms are as big or even bigger than ryoti estates, extending to hundreds of acres. I submit that some limit must be put to such holdings and in occupancy rights should be given to the cultivators. This Bill, therefore, in its present form is not acceptable.

"Then, the clause regarding the abolition of rent, I submit, is not at all fair. If you are collecting peishkash up till now, then this provision seems neither equitable nor just.

"So is the provision for scaling down the debts of the zamindars. It is a wonderful clause which says that the provisions of the Agriculturists' Relief Act should be applied in scaling down the debts of the zamindars. I do not know why at all this should be done. We are supposed to give them a fair measure of compensation. If they have debts, they ought to pay. There is no reason why the creditor should be penalised, because the Government are going to pass a social measure of this kind.

"As regards the class of inams, which are included in this Bill, I have already said that it is a great piece of injustice. I have been informed by persons who could be relied upon, that one acre of inam land would fetch about four to six bags of paddy as rent to the landholder. That would roughly work to about Rs. 60 per annum now. The compensation that he is going to get under the formula of this Bill will be practically one year's rent. If say Rs. 6 be the rate of assessment per acre it will be half of 6 or 3 minus 13½ per cent multiplied by 25 per cent, i.e., about Rs. 60. This seems to be highly unjust. I quite agree that in many inam estates, as in several of the ryotwari areas, there has been a great deal of rack-renting. There can be no doubt about it. But the remedy is not this. The proper procedure will be to set up Rent Boards to scale down the rents, and then on the basis of that to pay them compensation. The State, as such, should pay proper compensation to these inamdars instead of leaving them to be dealt with on the lines laid down in this Bill.

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"As regards the main purpose of the Bill, namely, of doing good to the cultivator, I am afraid this Bill does not in any way do it at all. I know at least some ryots in the estates. Many of them who are pattadars or tenants are not actual cultivators. They have sub-let their lands to others. They take the maximum from the actual cultivation. I know that the temple lands in the Southern parts of the Presidency are actually put to auction and are given to the maximum bidders, but the latter are certainly not actual cultivators. There are several other defects which one can see in this Bill and if the Bill goes before the Select Committee, I hope the measure will not be rushed through, but that they will take evidence from experts, particularly on the question of inams.

"The Hon. Minister for Revenue has said in more than one place that there are inams and inamis. Essentially there are two different kinds of inams, one of them being entitled only to the land revenue while in the other vests the proprietorship of the soil also. These things have not been gone into. Whereas in the matter of zamindari, we have had years of investigation and several volumes written on the question of inams, there have been no such inquiry, and I hope that the Select Committee, as soon as it gets seized of this Bill, will go through this subject carefully and see that no injustice is done to pay class of people who are affected by this legislation."

SRIMATHI V. LAKSHMI AMMAL:—"நான் லஞ்சுக்குப் பிறகு பேசுகிறேன்.

"உபதலை அலர்களை, ஜமீன்தார் ஒழிப்பு "பில்" லேப்பற்றி இங்கே 2½ நாட்களாக விவாதத்திலிருந்து கொண்டிருக்கிறது. நான் அதிகமாக இதைப்பற்றி பேசப்போவது இல்லை. இருந்தாலும் ஜமீன் ஒழிப்பு எவ்வளவு முக்கியம் என்பதைப் பற்றியும் அதை ஆதரித்தும் இரண்டொரு வார்த்தைகள் பேச முன் வந்திருக்கிறேன். இப்பொழுது இருக்கிற நிலைமையில் ஜனநாயக ஆட்சி நடந்துகொண்டு வரும் நாளில் ஜமீன்தார்கள் இருந்துக்கொண்டு இந்த நாட்டின் குடிசைக்கு ஒரு விதமான செளகரியங்களையும் செய்யாமல் இருப்பது முற்றிலும் விரோதம். ஆகையால் தான் ஜமீன்தார்களே இந்த முறையை ஒழிக்கவேண்டுமென்பதைப் பூராவாக ஒப்புக்கொண்டிருக்கிறார்கள். குடிகள் எவ்வளவு அவசரப் படுகிறார்களோ அந்த விட ஜமீன்தார்களும் இந்த சட்டம் சீக்கிரத்தில் அமுலுக்கு வரவேண்டுமென்று சொல்வதற்குக் காரணம். ஜனநாயக ஆட்சி முறை இன்று நடந்துக்கொண்டு வரும்போது ஜமீன்தார்கள் இருந்து நடத்த முடியாது. என்பதை அவர்கள் தெரிந்து கொண்டு விட்டார்கள். ஜமீன் ஒழிப்பில் யாருக்கும் எந்த விதமான கட்டுக்கும் அபிப்பிராய பேதம் இல்லை என்பதை இப்பொழுது கொஞ்சம் நாளாக பத்திரிக்கைகளின் மூலமாகவும் பேச்சுக்கள் மூலமாகவும் சட்ட சபையின் மூலமாகவும் இதை அறிந்துக்கொண்டிருக்கிறோம். ஆனால் இந்த ஜமீன்தார்கள் முன் காலத்தில் நடந்து கொண்டு வந்த ஒரு முறையானது எவ்வளவு சீர்கேடாக இருந்தது என்பதும் இந்த ஒழிப்பு எவ்வளவு அவசியம் என்று சொல்வதிலிருந்து தெரியவருகிறது. தமிழ் நாட்டிலுள்ள முக்கியமான ஒரு ஜமீன்தார் ஒருவர் தான் இறந்து போவதற்கு முன்னால்தான் ஜமீன்கள் எவ்வளவு தூரம் தங்கள் குடிகளுக்கு கஷ்டங்கள் உண்டு பண்ணி இருக்கிறார்கள் என்பதை வியத்தமாக எடுத்து எழுதி எல்லா ஜமீன்தார்களும் இதை வாசித்து இனிமேல் வரும் ஜமீன்தார்கள் இந்த

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ஆலோசனை செய்து இதை திருத்திவிடலாம். ஆகையால் இதை சரியான முறையில் அமைத்து இதற்கு அழிவு ஏற்படாமல் செய்வதுதான் புத்திசாலித்தனம். ஆகையால் நஷ்ட ஈடு கொடுக்கவேண்டுமென்பது அவசியமா என்றும் அதை எவ்வளவு கொடுக்கவேண்டுமென்பதைப் பற்றியும் தனிக்கமிட்டிக்கோ நிபுணர்களுக்கோ அனுப்புவது நல்லது என்பதை நான் தெரிவித்துக்கொள்ளுகிறேன்.

“அடுத்தபடியாக இனமைப்பற்றி ரொம்பப் பேசியாய்விட்டது. இருந்தாலும் என்னுடைய அபிப்பிராயத்தை நான் தெரிவித்துக்கொள்ளுகிறேன். இனம்களை ஜமீனோடு சேர்த்துக்கொண்டது ரொம்பவும் வருந்தத்தக்கது. இந்த ஜமீன் “பில்” லோடு இந்த இனமை சேர்த்து பிரசுரித்ததிலிருந்து இதுகாலம் வரை கிளர்ச்சி இருந்து வந்திருக்கிறது என்பதை நாமும் ரிவினியூ மந்திரி அவர்களும் உணர்வேண்டும். தனிக் கூட்டங்கள் கூட்டி இனமை தனியாக யோசனைபண்ண வேண்டுமென்று சொல்லுகிறார்கள். எத்தனையோ பத்திரிகைகளும் நிபுணர்களும் தனியாக சர்ச்சைசெய்ய வேண்டுமென்றும் சொல்லுகிறார்கள். இந்த சட்ட சபையிலும்கூட எவ்வளவோ பேர்கள் அப்படி தனியாக கொண்டுவர வேண்டுமென்று சொல்லுகிறார்கள் என்பதையெல்லாம் நாம் அறிந்திருக்கிறோம். ஆனால் இனம் மேல்வாரம் உள்ளவர்களை ஒழிக்கவேண்டியது அவசியம்தான். குடிவாரம் உள்ளவர்களைப்பற்றி மிகவும் நாம் யோசனை செய்யவேண்டும். அப்பொழுதுதான் எல்லோரும் ஒப்புக்கொள்ளும்படியாக இருக்கும். இவ்வளவு அபிப்பிராய பேதத்துடன் ஜமீன் ஒழிப்போடு இனமையும் சேர்த்திருப்பது வருந்தத்தக்கது என்று என்னுடைய அபிப்பிராயம். இனம் ஒழிப்பை எடுத்துக்கொண்டால் அதில் எவ்வளவு சிரிய இனம்கள் இருக்கிறது என்பதை சிந்தித்துப் பார்க்க வேண்டும். சிரிய குடியானவர்களுக்கு சௌகரியம் செய்யவே இந்த சட்டத்தை நாம் கொண்டுவருகிறோம். இனம்களில் சிரிய இனம்கள் எவ்வளவோ இருக்கின்றன. கணக்குபோட்டால் ஒருவருக்கும் எத்தனை சிறு இனம்கள் இருக்கிறது. எத்தனை whole இனம்கள் இருக்கிறது என்று தெரியாது. ரிவினியூ மந்திரி அவர்கள் கணக்குக் கொடுக்கவில்லை. அவைகளுடைய கணக்குத் தெரிந்தவர்களில்லை. ஆகையால் இதைப் பற்றி தனியாக சர்ச்சை செய்வது நல்லது. அப்படிக்கில்லாமல் போனாலும் சிறு இனம்களை எல்லாம் விலக்கிவிடவேண்டுமென்று கேட்டுக்கொள்ளுகிறேன்.

“அடுத்தபடியாக மத சம்பந்தமான இனம்கள் இருக்கின்றன. நம்முடைய நாட்டில் மதசம்பந்தமான இனம்கள் தொன்றுதொட்டகாலம் முதற்கொண்டு இருந்து வந்திருக்கின்றன. அநேக காரியங்களுக்கு இனம் விடப்பட்டிருக்கிறது. அநேகம் கோவில்களில் சேவை செய்கிறவர்களுக்கு இனம் விடப்பட்டிருக்கிறது. அந்தக்காலத்திலிருந்தே மதத்தை இராஜாக்கள் கவனித்துக்கொண்டு வந்திருக்கிறார்கள். நம்முடைய காங்கிரஸ் manifesto விலும் நாம் மதசம்பந்தமானவைகளில் தலையிடுவது இல்லை என்று நாம் சொல்லி இருக்கிறோம். எளியவர்களை நாம் காப்பாற்ற வேண்டும். எளியவர்களை காப்பாற்றவேண்டுமென்பதைப்போல் மதத்திலும் தலையிடுவதில்லை என்பதாக நாம் சொல்லிவந்திருக்கிறோம். எத்தனையோ கோவில்கள் இனம்களை நம்பி இருக்கின்றன. எத்தனையோ எளியவர்கள் இந்த இனம்களை நம்பி இருக்கின்றார்கள். அவர்களுக்கெல்லாம் நாம் ஒரு நஷ்ட ஈடு கொடுத்தால் சில நாட்களில் அது சிலவழிந்துவிடும். அதன்பின் அந்த இனம்களுக்குரிய உணர்ச்சியோ கொஞ்சம் நாளில் மறந்து போய்விடும். மத சம்பந்தமான இனம்களையும் சிரிய இனம்களையும் விலக்கும்படி செய்து மேல்வார இனம்களையும் ஜமீன் மாதிரி ஒழித்துவிடுவதில் ஆட்சேபனை இல்லை. இவைகளைத் தவிர வேறு ஒன்றும் இந்த “பில்” லில் சொல்வதற்கு இல்லை. இந்த ஜமீன் ஒழிப்பை மனப்பூர்வமாக ஆதரித்து நான் என்னுடைய பேச்சை முடித்துக்கொள்ளுகிறேன்.”

[22nd January 1948]

* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, this Bill regarding the question of abolishing zamindaris as well as the question of abolishing the inams is a measure which is intended to solve the problem of the millions of the people who are suffering under the tyranny of the zamindari and inamdari system for a very long time.

"The difficulty of the ryots of the zamins and inams are a peculiar sort of one even though it is a part of the main agrarian problem of this country. Sir, the greatest organization in this country, namely, the Congress, has promised the people in its election manifesto in 1936 and 1946 to remove all the intermediaries between the peasants and the State, namely, the zamindars and the inamdars and others. The zamindars, inamdars and other rent-receivers in this country cannot plead any judicial principle in favour of the continuance of their rights. Some of the people, even some of our own Congress Members, who could not agree with this idea of abolition have made references that some of the Congress Members of this House are Socialists and in order to satisfy these Members the Ministry has introduced this Bill. Sir, I cannot understand as to what is wrong even if some Members have become Socialists. It means that our Members are adjusting themselves according to the times and they are becoming gradually Socialists. I want to tell you one thing, Sir. I am myself a Socialist. (A voice: 'A Communist.') (Oh! oh!) Yes, really. I am proud to call myself a Socialist. I am not a Communist. Of course I am not a member of the All-India Socialist Party. (Order, order.) I want that the structure of society and the State should be framed on the basis of Socialism. I want that all the lands should be equally distributed among the cultivators. I cannot understand the reason why a man who does not cultivate his lands should own thousands of acres of land, and at the same time allows thousands of people who live only on cultivation to go without a bit of land. We cannot tolerate this kind of system any longer.

"Look at Burma, our neighbour and a small country, which has achieved independence only this month. Burma is contemplating a Bill to nationalize the land. Their idea is that all the lands should be taken by the Government, the peasants being allowed to cultivate the land on payment of land rent to the Government. Of course the maximum acreage of land that one should cultivate will be fixed to avoid one single individual getting more land and to ensure that all those who want to cultivate lands can get their share of land. Thus if a man desires to live on cultivation he can cultivate. If he wants to change to any other trade, he can do so leaving cultivation to somebody else. Therefore, the land belongs to the Government.

"Not only in Burma, but in many other countries they have solved their land problem by many and new methods. Why not we try any one of these new methods to solve our problem. I want to point out one thing, Sir. We, the younger generation, who are

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with socialistic ideas, will not rest until all sorts of intermediaries are eliminated and the agrarian problem is solved once and for all in the interests of the tillers of the soil.

"The hon. Member Mr. N. S. Varadachari mentioned something about the inamdars not being intermediaries. Of course, now he is not here. But he gave us a valuable suggestion that when a member is not in the House one should not give any reply to that particular Member's remarks. But he has violated his principle and I don't see why I should not. I should like also to give a reply to him. Of course, Mr. N. S. Varadachari is a very intelligent man. He knows that the inamdars are intermediaries. But he wants to show for some other motive that the inamdars are not intermediaries. Any man who comes between the man who cultivates the land and the State is an intermediary. But he says that inamdars are not intermediaries. (Interruption.) (Order, order.)

"The Hon. Minister for Revenue, Mr. Kala Venkata Rao, when he took up office told us that he was going to bring in a comprehensive Bill to solve the land problem. But I am sorry to note that he is coming with piecemeal legislation and has brought in a Bill only for the abolition of zamindaris and some sort of inams. He has not touched large areas of inams which are called by different names. If I am the Revenue Minister . . . (Laughter.) (A voice: 'God forbid!') If I were the Revenue Minister, I would have brought in a comprehensive Bill abolishing all sorts of intermediaries between the peasant and the State straightaway at one stroke."

THE HON. SRI KALA VENKATA RAO:—"You help me do it now."

* SRI R. V. SWAMINATHAN:—"The Hon. Minister is not doing it. If I am given the chance, I will do it, and solve all the agrarian problems of the Province.

"Now, Sir, coming to the point, I have to say that some of the big zamindars agree for the abolition. But they are cringing for a little more compensation. Therefore, it is good to see that they are not in our way. But our main trouble is with the inamdars. These are the people who are trying to break our solidarity. I could not understand, Sir, how the inamdars can claim their retention. These inams were given by rajas and zamindars. Take, for instance, Ramnad and Sivaganga. These zamindars were not the creation of the British. They were ruling princes. They were Maharajas. History tells us that Pudukottah, which is one of the Ruling States, was created and given as a gift by the Raja of Ramnad. The Rajas of Ramnad and Sivaganga fought against the East India Company. History tells us that there were regular wars between the East India Company and the Rajas of Ramnad and Sivaganga and that they were defeated and their ruling powers were withdrawn from them as a consequence and

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were made mere zamindars. But to-day these two zamindars have gladly accepted the principle of the abolition of zamindars. Almost all the inam villages in Ramnad district are given as gifts either by the Raja of Ramnad or by the Raja of Sivaganga. When these zamins are going away by this abolition, how can these inamdars claim that they should not be touched?

2-45 p.m. "There are about 7,000 inam villages. About five million ryots are suffering under the tyranny of the inamdars. Conditions of the inam ryots are miserable.

"The amendment Act of 1936 to the Madras Estates Land Act gives occupancy right to the ryot. But inamdars have so cleverly cheated the poor, innocent ryots and prevented them from getting the occupancy right. Even to-day some say that the 1936 amendment is wrong and that an injustice has been done to the inamdars. by the Justice Party in power.

"Sir, I want to point out one thing here. During the regime of the Justice Party, many mistakes have been committed by their party men. The Justice Party was a reactionary party and they helped the British Raj when we were having a life and death fight with the British Imperialism. But, out of the mistakes committed by the Justice Party, two good things resulted, viz., (1) the introduction of the Communal Government Order and (2) this Estates Land Amendment Act of 1936.

"There are two kinds of inams—*Pre-settlement inams* and *Post-settlement inams*. Pre-settlement inams in zamindari areas pay poruppu to zamindar and quit-rent to Government. Post-settlement inams pay only poruppu to zamindars. In this Bill, quit-rent inams have been left out. In doing so, you are leaving 90 per cent of the inam villages under the mercy of the inamdars. Therefore, I request the Hon. Minister to include all kinds of inams in this Bill. If you do not include all the inams, then, you are doing an injustice to the greater number of people. If this inam problem is not simultaneously and immediately tackled, all talk about improving agriculture in this Province by this mighty Bill will remain moonshine. Sir, I am only asking the Revenue Minister to fulfil his pledge given to the Congress and also the pledge given in the Congress election manifesto.

"Some of the very big inam villages will escape from this Bill. I will give you an instance. The Sivaganga Raja gave away a big village as gift to three persons on three different deeds. Because it was given under three different deeds, it does not come under whole inams. (The Hon. Sri Kala Venkata Rao: 'Was the estate given after 1802?') The court has held that it does not come under whole inam. (The Hon. Sri Kala Venkata Rao: 'If it is a minor inam after 1802, it becomes an inam.') Now, Sir, one man has purchased all these three estates and he is now enjoying them as one whole inam village. Because it has been held by the court that it is given to three persons, they say that it is a minor inam. It is a very big village with an income of over Rs. 20,000

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with a ryot population of over 1,000. It may be that about 90 per cent of villages will escape on account of the loophole in the Bill. Are we not to give relief to these village ryots? Therefore, I request the Hon. Revenue Minister to reconsider this question and include all sorts of inams irrespective of whether it is whole inam or minor inam or quit-rent inam or charitable inam.

"Now, Sir, about compensation. I am against giving any compensation and thereby waste public funds. It is not a new idea when I say that no compensation should be paid. Agrarian reform involving acquisition of big estates has been effected in many countries such as Poland, Rumania, Austria, Bulgaria and Ireland. In many countries, no compensation has been paid. In some other countries, though the principle of compensation was accepted, the compensation fixed was at a low rate. There is nothing immoral in not paying compensation because the payment of compensation is a burden of which the country would be happy to be relieved. If the zamindars and inamdars say that they were created in the interest of the country (some say that they have been created for good reasons of the State), and if and when such reasons demand their abolition now in the interests of the country, how can they have any objection if we do not give any compensation? Anyhow in the Congress election manifesto, we have committed ourselves that we will pay equitable compensation. The method of compensation to be paid according to the Bill is very confusing. Why not you pay a flat rate based on the yearly income, say one or two years' income of the land? The Bill suggests that the yearly income should be taken and that a percentage of reduction should be made out of that and again another percentage to be reduced out of the balance and to multiply it by 12 to 25 times. Why all these mathematical calculations? Why all this round-about way? I am afraid, Sir, by this method, this Bill will be delayed. People say that it will take some years for all these calculations.

"The Bengal Land Revenue Commission was of the opinion that the compensation to be paid must be calculated at a flat rate for all interests. Therefore, I request the Hon. Revenue Minister to reconsider this position and see that a flat rate on a suitable basis is fixed for payment as compensation.

"One more point, Sir. This Bill says that two years' arrears should be paid. I say that it should be wiped out. Zamin ryots and inam ryots have suffered very greatly from the zamindars and inamdars. Why not wipe off all arrears? The whole arrears should be wiped out. We the ryots cannot bear any more burden of the arrears.

"Sir, I understand that this Ministry is contemplating to bring in a Betterment Tax Bill. We cannot understand any such move. That must be resisted. What is the justification for bringing in a betterment tax? We cannot tolerate that tax. How

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can you bring in a betterment tax simply because you are abolishing zamindaris? In all zamindaris, conditions are not the same. This will be a burden. In some inams, even now there are rates lower than ryotwari rates. If we have a betterment tax, we will have to compel the ryots to pay more. There is a lot of discrepancies in this Bill. The Select Committee has got a lot of work to do when they get to scrutinize all these points."

MR. SPEAKER:—"A number of members want to take part in the debate. Further, Mr. Hameed Khan has moved an amendment that the Bill be circulated for eliciting public opinion. I must also allow Mr. Hameed Khan to take part in this debate. So, I am now fixing six minutes to each speaker."

SRI ALLURI SATYANARAYANA RAJU:—"సభాధ్యక్షా, ఆదేమి దురదృష్టమోగాని నేను మాట్లాడుటకు అవకాశము వచ్చునపుడు, మాట్లాడటమంటే కాలము 20 నిమిషాలు 5 నిమిషాలుగాను, 10 నిమిషాలు 3 నిమిషాలుగాను మారడం సంభవిస్తుంది."

MR. SPEAKER:—"If the hon. Member had taken the advantage to speak on the first day of the debate, he would have had the opportunity of half-an-hour. Though I cannot speak to him in his language, I understand what he has said."

SRI ALLURI SATYANARAYANA RAJU:—"5, 6 నిమిషము లలో జమీందారీ రద్దు బిల్లుపై మాట్లాడుట సాధ్యముకాదని Speaker గారికి తెలియని విషయము కాదు. అయినప్పటికీ నా ఉపన్యాసమును 4 నిమిషములుగా ముగించుటకు ప్రయత్నము చేస్తాను."

"మొట్టమొదట భారతదేశంలో బ్రిటిష్ గవర్నమెంటు (British Government) వారు ఈ జమీందారీ విధానాన్ని సృష్టించినపుడు జమీందారు శిస్తు వసూలుదారుగా, మొత్తం వసూలు చేసిన శిస్తులో 10 వంతులు మాత్రమే 1795 రెగ్యులేషన్ ప్రకారము తీసుకోవడానికి అర్హుడు. కాలం గడచినకొద్దీ ప్రజల వ్యతిరేకతను ఎదుర్కొనుటకు ప్రభుత్వానికి తమ విజయముగా ఉపయోగపడడానికి ఒక వర్గం కావాలని వచ్చినది. జమీందార్లను ఇందుకోసం వినియోగించుకుంటూ బ్రిటిష్ ప్రభుత్వమువారికి శిస్తు వసూలుదారులుగా మాత్రమేగాక, దేశస్వాతంత్ర్య వ్యతిరేకులుగా కూడా డబ్బు యివ్వడం ప్రారంభించింది. 1872 Regulation ప్రకారం, 1833 ప్రకారం 34%, 1892 ఆర్డర్ ప్రకారం 60% జమీందార్లకు గారంటీ యిచ్చారు. 10% తో ప్రారంభమైన విధానమును ఎప్పటికప్పుడు మార్పుటకుగాని, ఇప్పుడు ఆ 10% కంటే హెచ్చుభాగము తీసుకోవడానికి ఏ విధమైన హక్కులేదని యీ రెక్కల ప్రకారం రుజువుచేస్తుంది. కాబట్టి ఈ 10 వంతులమీదనే ఆధారం చేసుకొని నష్ట పరిహారం జమీందారులకు ఇవ్వవలెను గాని, అంతకన్న హెచ్చు ఇవ్వటకు ఏమాత్రముకూడా అవసరములేదు."

"ఈ జమీందారీ విధానము ఒక మన దేశమునకుమాత్రమే ప్రత్యేక కాదు. ఈ విధానం ఇండియాలో యూరపులో, పోలండు దేశంలో, బల్గేరియాలో, రుమేనియాలో, జెర్మనీలో ఉంటేది. నాకిప్పుడు అంతమందించిన తరువాత రష్యా దేశం

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వారు ఈ జమీందారీ విధానాన్ని రద్దుచేశారు. ఈ జమీందారీలను రద్దుచేసేటప్పుడు రివ్యూ ప్రభుత్వంవారు జమీందారులకు ఎట్టి నష్టపరిహారాన్ని ఇవ్వలేదు. అటువంటి పరిస్థితులలో మన దేశములోని జమీందారులకు, ఈనాందారులకు నష్టపరిహార మిచ్చుటకు ఏమాత్రము అవసరములేదు. కాగా ఈ జమీందారులు, పెద్ద పెద్ద భూస్వాములు బ్రిటిష్ గవర్నమెంటువారికి అండగానుండి జాతీయోద్యమమునకు ఆశక్తి విధములైన ఆర్డర్లను కల్పించిటువంటివారు. న్యాయంగా చూచినట్లయితే వీరికి నష్టపరిహారం ఎలా వస్తుంది. ఈ జమీందారులు, ఈనాందారులు కేవలం శిస్తు వసూలుచేసే టటువంటి విజయము అని స్పష్టంగా అంగీకరించిన తరువాత జమీందారును భూమి హక్కుదారుగా ఎట్లా ఒప్పుకోగలం? భూమిపై హక్కులేనివానికి నష్టపరిహారం ఎట్లా వస్తుంది? బ్రిటిష్ ప్రభుత్వము విర్చరించిన శిస్తు వసూలు విజనీని మాత్రమే మనం రద్దుచేస్తున్నాము. జమీందారు రద్దు బిల్లును ఆమలు పరచటమే బ్రిటిష్ ప్రభుత్వ న్యాయోపక్రమములకు విరుద్ధము. ఇంతకాలంనుండి మహాత్మాజీ నాయకత్వమునంద మనకు సాధించిన శాంతియుత జాతీయోద్యమముకూడ న్యాయవట్టుకునకు విరుద్ధమే. ఆ చట్టమంతా దోపిడిదారుల చట్టము, దాన్ని భగ్నంచేసే మనము ప్రజల చట్టాన్ని నిర్దేశించాలి."

"United Provinces లో జమీందారులకు 50 ఎకరముల మించి కంటే హెచ్చు ఉండకూడదనే పరిమితి నియమాన్ని పెట్టారు. Bengal లో కూడ ఈ విధంగానే చేశారు. కనుక వ్యక్తిగత భూమికికూడ ఒక పరిమితి విస్తారుచేయుట చాలా అవసరము."

"ఈ జమీందారులకు, ఈనాందారులకు కాంగ్రెస్ ఎన్నికల ప్రజాభివృద్ధి నష్ట పరిహారము ఇస్తామని అన్నాము కనుక కాంగ్రెస్ కూర్చో ఇవ్వడం తప్పడంలేదు. కాని అది వాడుకమాత్రంగాదంటే చాలునని నా అభిప్రాయము. ఏ పరిస్థితులలోనూ 10% కంటే హెచ్చు నష్టపరిహారం ఇవ్వడం అన్యాయం అనక తప్పదు."

"అయితే ఒక విషయం మనవి చేస్తాను. శ్రీ ప్రకాశం పంతులుగారు వారి ఉపన్యాసములో శ్రీ కళా వెంకట్రావుగారు 10 కోట్ల రూపాయలకు అమాయిక జమీందారీ ప్రజాసామాన్యాన్ని అమ్మివేశారని నిందించారు. కాని నేను శ్రీ వెంకట్రావు గారిని ఈ విధంగా నిందించజాలను. అమ్మేవాడెప్పుడు ధనం తీసుకుంటాడు. వెంకట్రావుగారు ధనాన్ని ఇస్తున్నారు. జనాన్ని అమ్మినవారు వెంకట్రావుగారు కాదు. East India Company వారు ప్రజలను జమీందారులకు అమ్మివేశారు. ఆ అమ్మిన వారిని మనం తరిమివేశాము. ఇదివరకంటేనుంచి జమీందారుల ఇన ప విడికెలిలో సరిగి పోయిన ప్రజలను శ్రీ వెంకట్రావుగారు తమ బిల్లు ద్వారా రక్షిస్తున్నారు. రక్షణను భక్షణకొండ, భక్షణను రక్షణకొండ చిత్రించే అసన్య సామాన్య ప్రజల బ్రిటిష్ న్యాయ శాస్త్రోపాధిభులకే తెల్లనుగాని మాటోటి సామాన్య ప్రజానేతరులకు బోధపడదు."

"ఈ బిల్లును ప్రవేశపెట్టిన శ్రీ కళా వెంకట్రావుగారిని అనేకమంది సభ్యులు, ప్రజలు హర్షిస్తున్నారని, జమీందారుల, ఈనాందారుల విజయమును ఘోషిస్తూ ధైర్యంగా ఎదుర్కోవాలని, ఈ విధంగా చేసినట్లయితే వారి పేరు చరిత్రలో మహద్దేవతలతో లిఖించబడుతుందని మనవిచేస్తూ, ఈ బిల్లును నేను మృదయపూర్వకంగా విలపిస్తున్నాను."

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DR. D. S. RAMACHANDRA RAO:—“ Mr. Speaker, Sir, I realize that the problem of the abolition of zamindaris is not so simple as it appears to be at the outset.”

SRI B. S. MURTHI:—“ It is no more a problem.”

3 p.m. DR. D. S. RAMACHANDRA RAO:—“ Since the Bill has not yet become law, it is still a problem and I trust my hon. Friend will give me that freedom to hold on to it for the next few hours. Sir, there has been an attempt to tar all the zamindars with the same brush. I have had considerable experience with the zamindars and their lives. I have been to school with them; I have been to college with them; I have moved with them socially; I have served under them and some served under me; I have had class-mates and some of them are related to me. I know something of them and I think it is most unfortunate that all of them should be tarred with the same brush. Just as there are men and men, just as there are Congressmen and Congressmen, there are also zamindars and zamindars. No doubt, the whole assumption for the allegation has been, so far as I can judge from the nature of the speeches that have been made here, that the zamindari system has lent itself to opulence and therefore extravagance of expenditure. No doubt there is a tendency towards that; but the zamindar himself is not entirely responsible for that situation. The Government that then prevailed made use of the opportunity and they have created a body of men who would serve them for a consideration and that has gone on till the other day. But, in spite of their failures, in spite of their sins, some of them have done a good deal for the country. So far as I am aware, the Andhra University if it owed its origin to any single individual, it owed it to the munificence of a zamindar. If the Carnatic music in the country owes anything at all for its culture and cultivation, it owes to a great extent to the munificence of some of the zamindars and it is also the zamindari opulence that has contributed to the culture and literature of the country. But that is only by the way. Sir, I should like to bring to the notice of this House that because we have taken up this Bill in our hands, it is not right to thrust down the people's throats certain ideas and ideals which we have borrowed or realized for ourselves. No doubt mistakes are made everywhere but the whole system does not stand to be condemned. How is the problem to be solved? My friend, the hon. Mr. Prakasam, the ex-Premier has told us that as some of us are not lawyers, he was very sorry that we could not understand the minutia of the legal points of view. I myself felt some time ago that I understood the zamindari problem and I felt that I should congratulate the hon. Mr. Prakasam for the wonderful pamphlet that he published on this subject, which is practically a mine of information on the zamindari system. But afterwards, when legal, practical and political acumen were brought face to face with the exchange of dialectics in this House, I thought that I lost my

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ground altogether and I felt completely confused. But, Sir, my profession has taught me one thing. When I see a festering sore somewhere, I do not waste my time in finding out what caused it, how it was caused, when it was caused and how we can think of the problem week after week but my idea is to go straight to the festering place and heal it.”

MR. SPEAKER:—“ The hon. Member should now resume his seat.”

DR. D. S. RAMACHANDRA RAO:—“ I thought the Hon. Speaker has fixed ten minutes for each speaker.”

MR. SPEAKER:—“ When I fixed the time as six minutes, the hon. Member was not in the House. Sri Pyndah Venkatanarayana will now speak.”

SRI PYNDAH VENKATANARAYANA:—“ Mr. Speaker, Sir, I rise to support the Bill though it is very defective. However, I congratulate the Hon. the Revenue Minister on the bold step that he has taken in introducing this Bill which his distinguished predecessors could not do in spite of their best efforts. Of course, the other two enactments were there including the Prohibition of Alienation Bill. I may tell the House that when I rise to speak on the zamindari abolition legislation, my main object to-day is that I am against the payment of any sort of compensation to the zamindar. The Government themselves have said that the zamindar is a mere agent, a mere rent-collector. While it is so, I do not really understand how the zamindar is entitled to any sort of remuneration. The zamindari system has outlived its usefulness. In the days of the East India Company, the zamindars occupied the maximum extent of land in India and they have been functioning as the agents of the then Government for the collection of rent. But, now, it is the popular Ministry that is functioning here and they are responsible for lakhs of people for the administration of this country, and there is no more need for the existence of zamindars; and they should be given a go-by. When rationing was in existence, the Civil Supplies Department wanted many appointments to be made and they have been made but with derationing, there is no need for such appointments and the incumbents have been given a month's notice. Even so, the zamindars should be given notice. I do not mind if they are given one year's notice. But, in addition, why should they be given any remuneration? If the hon. Members of the House take into consideration the behaviour and the conduct of the several zamindars, many of them will say that the zamindars are not entitled to any remuneration. I am myself a zamindar, though originally, my family was not a zamindar family; we acquired the estates and we are enjoying them. Though I cannot represent the zamindari constituency in this House, still I know all these things perfectly well just as any other member representing that constituency can know. Their income was so huge but they

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neglected their lands and wasted that income on questionable life in the cities; they never visited their villages; they never improved the irrigation sources nor repaired the tanks though they might have been silted for many years. Even when ryots approached them when there was a failure of crops or when there was famine and when there was any breach, the zamindars never gave any assistance to those ryots. Such people have been treated by the Government in such a manner and now when we are terminating such an agency, I really wonder how the zamindar is entitled to any compensation. It is said that they should be paid equitable compensation. I really wonder how the Hon. the Revenue Minister has arrived at the figure of paying 20 or 25 times the annual rental to be paid as compensation. Even under the Land Acquisition Act, which is still in force, I am sure they will get much less."

MR. SPEAKER:—"The hon. Member should now resume his seat."

SRI PYNDAH VENKATANARAYANA:—"I am so sorry. I very seldom rise to speak and I am always given a chance only for a few minutes at the end of the debate."

MR. SPEAKER:—"On the first day, when I asked members to take part in the debate, nobody stood up. If the hon. Member had spoken at that time, I would have allowed him even thirty minutes."

SRI G. KUMARASWAMI:—"Mr. Speaker, Sir, I support wholeheartedly the Bill moved by the Hon. the Revenue Minister. As early as the Circuit Committee Report in the latter half of the 18th century, the status of the zamindar as merely a rent-collector was recognized. The same view is also expressed in Baden Powell's Land Tenures which is authoritative on the subject. Since the last 145 years, there have been various land-marks with regard to these estates. The Permanent Settlement Regulation in 1802, the ameliorative measures of 1822, The Rent Recovery Act of 1865, The Estates Land Act of 1908 with its amendments of 1936, and the Estates Land Revenue Bills introduced in 1938 and 1939, in the Madras Legislature are some of them. Finally comes the present Bill, the Zamindari Abolition Bill introduced by the Hon. Sri Kala Venkata Rao, the Revenue Minister, which seeks to redress the grievances of the zamindari ryot. More than half the land in the country which is under cultivation, is of course, zamindari area where famine and pestilence, and misery, poverty and illiteracy reign supreme. But now, there is a tremendous awakening in the people who have opened their eyes especially with the dawn of independence."

"We all know, Speaker, Sir, how in the past the poor voters from the village panchayat up to the Central Legislative Assembly had to be at the mercy of these zamindars. The zamindars in those days wanted the people to exercise their franchise in the way in which they (the zamindars) liked. If

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they did not do so, the rents were enhanced, and the poor ryots were harassed in several other ways. All I can say is that things were far from satisfactory. Now, those days are gone, and the Bill introduced by the Revenue Minister definitely improves the lot and condition of the zamindari ryot who has been suffering all these years.

"The Andhra districts which are full of zamindari tracts, will I am sure be greatly benefited by this Bill. In the 12 out of the 20 taluks, including the sub-taluks, of course, in my district of Vizagapatam, there is not even one Government village. And then in two taluks, you find only one Government village in each taluk. And in the remaining six taluks which are, of course, mixed, you find a good number of zamindari villages, and the Government villages are only 450 in number. In fact two-thirds of the district is zamindari. The whole Province in general, and the Andhra districts in particular, surely welcome this Bill. And the Bill will be applauded by one and all in the country."

"But there is one question, Sir, which demands the attention of the Government. The Revenue Minister has already stated that minor and service inams are exempted from the operation of the Bill. What is required is, Sir, that the petty inamdars who possess only 20 to 30 acres of land should be granted ryotwari pattas just like in Orissa. It must also be borne in mind, Sir, that the Inam Commission of 1862 was not able to decide the actual tenure in most of the villages. Instances are not wanting to prove this. Narasapuram, Mentada, etc., of Chipurupalli taluk of Vizagapatam district are cases where accurate tenure could not be decided. The Select Committee, Sir, will have a very heavy responsibility in determining the actual tenants. The big inamdars, Sir, can be included in the Bill, because they stand on the same footing on which zamindars stand. The minor and petty inamdars should be exempted from the operation of the Bill, and they should all be granted ryotwari pattas."

SRI P. KAKKAN:—"கனம் சபாநாயகர் அவர்களே, கனம் ரிவினியூ மந்திரி அவர்களால் கொண்டுவரப்பட்ட ஜமீன் ஒழிப்பு மசோதாவை நான் வரவேற்கிறேன். ஏனென்றால் இனி ஏழை பணக்காரர் என்ற வித்தியாசம் இருக்கக்கூடாது. பாட்டாளி மக்களையும் விவசாயிகளையும் அந்தக் காலத்திலிருந்து இந்த நில சுவாந்தார்கள் கஷ்டத்திற்குள்ளாக்கி இருக்கிறார்கள். ஒரு சிலரே இந்த நிலங்களை வைத்துக்கொண்டு இருக்கிறார்கள். சிலர் அவைகளை அனுபவிக்காமல் வைத்துக்கொண்டிருக்கிறார்கள். இந்த ஜமீன் ஒழிப்பினால் பாட்டாளி மக்களுக்கு ஒரு சௌகரியத்தைச் செய்யவேண்டியது அவசியமாக இருக்கிறது."

"இதைத் தவிர ஜமீன் பிராந்தியங்களில் காடுகள் ஜாஸ்தியாக இருக்கின்றன. நிலங்களிலிருந்து ஜமீன் எல்லைவரையிலும் விவசாயிகள் பெரும் எல்லைப்போட்டு தனக்கு என்று சொல்லிக்கொண்டு தனக்கே வயல்கள் சொந்தம் என்றும் சொல்லிக்கொண்டு வருகிறார்கள். அதை எல்லாம் கட்டுப்படுத்தி ஜமீன் பிராந்தியத்திலுள்ள ஹரிஜனங்களுக்கும் இந்த நிலங்களைப் பெல்லாம் கொடுத்து உதவுவதற்கு செய்ய வேண்டும்."

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the sooner it goes the better for the people. There is no question of any discrimination in favour of a good zamindar and a philanthropic zamindar and one who has done much for the national institutions, like the Andhra University. The point is that they should be paid no compensation at all and they should be sent away throughout India. To-day, the kings are going away, the rulers of States throughout India are fading away under the iron hand of Sardar Patel. They have been paid no compensation and they have no privileges. But through the benevolence of our Hon. Mr. Kala Venkata Rao, the zamindars are able to get compensation and privileges. Our Land Revenue Minister is putting legal views, moral and sentimental views and even showing generosity on their behalf. So, there is absolutely no case for compensation and the people will have to fight it and I am sure the Hon. Minister will yield to this point that there will be no compensation for these zamindars.

“One more point I wish to refer to, Sir, before I finish my speech. Sir, the mere abolition of the zamindaris is not going to benefit the people. The tiller of the soil must get the benefit of it. The zamindaris must be abolished once and for all time. The Hon. Minister contemplates the abolition of the zamindaris in the course of five years. I am sure enough mischief has been done all these years and now he wants to perpetuate the slavery for five more years. The zamindars have neglected the waterworks and have not respected the rights of the ryots and the cultivators. They will now harm their interests more vigorously if you give them this extension in their span of life. I hope the Revenue Minister will take steps to acquire the zamindaris immediately and without waiting for the stipulated period of five years.”

THE HON. SRI KALA VENKATA RAO:—“Sir, the estates will be taken over as soon as the Bill becomes law, on the 1st of April.”

MR. SPEAKER:—“Mr. Pattabhiraman will now finish his speech.”

SRI T. S. PATTABHIRAMAN:—“I have finished my speech, Sir.”

THE ZAMINDAR OF MIRZAPURAM:—“Mr. Speaker, Sir, I would request you to give me some more time than the six minutes you have allotted for others as I am the only representative who will be speaking on behalf of the zamindars. I was expecting the Zamindar of Venkatagiri to come and explain the zamindari question but to-day I received a telegram saying that he is unwell and that he is not able to attend the Assembly.”

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MR. SPEAKER:—"I will allow the hon. Member ten minutes as a special case."

THE ZAMINDAR OF MIRZAPURAM:—"I am thankful to you for this, Sir, and I cannot question your ruling. I shall touch the important points only within my time."

"The first thing is that it seems to be the impression in the minds of the Assembly members here that the landholders are entirely supporting the abolition of the zamindaris. I may immediately say that it is not a fact. Ninety-nine zamindars out of one hundred are opposed to this Bill and nobody wants that the zamindaris should be abolished and compensation paid to them. Sir, these zamindaris are not gifts or presents to the landholders. They were given to them for the various deeds they have done during the time of the East India Company and afterwards by shedding their blood and their fighting in the battles. So these zamindaris were given to them not as charity but for their bravery and for their help during critical times to the then Government. Now the present Government perhaps thinks that the landholders are only rent collectors. Sir, in my opinion it is absolutely wrong. Various courts, the Privy Council and the High Court of Madras have held that the zamindar is the proprietor of the soil and the ryot has nothing to do with the proprietorship. Sir, in Mr. Prakasam Committee's report, Part I, the hon. Members and the Revenue Minister can read the Minute of dissent I have given at that stage. I have explained therein fully well how the landholder is the proprietor of the soil. Till to-day, Sir, neither Mr. Prakasam's Ministry nor the present Ministry dared to deny anything about the proprietorship. They simply say that the zamindars are only rent-collectors. Anything can be said by the political leaders. I will take this as political stunt. Unless you abolish these zamindaris, to-morrow you will not get votes. The people will ask 'what about this abolition of the zamindaris?' They may say that you have said so many things but have done nothing. (Interruption.) I will answer my friends. I would ask the Government to refer this matter to a Judicial Court and take their decision. We are prepared to abide by their decision. If they say that the zamindars are not the proprietors of the soil we are prepared to abide by their decision and then you can treat us as collectors of land revenue and then pay us compensation. If you are prepared I may give you an assurance on behalf of the landholders that we will certainly agree to refer the matter to any judicial authority and take their decision upon it. If you cannot do that and if you say that you are political people here and you want to cut a class of people, well you can do it. I know you have got the power with you and you can decide in any way you like. Even the Ministers you are cutting. Then why talk about the zamindars. Your own leaders you are cutting. The zamindars are nothing. You can play with them; you can treat them with contempt, I know."

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"As regards the proprietorship of the soil, I refer you to my minute of dissent in Part I of the Report of the Madras Estates Land Act Committee. You will be able to see how the zamindar is the proprietor of the soil and not the tenant and nobody has contradicted that till this moment. Several courts, the High Court and the Privy Council have decided that the zamindar is the proprietor of the soil and not the tenant. If you are going to ignore the decisions, the customs and the practice, you can certainly do it. You are powerful and you can do whatever you like. A handful of zamindars cannot help you in your political advancement, in getting you votes. You are at liberty to cut the zamindars so that you may please other classes of people and try to get into power next time. As I have already stated in connexion with the Rent Reduction Bill, what happens to the zamindars to-day will happen to you next time. It is not far off. It is coming near. You may consider all these things and do proper justice."

"As I have already stated the zamindars as a whole are against the abolition of the zamindaris. They want them to be retained. If you think that the ryots are suffering, by all means we are prepared to accept any reasonable proposal which the Government or anybody may make to rectify the defects, and at the same time place our rights also on the same footing as that of the Government. Irrigation facilities, forest rights—all these things can be attended to if there is a mind to do so. Even now, I can say that the tenants under the zamindars are much happier than the ryots under the Government. You all know the many sufferings of the ryots under the Government. There are so many things with regard to which the ryots under the zamindar are happier than the ryots under the Government. The former has to serve only one master whereas the latter has to serve hundreds of people from the karnam to the highest authority. They can all question him and worry him."

"If the estates are going to be abolished, I come to the question of compensation. Clause 3 reads:

With effect in and from the notified date and save as otherwise expressly provided in this Act—

(a) the Madras Permanent Settlement Regulation, 1802; the Madras Estates Land Act, 1908, and all other enactments applicable to the estate shall cease to apply thereto:

(b) the estate (including all communal lands or porambokes, waste lands and forests and other non-ryoti lands; mines and minerals; irrigation works and fisheries) shall stand transferred to the Crown and vest in it

I am not able to understand the clause, Sir. All the lands everything there is, they want to take over. Several zamindars have been cultivating hundreds and thousands of acres. It may not be possible to prove that they are all private lands as defined in the Bill. Do you mean to say that although the landholders

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have been cultivating the lands themselves, these lands should be transferred to the Crown and no patta should be given to the landholders but somebody else should be given the patta? I do not think that it is the intention of the Revenue Minister. The intention seems to be that the landholders who are in possession of lands will be given ryotwari patta so that the landholders may be treated as ryotwari pattadars.

"Sir, I cannot go into all the details of the Bill as the time allotted to me is limited. Regarding the calculation of the net income of the estate, the method proposed is not proper. It should be carefully considered and proper amendments made in the Select Committee.

"Then again the method of distribution of compensation is also very complicated. That also requires very careful consideration during the select committee stage so that when once compensation is ordered to be paid, it may be paid to the landholder directly and immediately instead of the amount being paid into Court and everybody claiming the amount. Whatever it is, you must make a definite provision in the Bill that compensation should be paid to the people concerned straightaway without any enquiry by a court.

"Clause 13 (1) reads:

"With effect on and from the notified date, the Madras Impartible Estates Act, 1904, shall cease to apply to any estate now governed by that Act and the compensation payable to the proprietor of the estate, shall be treated as the property of the Hindu joint family, if any, to which he belongs, if the impartible estate were such joint family property on the notified date."

"Sir, the question of joint family is a very complicated thing. The lawyers think that it would lead to many difficulties in getting the compensation. I request that in the case of impartible estates, you can decide who should get the compensation, whether it is the present holder or someone else."

MR. SPEAKER:—"I am sorry I have to pull up the hon. Member. Though I fixed ten minutes for him, I have actually allowed him 15 minutes. Yesterday and the day before yesterday, I allowed half an hour each to hon. Members. But the hon. Member did not take advantage of it."

SRI K. T. KOSALRAM:—"சபாநாயகர் அவர்களே, கனம் காளை வெங்கட்டராவ் அவர்களால் கொண்டுவரப்பட்ட இந்த மசோதாவை நான் ஆதரித்துப் பேசுகிறேன். எனக்கு முன்னால் பேசிய நண்பர் மிர்ஸாபுரம் ஜமீந்தார் பேசும்போது ஸ்ரீமான் பிரகாசம் அவர்கள் ரிபோர்ட்டில் ஜமீந்தாரி யிலுள்ள நிலம் ஜமீந்தார்களுக்குத்தான் சொந்தம் என்றிருப்பதாக சொன்னார். அதை கேட்க மிகவும் வெட்கமாக இருக்கிறது. இந்தச் சட்டசபையில் இந்த ஜமீந்தார்கள் வெறும் வரி வசூலிப்பதற்கு நியமிக்கப்பட்ட ஏஜென்டு என்றும் அவர்களுக்கு நஷ்ட ஈடு கொடுத்துவிட்டு ஒழிக்கவேண்டுமென்றும் காரைசாரமாக வாதாடுகிறார்கள். ஜமீந்தார்கள் நிலத்திற்கு சொந்தக்காரர்கள் என்று சொல்வதைப்பார்த்தால் அவர்கள் ஸ்ரீமான் பிரகாசம் ரிபோர்ட்டை படித்தவர் தானா என்று கேட்கிறேன்.

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"அதைத் தவிர நாம் இங்கிருக்கும் அரசாங்கத்தை நடத்துகிறோம். காங்கிரஸ்காரர்கள் இந்த அரசாங்கத்தை நடத்துவதற்கு தேர்தல் விஞ்ஞா பனத்தில் என்னென்ன சட்ட திட்டங்கள் காங்கிரஸ் மகா சபையில் செய்வதற்கு சொல்லி இருக்கிறார்களோ அவைகளையே நடை முறையில் செய்யப் பார்க்கிறோம். அதற்காகவே பொது ஜனங்களிடம் வேட்டு வாங்கி இருக்கிறோம் என்பதை தெரிந்துகொள்ளவேண்டும். மைனாரிட்டி என்று சொன்னவர்கள் காங்கிரஸ் மெஜாரிட்டியாக இருக்கிறார்களென்றும் ஆகையால் ஒரு law court க்கு விட்டுப் பார்க்கட்டும் என்றும் சொல்லுகிறார்கள். நாங்கள் பொது மக்களிடம் வேட்டு வாங்கிவந்திருக்கிறோம். கோர்ட்டுக்கு எதற்காகப் போகவேண்டும் என்று நண்பரை நான் கேட்கிறேன்.

"தவிர காங்கிரஸ்காரர்களாகிய நாங்கள் ஒன்றை பெருமையோடு சொல்லிக்கொள்ள பிரியப்படுகிறேன். இந்த இனம்தார்களை இந்த சட்டத்திலிருந்து விலக்கிவிடவேண்டுமென்று நண்பர்கள் பலர் வாதாடுகிறார்கள். அவர்கள் எந்த முறையில் வாதாடுகிறார்கள் என்பது எனக்கு தெரியவில்லை. அரசாங்கத்திற்கும் நிலச்சுவான்களுக்கும் மத்தியிலுள்ளவர்களை விலக்கிவிட வேண்டுமென்று காங்கிரஸ் தேர்தல் விஞ்ஞாபனத்தில் சொல்லப்பட்டிருக்கிறது. ஜமீந்தார்களைப்போல் இனம்தார்களும் ஜனங்களுடைய நிலத்திலிருந்து வருவதை அனுபவிக்க நியமிக்கப்பட்டவர்களாக இருக்கிறார்கள். அவர்களுக்காக பிரசாரம் செய்வதற்கும் ஜமீந்தார்கள் இந்நாட்டில் இருக்கவேண்டுமென்பதற்காகவும் அவர்களால் சிருஷ்டிக்கப்பட்ட இனம்தார்கள் இவர்கள். இவர்களில் யார் யார் என்று எப்படி கருதுவது. அது மட்டும் அல்ல. இந்தமாதிரி இனம்தார்களைப்போல் நாங்குநேரி தாலுகாவில் ஒரு ஜீயர் மடமாகிய ஒரு இனம் இருக்கிறது. அந்த இனமில் என்ன நடக்கிறது என்று கேட்டால் அங்கே பஞ்சம் தலை தூக்கி ஆடுகிறது. இதற்கு முக்கிய காரணம் அந்த இனம்தார்தான் என்று சொல்லுவேன். அங்கேயுள்ள irrigation கால்வாயில் மராமத்துவேலை ஒன்றும் செய்யவே இல்லை. இது மட்டுமல்ல. இன்னும் முக்கியமாக ஒரு விஷயத்தைக்குறிப்பிட்டுச் சொன்னால் அதை அறிந்து கொள்ளமுடியும். அங்கே ஒரு இடத்தில் வடகலை தென்கலை என்று சொல்லுகிறது. யாருக்கு முதல் தீர்த்தம் கொடுக்கிறது என்று சண்டை இருக்கிறது. யாருக்கு முதல் தீர்த்தம் கொடுக்கிறது என்று சண்டை ஏற்பட்டது. அது அந்த ஜில்லா கோர்ட்டிலிருந்து Privy Council வரை சென்று அவர்கள் வழக்காடினார்கள். டல் லட்சக் கணக்கான ரூபாயை கோர்ட்டுகளில் சிலவு செய்தார்கள். எதற்கு மதத்தைக் காப்பாற்றத்தான். அதற்காகவே இந்த மாதிரி இனம்தார்களை வைத்துக்கொண்டிருக்கிறார்கள். இந்த மாதிரி சண்டைகளுக்காக 2, 3 லட்ச ரூபாய் செலவழிக்கிறார்கள். இந்த நிலைமையில் இருக்கும் அவர்களை ஒழிக்கக்கூடாது. இன்னும் பார்த்தால் ஆச்சரியமாக இருக்கிறது. ஒரு கிராமத்தில் அவர்கள் ரூ. 65 தீர்வை வாங்குகிறார்கள். ஆனால் அடுத்தாற் போல் ரயத்துவாரி நிலங்களுக்கு ரூ. 6-8-0 தீர்வை வாங்குகிறார்கள். இரண்டிற்கும் வித்தியாசம் இருப்பதைப் பார்ப்பதில் இன்னொரு இடத்தில் இனம் நிலத்திற்கு ரூ. 75 தீர்வை வாங்குகிறார்கள். இப்படி எல்லாம் இனி நிலத்திற்கு ரூ. 7-8-0 தீர்வை வாங்கியதற்கான எதிர் பார்க்கலாம் வைத்திருந்தால் இந்நாட்டில் புரட்சியைத்தான் எதிர் பார்க்கலாம் என்பதை ஞாபகப் படுத்துகிறேன். இந்த நிலைமையில் இருப்பதால் இந்த இனம்தார்களை ஒழித்துவிடவேண்டியதுதான். இன்னும் "காங்கிரஸ்" மகாசபை என்ன சொல்லுகிறதோ அதையே நாம் செய்கிறோம். இன்னும் சட்டத்தில் நடந்த கோயம்பத்தூர் மகா நாட்டில் socialism கொண்டுவர ஒரு பண்டையக்க கொண்டு ஒரு அரசாங்கம் அமைக்கப்பட வேண்டுமென்று ஒரு தீர்மானம் போட்டிருக்கிறோம். அதற்கு அடிப்படையாகவும் முதல்முதலாகவும் இந்த மசோதாவை கொண்டு வந்திருக்கிறோம். இன்னும் எத்தனை யோ விதமான புரட்சிகரமான மசோதாக்களை கொண்டுவர வேண்டியதாக இருக்கிறது. சமுதாயம் இன்னும் முன்னேறவேண்டியதாக இருக்கிறது. இன்னும் நாம் பிற்போக்கில் போய்க்கொண்டிருக்கிறோம். ஆகையால் நண்பர் காளை வெங்கட்ட ராவ் இவ்வளவு எதிர்ப்புக்கும் மத்தியில்

[Sri K. T. Kosalram] [22nd January 1948]

இந்த மசோதாவை இவ்வளவு கையாண்ட காரணத்தினால் கடைசியில்
சட்டமன்ற நிறைவேற்றப்படுவதை நான் நம்புகிறேன். அந்த
மறு முறையும் அவரை பாராட்டி இத்துடன் நான் முடித்துக்கொள்கிறேன்.

3-45 p.m. * SRI P. KANDASWAMI PILLAI:—“ Mr. Speaker, Sir, I am here to support the Bill that is before the House to-day. The main object of the Bill is to provide comforts and convenience to the zamin ryots which are enjoyed by the ryotwari ryots to-day. When such is the object, unless we introduce new clauses and make necessary amendments in different portions of this Bill, it will not serve the purpose well. That is my humble opinion. I am giving you an instance. The zamindars with the help of the Advisers during the Advisers' regime, have been able to have a new Act, Act I of 1944, passed. Under that Act the right of the ryot is taken away. Under the Madras Estates Land Act of 1908, under section 6, once a land is let into the possession of the ryot, he is to get the occupancy right. The zamindars cannot take back that right. According to the new Ordinance which was passed in 1944 with the help of the Advisers' Government, the zamindar can take back a land which was given to the ryot once. Therefore Act I of 1944 should be repealed. In clause 3 (a) of the present Bill it is stated that the Madras Permanent Settlement Regulation, 1802, the Madras Estates Land Act, 1908, and all other enactments applicable to the estate shall cease to apply. I think, Sir, it is not sufficient and explicit; it should be stated that Act I of 1944 is repealed. In clause 3 (e) of the present Bill it is stated that if a ryot has been enjoying a particular area and if the area is increased, the ryot is not entitled to the other portion which he newly brought under cultivation. That is the meaning. That clause is unnecessary and it should be removed entirely from this Bill. Several other amendments should be introduced to make this Bill to be completely useful for the ryots and to allow the ryots to enjoy the full benefit of this Bill. Under the Bill a Committee is to be appointed consisting of a Deputy Collector and a representative of the zamindar and a representative of the ryot. I entirely disagree with that proposal. That will not be a committee which will be fit to deal with such a big matter regarding thousands of acres of land worth lakhs and crores. In my humble opinion the committee should consist of a person not below the rank of a District Judge and four other members who are not interested on either side. Such a committee would be able to help people. Persons with some knowledge of men and things should be put on the committee.

“ I wish to say a few words with regard to compensation. I feel that the compensation that is proposed to be paid under the Bill is very high. We have to modify some of the provisions of the Bill at the Select Committee stage. My humble suggestion is that compensation must be based on the zamindar's merit and status, on what he has done for the zamin ryots, how he has kept

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his estate and so many other things. The rate of compensation fixed in the Bill should not be given. Some other basis of compensation should be considered and fixed by the Select Committee.”

* SRI G. RAJAMANNAR CHETTI:—“ Mr. Speaker, Sir, I am to-day constrained to place my views on this important measure that has been brought before this House by the Hon. Revenue Minister. I was surprised, I was amused to hear my hon. Friend, the Zamindar of Mirzapuram who burst out with emotion—he burst out evidently due to resentment. He feels so, because his constituency and the class of people he represents is about to be obliterated. I am one of those who do not want to pay compensation to zamindars, because they played into the hands of British Imperialism; they helped British Imperialism to establish itself in this country. In any other country this type of people would have been extinguished long ago. This Bill has been brought too late. It is already overdue. I am voicing forth not only my own views, but also the views of the tillers of the soil, of people who are suffering, of people working under great disadvantages and exploitation and of people working in the fields and factories.

“ Several hon. Members have been saying that great benefits have been derived by the ryots because of the philanthropic actions of the zamindars. I think they have done them because otherwise they would have ceased to exist. Some zamindars have had good intentions. But it cannot justify the continuance of such a class of people who will exploit the ryots, if they are allowed to do so.

“ I am now coming to the other class of people, who are diminutive zamindars. They have no justification to exist at all. These people come forward and say they are the saviours of God, and religion. If it is possible for God to do so, he would have challenged these people. I do not think God requires the help of human beings or their resources. I trust these people will forget the idea of protecting God and religion. I do not want to speak any further but to tell the Hon. Revenue Minister and the probable Members of the Select Committee to give up the idea of giving any compensation to these persons because it would mean further exploitation of the ryots.”

MR. SPEAKER:—“ The hon. Member, Mr. Abdul Hamid Khan will remember that he moved an amendment to this Bill.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ Sir, I am supposed to have moved an amendment to the Bill, I say that deliberately because that motion was for the circulation of the Bill for the purpose of eliciting public opinion. I am probably the last speaker on this Bill before the Hon. Minister begins to reply. We in this country are working under democracy and ladies and gentlemen representing a large number of voters are in this House. Therefore it is not surprising that they are fighting

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for the cause of the poor man and the tiller of the soil. Hon. Members have therefore spoken and are speaking on behalf of the tillers of the soil. We have heard speeches on behalf of the zamindars and their rights to the land. This measure is certainly a very important one with far-reaching effects. Therefore I thought that this Bill should be circulated for eliciting public opinion. I suggested that course because at that time it was expected that there would be a Conference of Revenue Ministers in Delhi and that they would come to some conclusions with regard to the fundamental aspects of this Bill. I do not know what the Hon. Revenue Minister has been able to do at that Conference. The Conference was actually held. The Hon. Minister has come back with certain views with regard to this Bill. I understand he has come with certain commands from the High Command. I said that this measure has far-reaching effects not only on the zamindars but also on the agriculturists, tillers of the soil and the tenants. Hon. Members who are responsible representatives of large numbers of people, have to remember that we are now working under the Government of India Act, 1935. According to that Act, hon. Members must understand that they cannot deprive the owners of zamindaris of their right to compensation. I can understand the feelings of some hon. Members who have spoken against zamindars. Perhaps if they had been allowed longer time, they would have painted the zamindars black. I do not think that things are so bad. So far as I know, some zamindars have really done good social service, they have done so much for education and religious and charitable institutions. We cannot forget the services they have rendered to society. If the zamindars had been placed in an advantageous position, some of them would have acted wisely and in a manner that was expected of them. It does not mean that every zamindar was a bad man, that he did many wrongs, that he was rack-renting and that things are very much worse in the zamindaris so far as the tenants are concerned than what they are under the ryotwari tenure system.

4 p.m. "That is a moot question. If a debate starts in which the parties participate, it will be very difficult to come to any decision. This measure has had a chequered career. In the first instance, it was Mr. Prakasam who was practically the author of the Bill and it was taken over by his acknowledged chela, the Hon. Sri Kala Venkata Rao and it is in the fitness of things that the chela should conclude what the master had begun. Opinions have been expressed whether this measure would do justice to the tenants or whether it would do wrong to zamindars. On the question of its affecting the zamindars, it all depends upon the amount of compensation to be given to them in return for their being deprived of their ownership of the land. There are some hon. Members who are for not giving any compensation at all; there are others who hold the view that the compensation should be to the minimum extent possible and there are other hon. Members who say that

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they should get equitable compensation. What equitable compensation means is the question that has to be decided. Regarding the provision made in the Bill for compensation, there is a grievance on grounds of inadequacy. We have been told by the Zamindar of Mirzapuram that it is not going to satisfy them and that they are not for abolition of zamindaris. In between the stand taken by the zamindars and the champions of the tenants I think it is much better to take a via media satisfactory to both parties. It is agreed by most that the amount provided in the Bill does not come up to the mark. I feel that any Government, any responsible Government, which believes in the right of people to their property, which wants to do justice and wants to have fair play and fair deal, must think twice before depriving the rights of any private individuals, or a group of people or community. In this case there is a class of people whose rights have to be extinguished and it has to be decided in what manner they have to be purchased and how they should be compensated. I hope that this question of compensation will be tackled very carefully in the Select Committee stage and that when the Bill emerges from the Select Committee it will be satisfactorily amended with a view to meet the objections raised in this behalf.

"Regarding inamdars, I am not sure how they could be clubbed with zamindars. They form a separate category and they stand on a different footing. I very much wish that the Hon. Minister, if he had wanted to do away with them, had brought a more proper measure than the one in which he has clubbed them along with zamindars. It becomes un-understandable when the Hon. Minister includes even charitable inams which are intended for service in connexion with religious worship. I hope that the Hon. Minister will also agree to suitable amendment being made in the Select Committee stage in this direction also. Unless and until the defects that are noticed in this Bill are remedied in the Select Committee stage, it will not serve the purpose for which it was intended. Belonging as I do to a democratic party which stands for the rights of the common people, I do not think I can oppose this measure because I know that this legislation will be of great help to the common man. The common man's interests are the interests for which we all stand for and it should be our endeavour in every possible way to serve the common man in all manner of ways. Therefore, I welcome this measure and I hope that when it emerges from the Select Committee, the fundamental defects would have been removed and it would be acceptable to the entire House."

* THE HON. SRI KALA VENKATA RAO:—"Mr. Speaker, more than forty members have partaken in this debate and many of them have offered valuable suggestions. I would like to reply to as many of them as possible but by not quoting what each individual said separately. I would like to say that certain things not quite relevant to the subject have been said on the floor of the

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House. The trick of the trade has been to leave a gap in the suggestion and through implication and not through proof sling some mud upon the Ministry and one such criticism is about the alleged relationship with the Congress High Command.

"The hon. Mr. Prakasam speaking in this House on the 3rd December on this very motion said 'There was a time when I was resisting any interference on the part of the Congress High Command and to-day I hold the same view.' But only two days ago, he said 'to prevent mischief from persons on the Treasury Benches, I am sitting here. These gentlemen are not carrying out the instructions of the Congress High Command.' This is a curious attitude which only Mr. Prakasam in the Madras Presidency can support. He quoted from paragraph one of the circular which was issued by the General Secretary in October 1947 and drawing his own inference he sought to sling some mud upon me. I would like to give certain details about this and I will not take much time. We need not have gone to the Congress High Command at all because the High Command was good enough as early as 29th May 1947 to inform us that in the matter of this Bill it is our opinion that it may be introduced if it has been thoroughly discussed in the Province and the Congress Legislature Party and the Cabinet as a whole have given their consent to the measure.' I have the consent of the whole Cabinet without any dissent and I have the authority to proceed with the Bill. He even said that the Revenue Minister went to Delhi to get an increase in the total of the compensation proposed to be paid. I never wanted to go to Delhi nor was there any occasion to go in view of the letter I have just now read. On the 3rd October 1947 I received an invitation from the General Secretary saying that I should come to Delhi to discuss the matter with the High Command and therefore I had to go. I have got the letter in my hand. We all went, myself the Hon. the Home Minister and the Hon. Premier; we had a discussion and they suggested certain things and we are getting them examined. I already said that the suggestions would be published in proper time. I do not see how we have committed any mistake. (Sri T. Viswanatham: Are you going to publish them.) I am prepared to publish them. (Sri T. Viswanatham: When?) At the proper time."

MR. SPEAKER:—"This kind of conversation had better be avoided."

THE HON. SRI KALA VENKATA RAO:—"I was not responsible. You must curb the other gentleman also, Sir."

MR. SPEAKER:—"My remarks are intended for both the Minister and the other member."

THE HON. SRI KALA VENKATA RAO:—"I obey them, Sir."

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"The hon. Mr. Prakasam read the first portion only of the circular, dated 26th October 1947 when the whole circular could have been mentioned. No doubt the ideals of the Congress Parliamentary Sub-Committee were enunciated in the first portion but the real intention and purpose of the circular are in the second paragraph. I shall read it:

'It would seem desirable therefore, that the Revenue Ministers of the various Provinces should meet in November or December, when the Constituent Assembly is in session, preferably in December, to compare notes and as far as possible, chalk out a co-ordinated line of action. I shall be glad to know your reactions to this proposal.'

Then the General Secretary probably felt that inasmuch as they had already discussed matters with the Madras Ministry he thought it fit to add something at the end of the circular in separate type-script saying that our Bill might be proceeded with. The circular does not impose any particular condition which should precede the introduction of the Bill as the hon. Mr. Prakasam wanted to interpret."

SRI T. PRAKASAM:—"It is a wrong interpretation put by the Revenue Minister. All that I said was that certain things were proposed as preliminary to be carried out before proceeding with this Bill."

* THE HON. SRI KALA VENKATA RAO:—"Even then I am on safer ground. Even on this question that certain things should precede abolition and that certain conditions should be created before introducing this legislation . . ."

SRI T. VISWANATHAM:—"The Hon. Revenue Minister has been reading some portions of the document and giving an exposition upon it as well as his own view upon or inference from it. The Minister is in possession of those documents but Mr. Prakasam is not. Now, therefore, it is only proper that the Revenue Minister places the documents upon the table of the House instead of putting his interpretation upon it which is being contradicted. You, Mr. Speaker, do not have the documents before you nor have we. In order to enable us to follow the arguments and the counter-arguments and the implications and the inferences, I think it is better that, either the Hon. Minister places it on the table of the House or he can put it aside and confine himself to the provisions of the Bill."

MR. SPEAKER:—"The Hon. Minister need not touch on that document."

* THE HON. SRI KALA VENKATA RAO:—"My difficulty arises in this way. Mud has been slung and the public would like to be clear that we have not done any mistake. If I do not explain it, they are likely to think: 'This fellow is doing a thing which he is not entitled to do' and so I have to properly elucidate things."

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SRI T. VISWANATHAM:—“ Instead of mud-slinging, getting hurt and hot and red in the face, it is much better to put the documents before us so that we can have our own inferences.”

4-15 p.m. * THE HON. SRI KALA VENKATA RAO:—“ I have only one more thing to refer to and I shall be able to finish this subject. He says that the Parliamentary Sub-Committee wanted certain conditions to be created before the introduction of the Bill. I say it is not so. At the Revenue Ministers' Conference views were exchanged on the subject of agrarian reforms and it was eventually decided that the Congress President should appoint a small committee of experts to examine and make recommendations regarding agrarian reforms which should follow in the wake of the abolition of the zamindari system. While they say that this committee should suggest reforms that have to follow the abolition of the zamindars system and other reforms, Mr. Prakasam wants the fulfilment of those suggestions as a condition precedent. So, it is not borne out by facts. I am sorry I have had to take over five minutes on this matter.”

SRI T. PRAKASAM:—“ The next circular stated that all these things should be carried out before the abolition of the Zamindari Bill is introduced. That may also be read out; that is why Mr. Viswanatham wanted all these papers should be placed on the table of the House. This is only the preliminary stage. Other stages will come when this matter will be discussed more fully by hon. Members.”

THE HON. SRI KALA VENKATA RAO:—“ I am prepared to publish them; but I want the previous permission of the High Command to do that. And then, Sir, . . .”

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ On a point of order, Sir. This is really the point of order raised by Mr. Viswanatham, but that has not been answered. Now, Sir, certain things are being said about certain documents; but we, Members of this House, are in the dark about the contents of those documents. We do not know whether the Hon. Minister is right or Mr. Prakasam or neither of them is right. If this debate is intended for our enlightenment or rather for the enlightenment of this House, so that we may decide on this Bill in an intelligent manner, it is only fair that you should rule that if any letter or document is referred to that should be produced and placed on the table of the House.”

MR. SPEAKER:—“ I think it is unnecessary to read out the ruling I have already given. The point is this just now I have heard from the Hon. Revenue Minister that he wants the authority of the Congress High Command to publish those documents. As far as this House is concerned, we are not concerned with the High Command (Hear, hear); it is I who should say

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whether the documents should be published or placed on the table of the House or not. Let the Hon. Minister publish them by tomorrow morning if possible, if not on the 29th instant.”

SRI T. VISWANATHAM:—“ Sir, . . .”

MR. SPEAKER:—“ The Hon. Minister is not yielding.”
(Sri T. Viswanatham kept standing in his seat.)

MR. SPEAKER:—“ Order, order, two hon. Members should not be on their legs simultaneously. The Hon. Minister is not yielding; Mr. Viswanatham will resume his seat.”
(Sri T. Viswanatham kept standing in his seat.)

THE HON. SRI KALA VENKATA RAO:—“ I am not yielding; my ten minutes are already over on this subject.”

SRI T. VISWANATHAM:—“ On a point of information I rise, Sir.”

MR. SPEAKER:—“ The Hon. Minister is not yielding.”

* M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ On a point of order, Sir. (Laughter.) Sir, you ruled that the documents concerned must be placed on the table of the House. And now the relevant question is, ‘is it proper to continue discussion on the same documents while the House is not in possession of the documents?’”

MR. SPEAKER:—“ That is why I asked the Minister to continue the debate without mentioning about the documents.”

* THE HON. SRI KALA VENKATA RAO:—“ He cannot take credit for all the ten commandments and throw all the deadly sins on the head of the Minister. Mr. Prakasam said the other day Judas sold away Christ for 30 silver pieces. I recognize only one Jesus to-day in the world, and that Jesus is Mahatma Gandhi. (Hear, hear.) I am not prepared to sell him, but I will die for him if necessary. Other self-created Jesuses are not for me.

“ Then, I was dubbed as a Communist. If there is one thing in this world I can assure about it is this: I will never become a Communist, since communism is based on violence. Mr. Prakasam bases his case on the fact that I addressed a conference in the city. Why should he call it a conference of Communists? It was presided over by a Congress Lady Member of this House and many Congressmen and Congress Kisans and M.L.As. and M.L.Cs. took part in that conference. If Communists also took part in that conference it is not my sin. And that conference unanimously adopted a resolution supporting the abolition of the zamindaris. Of course, they are free to make other suggestions.”

MUHAMMAD HUSSAIN SAHIB BAHADUR:—“ On a point of order, Sir. Is the House going to decide whether the Hon. Minister for Revenue is a Communist or a Congressman? What is its relevancy to this debate?”

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MR. SPEAKER:—"Order, order. The hon. Member should know that Mr. Prakasam remarked that the Revenue Minister has become a Communist. He is replying to that."

THE HON. SRI KALA VENKATA RAO:—"That refutes the suggestion that I had no support for this measure. Apart from the people who attended that conference, I will read a letter—I will also publish that—I received from the President of the Andhra Provincial Congress Committee and a Member of the Congress Working Committee Mr. N. G. Ranga, dated 13th October 1947. It runs thus:

'My dear Venkata Rao, our Working Committee has resolved at its meeting of the 9th and 10th instant to congratulate you and the Congress Party on their decision to support your Bills on the abolition of the zamindari and inamdari systems. I request you to inform your party on the relevant occasion of this resolution of our Provincial Congress Committee.'

'I wish to congratulate you in my personal capacity also upon this signal triumph you have secured for the cause of our zamindari and inamdari peasants.'

"Now, Sir, am I to take the words of the ex-President of the Andhra Provincial Congress Committee or the words of the present President of the Andhra Provincial Congress Committee? (Continued laughter.) Then I come to the other point."

SRI T. PRAKASAM:—"May I say I never said anything about the abolition of the Zamindari Bill with regard to the authority or the sanction behind it, as apprehended by the Revenue Minister. What I said was, that the Andhra Provincial Congress Committee, the Andhra Congress Executive Committee and other Kisan committees who waited on a deputation on the Revenue Minister stated clearly that they were opposed to the ten crores compensation."

THE HON. SRI KALA VENKATA RAO:—"I will come to that later on. Then the other allegation is that I have only paraphrased in the provisions of the Bill the contents of the zamindars' second memorandum of August 1947. I have got a copy of that, and anybody at a glance will see, there is no comparison between the two. While the zamindars asked for money equivalent or an annual sum substantially equivalent to that and an independent quasi judicial tribunal for determining the compensation the present Bill contains nothing to satisfy them like that. Everybody knows that we will not be able to pay fully in cash. There is no comparison with the contents of the zamindars' second memorandum and the present Bill. In fact, many zamindars were opposed to it.

"Then I come to the question of proprietorship of the soil. It is our decision that the zamindar is not the proprietor of the soil. There was a suggestion 'why not use another different word

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for the word "proprietor"? This point may be examined in the Select Committee and a more appropriate word found for that. Next about the question of ryotwari basis of compensation, Mr. Karanth clearly said that he is in agreement with the compensation being rested on the basis suggested in the Bill, and he only pleaded for some more deductions being made. That matter is again for examination by the Select Committee. No other province has provided for rent reduction. They want to abolish the zamindari system and take all the rent of the estates into the State coffers. Madras is the only province which is the first to provide for rent reduction towards the welfare of the tenants. We have thus secured a point over the rest of India."

SRI T. PRAKASAM:—"I said far from reducing rent your Bill only enhances rent."

* THE HON. SRI KALA VENKATA RAO:—"Sir, I assert on the floor of this House, that after this settlement is over, you will see in several estates, several lakhs of rupees of rent will be reduced."

SRI T. PRAKASAM:—"Sir. . . ."

THE HON. SRI KALA VENKATA RAO:—"Well, Sir, I am not to be interrupted on every point. I never interrupted him like that."

SRI T. PRAKASAM:—"I have to correct a misrepresentation. What was stated by me was . . . I just forget what the Hon. Minister last said."

MR. SPEAKER:—"Will the Hon. Revenue Minister repeat what he said last?"

* THE HON. SRI KALA VENKATA RAO:—"I said that if the Rent Reduction Bill is worked out, it will be found that there will be a reduction of several lakhs of rupees."

SRI T. PRAKASAM:—"What I pointed out was that the ryotwari rate was reduced by the Marjoribanks Committee; it was worked out and adopted. Even that rate was rejected by the present Government."

MR. SPEAKER:—"It is not a point of order; it is a point of personal explanation." (Laughter.)

* THE HON. SRI KALA VENKATA RAO:—"What I said before about Mr. Prakasam's liability for his present charge he could not deny. A gentleman who sponsored two budgets previously and did not reduce that revenue cannot say what he seeks to say now. He had ample opportunity to implement that committee's report. Now he cannot accuse me for not doing this or that.

"Now, I come to the question of compensation. Compensation was agreed to be paid by one branch of our Legislature.

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Mr. Karanth moved a resolution in the Upper House in February last. It said, 'that this Council accepts the principle of the abolition of the zamindari system in this Province and recommends to Government that legislation for it providing for payment of equitable compensation to zamindars and other intermediaries whose rights are to be acquired be brought forward at an early date.'

"The word 'acquired' is also there. Mr. Prakasam as the head of that Ministry was responsible for that resolution, and now he cannot ask me not to pay compensation or say equitable compensation to the self-same intermediaries mentioned in that resolution."

SRI T. PRAKASAM:—"Excuse me, Sir, if I interrupt. It is a serious matter that is said. Mr. Karanth as a Member of the Ministry has made a note on record, which the present Revenue Minister is now in possession. That note was not a matter discussed in the Cabinet. I want to bring this to the notice of hon. Members, that the Revenue Minister cannot rely on that note (the Hon. Sri Kala Venkata Rao: 'No, no, I have not that note') and confuse millions of people."

4-30 p.m. * * THE HON. SRI KALA VENKATA RAO:—"How my hon. Guruji is trying to quibble even in this matter is self-evident. I am reading a resolution introduced in the Upper House by the Government of which he was the Premier and not referring to any note made by Mr. Karanth on any file as Sri Prakasam now wants to say. He imagines something and says that I am misleading millions of people and the members of this House. That is his way and not mine."

"Some member wanted to know about the basis of compensation provided in the other provinces which have published similar Bills, namely, Bihar and Bengal. There the basis is entirely different. I have got all the points, tabulated but it will take time to read them; I am prepared to circulate them at a later stage. But I may tell this that in both those provinces the present rent in the zamindaris, minus certain deductions is taken as the basis and to that basis the multiples are applied to arrive at the compensation. I have already shown how we have proposed to reduce the rent to one-third of the ryotwari demand, and the compensation is a multiple of that sum minus 13-1/3 per cent. In this connexion, don't be terrified by the multiple. If the basic sum is small, even if the compensation is 25 times, the amount would of course be small. I assert that our formula is a reasonable one and it is scientifically arrived at."

"Now I will answer the point raised about the 1802 rates which was pressed very hard in this House. I wish to ask whether that 1802 rate can be deemed to be fair if compared to Chalukya and Chola periods. Are we now to go back to that when in the present day we want progressive rates? More than

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once I have explained to the House that the present Bill is not the end of the legislation which the Government contemplate. We have still to codify the ryotwari land revenue system and introduce new scientific principles. If I am here, I will press upon this House and the Government the adoption of a progressive rate. Under the present system, the owner of one acre pays Rs. 6, the owner of 100 acres pays at the same rate of Rs. 6 and the owner of 1,000 acres also pays at the same rate of Rs. 6 per acre. But in a system of progressive taxation, the owner of 1,000 acres will pay so much per acre, the owner of 100 acres will pay less and the owner of one acre will have to pay still less."

SRI T. PRAKASAM:—"May I just draw the attention of the Hon. Minister to the fact that the 1802 rate is not antediluvian but that it is a rate that has been prevailing in southern zamindaris from 1802 until to-day."

THE HON. SRI KALA VENKATA RAO:—"I can quote also the northern zamindari of Mandasa where the rate is not commuted. But what of that?"

"Mr. Viswanatham pointed out yesterday that there was a cropwar rate before 1802 and how it was related to the extent of land owned by each person after that date. We can think of all the aspects when we will introduce taxation on a progressive rate in this province."

"Mr. Varadachari suggested that compensation might be paid in the form of malikhanas instead of bonds. Even malikhanas have got to be capitalized and huge sums have to be deposited and it is better that we pay in bonds."

"With reference to the suggestion of Mr. Karanth that the value of forests should not be taken into account in computing gross rent, I am prepared to get it examined in the Select Committee. He also said that irrigation works had been spoiled very much and pleaded that the deduction should be something more than 5 per cent. That also is a matter for further examination by the Select Committee."

"Some friends criticized the method of payment of compensation. I have already said that it cannot be in cash but that it can only be in bonds at least in part or some other form. I will get that point also examined."

"I am very sorry that we cannot escape this compensation, even though I nurture a little feeling in my heart that there should be no compensation. This Bill itself will go if there is no provision for compensation. If the question will be brought before a Court of law, in the face of section 299 of the Government of India Act, 1935, we will be forced to pay compensation or lose the Bill. In the Fundamental Rights to be incorporated in the new Constitution—I was a member of the Constituent Assembly till recently—there is a provision for compensation."

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Therefore some compensation has to be paid. If the members have any fair and reasonable suggestions to make with regard to its quantum and the method of arriving at it, the Government are prepared to consider them. But to make the non-payment of compensation a slogan is not at all warranted by facts and we cannot push through such legislation in the present circumstances in India.

"Then there was some criticism about tribunals. We have got three kinds of tribunals here, under sections 5, 8 and 14. Much criticism was levelled against the tribunal under section 5 in particular that is with reference to the private land of the proprietor. I would like to tell hon. Members that what private land is is very well defined in the Estates Land Act. It is a very stiff definition. As Mr. Varadachari pointed out, it is very hard to prove what the private land of a zamindar is, because several conditions have got to be satisfied. One of the conditions is that he must have been cultivating the land from twelve years previous to 1908 continuously. Further the extent of private land is very limited. According to my information, it does not even reach one lakh of acres throughout the Presidency whereas, the total estate area is 162 lakhs of acres. If the composition of the tribunal has got to be improved, it is a matter for consideration in the Select Committee.

"If you want to impose a top limit to the private land of a zamindar, I would like to tell the House that it is a matter for separate legislation. I agree with the suggestion that there should be a top limit to the holding of a ryotwari pattadar also. Personally I am in favour of both. As I said, it is a matter for separate legislation. When it should come and how it should come will have to be decided later.

"The question of the Rent Reduction Bill was brought in. The Bill is now an Act. We have appointed twelve deputy collectors under that Act and they will take charge on 1st February. Mr. Prakasam said that the waram rents in Venkatagiri Estate have not been reduced to the desirable limit. Even on the day when the Bill was under discussion, I said definitely that the waram rent could not be converted into cash rent for want of time. When the survey and resettlement are over, there will be no more waram rent but only cash rent. The present rough and ready method will be there only for the transitory period. I have no intention to hurt anybody here. It was not my personal suggestion, but it was a decision of the Select Committee although the motion as usual stands in the name of the Minister. Mr. Prakasam was in this House when that clause was passed and he did not say: You are committing a mistake by passing this amendment and I ask you not to do it."

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with regard to everything when other friends had covered the point. I learnt so much after the Bill was passed. I went to zamindari areas where the tenants came and told me that the rent which was calculated at only Rs. 24,000 had risen up to Rs. 1,09,000. That is why I referred to it here for the information of the Hon. Minister."

* THE HON. SRI KALA VENKATA RAO:—"I take the information. I have said that I will get this examined and there is no need to make much of this criticism.

"Then suggestions have been made about inams. I have maintained before this House that what are sought to be abolished by this Bill are estates and not simply inams or simply zamindaris. There may be but I don't think there is any zamindari which is outside the scope of this Bill. But there are many inams which are certainly outside the scope of this Bill. Only a particular category of inams, namely, whole inams are sought to be brought under this Bill. I know that there is a distinction even as between whole inams which are estates to-day. Some of them were included in the Act of 1908 and others in the Act of 1936. Once there is a law, I wish to say that it is very difficult for a government to break it and go back some years. What is the result of the 1936 legislation? Some friends said that it was unjust. I feel the justice of it. You know Sir, that law is mightier than justice. Once it is law, it cannot but be justice in this country or anywhere else. You cannot have different categories of justice for different types of inams. Let me illustrate by saying that I am a whole inam-holder, and Mr. Muthiah Chettiyar is my tenant. If we want to go back on the legislation of 1936, I have to ask Mr. Muthiah Chettiar to quit. But to-day he has got the occupancy right and not I. His son inherits the property and not my son. He can make a gift of it to Mr. Abdul Hameed Khan and I cannot. It is impossible for us to go back on that legislation. I think I have given sufficient explanation over that point. Mr. Salam said: 'You take a Gallup poll.' I have been to a good many zamindaris in this Presidency or to at least five districts recently. Thousands of people gathered there. The impression that I got from the addresses presented, resolutions passed and the speeches made was that they supported the legislation.

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are prepared to consider and see whether a different scale of compensation than what is adumbrated in section 6 of this Bill cannot be adopted. This is also a matter for the Select Committee to consider.

Then we come to religious and charitable inams. There was much discussion on that point also. You all know the position the Government took on the Rent Reduction Bill. In that case we thought that religious and charitable institutions should be guaranteed their present income by payment of grants. We will get the point examined and incorporate a provision in this Bill also.

4-45 p.m. "Then, Sir, some hon. Member raised the point that if this Government pass this legislation and give grants to these religious and charitable institutions for carrying on their work, some other Government which might succeed this Government might cancel such grants to these temples and other charitable institutions. Sir, I would only submit that if such a Godless Government ever comes into power, which apparently will be represented only by our Communist friends and if it wants to cancel these temple grants, then it will be at liberty to do so. But what guarantee is there that it will not confiscate all these temple lands also, if this Bill seeks to exclude them now? Therefore it all depends upon the programme and the policy of the Government of the day and the party that is in power. So, that is not an argument for not proceeding with this Bill. We can only assure hon. Members that we are as keen as anybody else in maintaining the present religious and charitable institutions by a method which will be devised and which is likely to be improved in the course of the Select Committee discussions.

"Sir, my hon. Friend Mr. Viswanathan wanted to raise the question of the continuance of the educational institutions and hospitals maintained by these zamindars, but he was not able to do so in his unfinished speech yesterday for want of time. But he told me about this. He mentioned that there is likely to be a gap between the passing of this Bill and the actual taking over of such institutions by the Government. It was also represented by some hon. Members that the zamindars, knowing that their estates are going to be abolished have come down to settle themselves in Madras, leaving their estates to their managers and that some have actually given notice to the teachers to quit because of this measure. Sir, we are examining this question and by the time these schools will be opened in July next, we will make arrangements to see that they are run properly and that none of these desirable educational institutions and hospitals are allowed to suffer. After all, these educational and charitable institutions are a charge upon the revenues of the State. If the Maharaja of Vizianagram does not want to run the College at Vizianagram, then we will make adequate arrangements in proper time to see that there is no gap, that the College is run properly and that such institutions do not suffer."

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“ Then Sir, another point was raised with reference to the arrears of rent. It is said in this Bill that if the ryot pays two years' rent immediately preceding the notified date, then all other arrears of rent due by him will be deemed to have been completely discharged. These two years' rent will go to the Government and the Government will use it for State purposes. Our original idea was this. These zamindars have neglected the proper survey and settlement of their lands. They have neglected the irrigation works and they have allowed things to drift. We thought that we could use this money to meet such survey and settlement charges and also to repair those irrigation works. But then certain other points were raised, whether it is proper to collect the arrears at all, and if so, how much; to whom are those to be paid and how are they to be collected, etc. I am sure, Sir, that these matters will be discussed in greater detail and proper conclusions arrived at the Select Committee stage.

“ Then, Sir, a question was raised with regard to estate buildings. You will observe that these zamindars have been managing their estates all these years. They cannot manage their estates from the air. They must have a building which is to be used exclusively for the purpose of administration of the estate and such a building belongs to the estate and does not become the personal property of the zamindar. Therefore we are entitled to take charge of them also when we take charge of the estate. But we shall, however, examine the legal aspect of this question and do the needful in the matter.

“ Now Sir, much has been said about the sub-tenancy business. It is true, Sir, that sub-tenancy exists everywhere, not only in the zamindari areas, but also in the ryotwari areas. The Government know that such tenants are likely to suffer. Why so much eloquence over it? The Government have taken steps in the matter already. Some time back they appointed a Special Officer to enquire into the condition of ryotwari tenants and Mr. Raghavendra Rao who was the Special Officer has submitted his report and I hope it will be published shortly. On the basis of that report, we have to deal with the question of tenants and sub-tenants separately. That will apply not only to the existing ryotwari pattadars but also to the various other pattadars in the present-day zamindaris as well. My hon. Friend Mr. Nagappa who raised this point can rest assured that this question will be tackled and satisfactorily settled by the Government, although he does not want to give a fresh lease of life to me in the office I am holding. I am sure, Sir, that any gentleman who will be successor will be a Congressman and he will carry out the programme and ideas of the Congress Government and I am certain that the question referred to by my hon. Friend will be settled to his satisfaction, and to the satisfaction of the tenants.

“ Then Sir, various other suggestions have been made. The hon. Lady Member Srimathi Seethamahalakshamma suggested the inclusion of the word 'Lankas' in the definition clause.

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We thought that the word 'Non-ryoti land' used in this Act would, in all likelihood, cover this term 'Lankas' also; but if the Legal Department says that there is no objection to adding the word 'Lankas' also in the Bill, we shall be prepared to do so.

"Sir, on behalf of the creditors, some hon. Members raised the argument that they have purchased lands from the zamindars at market rates and that they are now likely to suffer by this measure, and asked why they should not also be given some compensation. My only reply to this question is this. If you have invested your money in some shares in a company, say for instance in the Imperial Bank shares, whose original value was Rs. 500 and if it has risen to-day to Rs. 1,500, or has gone down to Rs. 300 tomorrow, what will you do? It is all a matter of pure chance. If you have made a voluntary investment, you must be prepared to share the benefit or loss arising out of it. This transaction is also something like that and we cannot treat it on a different footing.

"Then there is the other question about the scaling down of debts due by the zamindar. There is a sub-clause in the Bill that the debts of the zamindar should be scaled down. The only argument for this provision is this. The creditor has given to the zamindar certain sums on the estimated value of his zamindari. Now that the zamindaris are going to be abolished, the zamindar shall be deemed to be an agriculturist within the meaning of the Madras Agriculturists' Relief Act, and he shall receive the same benefits as other agriculturists.

"Then Sir, a word about irrigation works. Many complaints were made that the zamindars have neglected the irrigation works, that they have left them in a state of disrepair and that many tanks which were breached have not been repaired and so on. Hon. Members are aware that the very reason why the zamindari system is being abolished is due to the neglect of irrigation works by the zamindars. The other day when I was touring in the taluks of Mudukalattur and Aruppukkottai in the Ramnad district, I was horrified to see a number of tanks which were completely neglected and which are in a state of utter disrepair. Therefore it is the incumbent duty of the State to take charge of these works and proceed to repair them and see that the ryots in those areas get a better income from their land.

"Sir, another point raised was with reference to the potential value that is sought to be paid under this Bill. It was suggested that the word 'cultivable land' used in that section is not happily worded, as we are only giving minimum compensation based on the assessment of the actual extent of land cultivated. Sir, we shall get this point examined and if necessary, we shall substitute the word 'cultivated land' instead of 'cultivable land' occurring in the sub-section if we are so advised by our legal officers.

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"Then Sir, the question of a betterment tax was referred to. I submit that it is a wrong term to use in this connexion. The Government do not propose to levy any betterment tax permanently on the head of the zamindari tenants. We want them to live and to live better. In certain cases where the basic assessment is unduly low and the ryots stand to benefit substantially under this measure and can afford to pay a higher tax out of the income on the land, we propose to have a betterment levy for a year or so. It will not be a heavy burden and it is certainly no tax at all.

"Then Sir, the question of waste lands was also mentioned. Such of the waste lands as will accrue to the Government after the abolition of the estates will be treated as waste lands in the present ryotwari areas. The Government have already evolved a definite policy in regard to the assignment of waste lands and the scheme as adumbrated by them will be published at an early date. These waste lands will be disposed of according to that scheme. I can say this much just now that only landless people will be eligible for the assignment and not people who are landowners.

"Another important point was raised, namely, the notification of dates. These zamindaris will be taken away only on a notified date. It was suggested by somebody that we are apt to be swayed by political considerations, that we are likely to show patronage in respect of certain zamindaris and that is the reason why we have retained the power to notify estates according to our liking. I submit, Sir, that it is absolutely wrong, to make any suggestion like that. This provision is only a precautionary measure. It will not be possible for us to select all zamindaris for abolition on a particular date and we do not want that there should be a lacuna in the wording of the section on that score. That is why we have introduced this provision. I can tell you, Sir, that all the zamindaris will be taken up simultaneously and without any delay. It is not as if that we like one zamindar more or another zamindar less. All will be treated alike and this much I can assure hon. Members who have any doubts in this matter.

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are already aware. Even assuming that we are actually paying the price for the estates that we are going to take charge of from the zamindars, how does it work? As a result of this measure, we will be getting about 128,000 acres of zamindari areas. For this we are going to pay about Rs. 10 crores. Even at that rate, it will work at about Rs. 6 or Rs. 7 per acre. Can it be said that it is a high value for the land that we are giving, even assuming that we are buying these estates? My argument therefore is, that the price or compensation that we are paying to the zamindars for taking over their estates is neither inequitable to the zamindar nor can it be said to be too much from our point of view. (An hon. Member: 'It is not fair to the other side.') (Interruption.) I assert, Sir, that it is an equitable compensation.

5 p.m. "Then Sir, my hon. Friend Mr. Bhashyam raised a curious question, namely, the division of the Province. He said that this Province is going to be divided shortly and asked what hurry is there in rushing this measure through. Sir, I very much wish that he co-operates with us and see that the Andhra Province comes into existence the day after to-morrow. (An hon. Member: 'He is not co-operating.') I want him to give his support to the achievement of our cherished ideal of having a separate Province for us. We know we are going to have it. Because I am an Andhra, I want that we should have our Province immediately. But why is this argument for postponing this Bill till the division of the Province? I must tell Mr. Bhashyam that it is a very curious argument. I do not know whether he is now going on tours in the Tamilnad. The people of Tamilnad are as vociferous in their support to the Bill as the zamindari tenants in Andhra Desa. I take it that Mr. Swaminathan knows more than me. I belong to the Andhra and I must take his correction. Everybody supports the Bill, in the Tamilnad, the Andhra Desa and other places. The argument of Mr. Bhashyam is a curious one and it seeks to postpone the Bill for nothing and no reasonable man will support that idea.

"Then I have to submit one other matter. Mr. Nambiar said at the end of his speech that the tenants would take the law into their own hands. In spite of my great love for the tenants and the lifelong devotion of myself in their service, I must say on the floor of the House that no one in this country be he a tenant or a landlord, has got a right to take the law into his own hands. (An hon. Member: 'Even an Hon. Minister?') Even a Minister should not take the law into his own hands. So that the tenants may not be misguided over this issue I earnestly appeal to all the tenants among whom I have moved and for whose benefit I am doing a little service not to resort to those violent methods or think of taking the law into their own hands, but try to get their difficulties attended to and rectified in the proper and legal manner. I am sorry that Mr. Nambiar took this occasion for uttering these words on the floor of the House.

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"One last word, Sir, in respect of the charges levelled against me by gentlemen with perhaps good intentions, that I am doing this against the interests of the tenants. It was said that 'I am selling away the tenants of the Presidency for 10 crores of rupees.' If there is any sin attached to what I am doing, it is not at all in any act of selling. Rather it is the other way and I may be said to be buying all the interests of the zamindaris. I am making tenants equals with the ryotwari pattadars in the whole Presidency and giving them the same facilities and looking to their welfare in regard to irrigation works and the rest. Sir, it is really an unjust thing coming from gentlemen who have equally toiled in the cause of the tenants like myself. Personally speaking I have not injured or hurt any tenant in the Presidency. It is their welfare that is in the heart of the party to which I have the honour to belong and in the heart of the Ministry that is administering the Province and in the heart of every one of the members who are sitting in this House and in my own heart because I am a servant in their cause.

"Regarding the speed with which the Bill has got to be passed, I would like to say a word. We should put all our effort into it and see that the Bill becomes law at the earliest date. Of course the Bill will have to go into the Select Committee. There we will speedily examine the provisions of the Bill and bring it before this House and the other House and see that the Bill becomes law not a day too late than is necessary. I assure hon. Members that there is no point in delaying this nor does the Government wish to delay it. We will see that it is not delayed.

"Before concluding I have got one personal matter to refer to. The other day the hon. Mr. Prakasam said with reference to the appointment to the Agrarian Reforms Committee that our Revered Premier got in there on account of his personal request. I want to disabuse you, Sir, and the Members of the House including the hon. Mr. Prakasam of that impression and say that it is a travesty of fact. At the Revenue Ministers' Conference we were asked to suggest a panel of names for being selected and appointed as Members of the Agrarian Reform Committee, by the Congress President. After I came over to Madras, I proposed Hon. Mr. O. P. Ramaswami Reddiar and the Congress President appointed him on the Committee. It was not the seeking of Mr. Ramaswami Reddiar. I did not even consult him over that. Therefore when he was appointed as Chairman, on account of his duties he had to refuse to be the Chairman of the Committee. That being so, it is not just to say that he has got himself appointed there whereas the truth is otherwise. I have told you the truth just now so that you might understand the real situation."

SRI T. PRAKASAM:—"I merely stated, Sir, what the Congress President told me. I did not add anything to it and I did not subtract anything from it."

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THE HON. SRI KALA VENKATA RAO:—"Then I will have to publish another letter, Sir. This is a letter, dated the 16th January from the All-India Congress Committee office. It reads: 'On the basis of your suggestion the Madras Premier has been invited by the Congress President to serve on the Agrarian Reforms Committee.' I have informed Mr. Ramaswami Reddiar accordingly. Since then we are in receipt of the Madras Premier's letter to the Congress President and a Press Report in the 'Hindu' that it would be difficult for Mr. Reddiar to act as the Chairman of the Committee in view of the pressure of the activities as the Premier of your Province. I have already informed the Premier that the question of the Chairmanship would be settled in the first sitting of the Committee and that his experience and advice to the Committee as a member would be an asset to the Committee."

"Well, Sir, I thank you and the Members of the House for having sat beyond the time and for having heard my reply to this debate. I could not go into elaborate details. I practically touched every one of the suggestions that have been made. Some of them will certainly be taken into consideration in the Select Committee and I do hope that all relevant criticisms will also be taken into account in the Select Committee."

"I would request through you, Sir, the hon. Member Mr. Hameed Khan to withdraw his motion for circulation of the Bill and I also request the House to pass the motion for the appointment of a Joint Select Committee. I thank all the Members, Sir, and I thank you more particularly."

MR. SPEAKER:—"Before I put the motion to the vote of the House I must say something about the letters that passed between the Congress Executive and the Hon. Minister. I have already given a ruling on this point. I told the House that if a Minister quotes from a State paper or a State despatch he must lay it on the table. If it is a secret document, then the Minister must tell the House that it is a secret document. I think this rule is not applicable to private documents and private letters. But here the letter is from the Congress Executive. The Congress Executive consists of Ministers in the Central Government such as Punditji and the Sardarji and others. Mention of these letters has been made several times here. So it has almost attained the status of a public document. I am not compelling the Hon. Minister to publish then but in the interests of the public, I hope the Hon. Minister will publish these letters if he can do so without prejudice. But one thing should be remembered. In future let me request the Treasury Bench if they receive any letter from the Congress High Command not to make mention of it here because . . ."

THE HON. SRI KALA VENKATA RAO:—"Others mention it, Sir. That is the trouble."

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AN HON. MEMBER:—"It is not for the Treasury Bench alone. It is for the whole House."

MR. SPEAKER:—"Order, order. It is not only for the Treasury Bench but for the whole House. There may be so many things in private. Let them not mention it here. I have already told the House that these letters attain the status of a public document simply because the Congress High Command consists of Ministers in the Central Government also."

SRI R. V. SWAMINATHAN:—"When it comes in the Press?"

AN HON. MEMBER:—"We need not take cognizance of it."

MR. SPEAKER:—"Let them not make mention of it here. I want to know whether without prejudice to public interest the Hon. Minister can publish these letters?"

THE HON. SRI KALA VENKATA RAO:—"Well, Sir, I have told you already that one of the letters was published in the Press. There are the other two letters. I shall try to place them on the table of the House on the 29th."

MR. SPEAKER:—"What I have told the House is that if it is a public document, the Hon. Minister is bound to place it on the table of the House. A private letter does not attain the status of a public document. Here it is a different case. In future let no Member quote anything from a private letter when it is received either from the High Command or from anybody else. May I ask Mr. Hameed Khan . . ."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I make a submission, Sir. If hon. Members read something which appeared in the newspaper in the course of their speeches, certainly I do not think you preclude the Members from making a reference to those. I do not think your ruling would go to the extent of precluding us from mentioning those letters."

MR. SPEAKER:—"Hon. Members need not quote the letters. And they may not depend upon newspaper reports, as after all they may not be authentic."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"We take it, Sir, that we are not precluded from referring to that."

MR. SPEAKER:—"I wish to know from Mr. Hameed Khan whether he wishes to withdraw his amendment."

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

The amendment was by leave of the House withdrawn.

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"On a point of information, Sir . . ."

MR. SPEAKER:—"Not now. I shall allow the hon. Member to-morrow."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"It is about a very important matter."

MR. SPEAKER:—"It is already high time."

"The motion before the House is that the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947 (L.A. Bill No. 37 of 1947) be introduced and be referred to a Joint Select Committee of both the Houses consisting of 20 Members of the Assembly and 10 Members of the Council."

The motion was put and carried.

MR. SPEAKER:—"I now adjourn the House to to-morrow till 11 o'clock."

The House adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 23rd January 1948.

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

(As Mr. Speaker entered the House, Mohamad Abdul Salam Sahib Bahadur was found sitting with a book in his hand.)

MR. SPEAKER:—"The hon. Member Mr. Salam has forgotten to stand."

MOHAMAD ABDUL SALAM SAHIB BAHADUR:—"I was reading a book, Sir."

MR. SPEAKER:—"That is not the answer. The hon. Member must apologize for not standing."

MOHAMAD ABDUL SALAM SAHIB BAHADUR:—"Yes, Sir, I apologize."

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Second-class accommodation in the Railway from Bezwada to Madras.

* 2 Q.—SRI K. BRAHMANANDAM REDDI: Will the Hon. the Minister for Public Works be pleased to state whether the Government are aware of the fact that the public generally and Members of the Assembly attending the Session in particular, are put to great difficulty at 'Bezwada' station in securing second-class accommodation in Calcutta Mail running to Madras?

THE HON. SRI M. BHAKTAVATSALAM:—"No representation has so far been received by Government regarding the difficulty in securing second-class accommodation at Bezwada in the Calcutta-Madras Mail. But Government have heard through the representatives in the Legislature complaints about the difficulty in securing accommodation. Government have addressed the General Manager of the Madras and Southern Mahratta Railway and his reply is awaited."

SRI K. BRAHMANANDAM REDDI:—"In view of the fact that Bezwada is a big city, and also in view of the fact that Bezwada is a big railway junction, would the Government immediately impress upon the railway authorities concerned the need to attach a second-class carriage at Bezwada to the mail running to Madras?"

THE HON. SRI M. BHAKTAVATSALAM:—"I have already said that the matter is under correspondence with the General Manager."

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Closure of certain mills in Coimbatore.

* 3 Q.—SRI K. T. KOSALRAM: Will the Hon. the Minister for Industries be pleased to state—

(a) whether 11 mills in Coimbatore district have been closed by the enforcement of the Standardization Committee Report on Textile Mills;

(b) whether any attempt was made by the Government to bring about a mutual agreement between the mill-owners and labour;

(c) whether the Government approved the steps taken by the management for enforcing the Standardization Committee Report; and

(d) whether the Government propose to intervene and bring about an agreement between the parties?

THE HON. SRI H. SITARAMA REDDI:—“(a) The exact number is not known, but presumably it is less than eleven.

“(b) Yes.

“(c) The question of the Government approving the steps taken by the managements has not arisen. The management did what the Standardization Committee's Report authorized them to do.

“(d) The Government are always willing to intervene, so long as both parties wish for an agreement.”

SRI K. ANANDAN NAMBIYAR:—“May I know, Sir, whether the Government have approved of three shifts in the mills?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, it is not a question of Government approving any shifts. It is one of the ways of absorbing the people who are likely to be thrown out of work by implementation of the Standardization Committee's Report. One of the suggestions made there is that some of the mills might work three shifts to enable those people to be absorbed and given work.”

SRI R. V. SWAMINATHAN:—“May I know whether the Government have examined the question who is wrong, whether the mill-owners or the workers?”

THE HON. SRI H. SITARAMA REDDI:—“So far as the Government are concerned, the managements have tried to implement the Standardization Committee's Report and they have not done anything beyond what the Standardization Committee has asked them to do. So far as the labourers are concerned, when these proposals were placed before the Government, the Government had consultations both with the managements and labour leaders, and as a measure of helping labour, an interim adjustment was suggested for a period of three months. It is a part of that report. In view of that interim adjustment, it was expected that labour would

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be willing. But unfortunately, I find that labour leaders are not willing to accept it, and there is difficulty in implementing the Standardization Committee's Report. I should think that the trouble is mostly from the labour leaders.”

SRI P. NATESAN:—“May I know, Sir, whether I am right in assuming that labour is not abiding by the Standardization Committee's award?”

THE HON. SRI H. SITARAMA REDDI:—“That is the position, Sir.”

SRI P. NATESAN:—“What steps does the Hon. Minister propose to take in the event of the labour leaders not coming to an agreement?”

THE HON. SRI H. SITARAMA REDDI:—“The Government will decide when the situation arises.”

SRI K. T. KOSALRAM:—“How many members are there in the Standardization Committee?”

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

SRI P. NATESAN:—“Arising out of the answer given by the Hon. Minister, is it not a fact, Sir, that the situation has now arisen?”

THE HON. SRI H. SITARAMA REDDI:—“The Government are trying to bring about a settlement between the managements and labour. The Labour Commissioner is in Coimbatore and negotiations are going on between the Labour Commissioner, the managements and the labour leaders.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know, Sir, what is the number of labourers affected by the Standardization Committee scheme and how many labourers have been thrown out of employment and whether labour interests have been affected under the orders of the Government?”

THE HON. SRI H. SITARAMA REDDI:—“If my hon. Friend had followed the Communiqué that was issued by the Government, there would be no need for this question.”

SRI V. RAGHAVAYYA:—“What are the points on which differences have arisen between the Government and the parties concerned? What is the Government's view regarding every point on which differences exist?”

THE HON. SRI H. SITARAMA REDDI:—“There is no question of any differences arising between the Government and anybody. It is a question of difference between the management and labour.”

SRI P. KANDASWAMI PILLAI:—“Will the Hon. Minister be pleased to state the names of the members of this Standardization Committee and also whom they represent?”

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THE HON. SRI H. SITARAMA REDDI:—"The members of the Standardization Committee are people who know their job. They were appointed to go into this matter because they knew what was the standardization that was expected to be done by them in regard to the textile industry."

SRI R. V. SWAMINATHAN:—"Is it not a fact, Sir, that the managements refused to accept the suggestions made by the Hon. Minister Sitarama Reddi to solve this problem in favour of the labourers and also in favour of the mill-owners?"

THE HON. SRI H. SITARAMA REDDI:—"No, Sir."

SRI K. ANANDAN NAMBIYAR:—"In view of the fact that the work load now prescribed is too much, the workers are not in a position to do increased work and therefore trouble has arisen. If the Government are aware of that, will they reduce the work load?"

THE HON. SRI H. SITARAMA REDDI:—"I may bring to the notice of the hon. Member that the work load that has been prescribed is nothing high. Already this is being worked in some of the mills in Madras Presidency. As compared to the work load in other parts of the Presidency, the work load is not at all high."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Is it not a fact that the members of the Standardization Committee represent the Government rather than any other party?"

THE HON. SRI H. SITARAMA REDDI:—"It is not a question of the members of the Standardization Committee representing Government or anybody else. One of its officers is a Government officer, one who has experience. Another is a retired gentleman who knows his job. They were all put on this work so that they might evolve the formula which was contemplated by the Venkataramayya report."

SRI P. KANDASWAMI PILLAI:—"Do not the Government, Sir, agree that representatives of the labourers can understand the difficulties of the labourers better than other people?"

THE HON. SRI H. SITARAMA REDDI:—"The labour representatives had ample opportunity of representing their case, and before finalizing the Standardization Committee's report, myself, the Joint Secretary to Government in the Development Department, and the Labour Department people, all had discussions both with the management and labour, and as a result of discussions, the Standardization Committee gave that interim report."

SRI GUNTUR NARASIMHA RAO:—"Is it not a fact that on account of the Standardization Committee's report, the labourers are compelled to work more and some labourers have been retrenched, and labour is taking up this strike attitude?"
(No answer.)

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SRI V. RAGHAVAYYA:—"May I know, Sir, what reasons the Government have got to throw the blame upon the employees entirely in this particular matter?"

THE HON. SRI H. SITARAMA REDDI:—"Because they have not been agreeable to implement the Standardization Committee's report which, as I have already stated, has been evolved after due deliberation and consultation with those that are affected."

SRI T. S. PATTABHIRAMAN:—"Is it not a fact that the workers were given an assurance that the award will not be implemented till the 30th so that there might be a compromise between both the parties?"

THE HON. SRI H. SITARAMA REDDI:—"No, Sir."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know whether the Standardization scheme formulated by this committee is in any way different from the standardization conditions prevalent in other Provinces?"

THE HON. SRI H. SITARAMA REDDI:—"I do not know about the standardization in other Provinces. But, as I have already said, it is only for a period of three months. The original proposals by the Standardization Committee were modified to some extent, and less work load was prescribed to enable labour to work up to the normal load. It was expected that the interim recommendation would be worked. That work load is considerably less than what is stated in the Standardization Committee's original recommendations."

SRI K. ANANDAN NAMBIYAR:—"Is it not a fact that Government did not incorporate the suggestions given by the labour leaders in the report before they published the Standardization Committee's report?"

THE HON. SRI H. SITARAMA REDDI:—"The Government do not incorporate anything. It is a report of the Standardization Committee. There are three people who were asked to go into the question and formulate certain proposals. The Government have only approved those proposals. The Government did not formulate anything. It is the Standardization Committee that has the power to make recommendations after due examination of all the matters that are brought before it. Government can only take the report as it is, and approve it. That is what Government have done."

SRI K. ANANDAN NAMBIYAR:—"Is it not a fact that the Standardisation Committee members belong to Government?"

THE HON. SRI H. SITARAMA REDDI:—"I have already answered the question, Sir."

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THE HON. SRI H. SITARAMA REDDI:—"I take it that they must have taken into consideration what is obtaining in other Provinces and also what is obtaining in this Province."

SRI GUNTUR NARASIMHA RAO:—"On previous occasions when the managements of the mills had not implemented the award, Government proposed to take steps against the managements, and now, in this case, when labour is not implementing the award, what steps the Government propose to take against labour?"

(No answer.)

Increase of population in the City.

* 4 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Premier be pleased to state—

(a) the increase in the population of Madras City to-day as compared to the 1941 census;

(b) the reason for the abnormal increase in the population of the City during the past six years as compared to the increase during each of the two decenniums 1921-31 and 1931-41; and

(c) what steps the Government are taking to divert to other parts of the Province those who migrated to the City during the war years?

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

" (b) The reasons are—

(1) influx of population into the City consequent on the war, to seek employment permanently or temporarily in war time establishments, many of whom have settled down in Madras;

(2) influx of evacuees from Burma, Malaya and other places, some of whom have made the City more or less their permanent abode;

(3) influx of persons from the adjoining and other parts in the Province, seeking employment in the City—some, it is stated, are also coming to Madras as the availability of food is easier in the City than in the mufassal;

(4) there is a growing realization on the part of mufassal students and their parents of the need for better education and Madras offering as it does the best educational facilities in the Province, has drawn a large number of students and their families too; and

(5) during the year 1946, there was a large number of births and less number of deaths registered in the City than usual;

In addition to the above the population of the area recently brought within the Corporation limits has contributed to the increase.

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" (c) A large number of evacuees were assisted to proceed to their respective places outside the City as and when they arrived, besides the evacuees who left on their own account from time to time. Evacuees are also being assisted to return to countries from which they were evacuated. No steps are being taken by Government to divert other persons who migrated to the City during war years."

BEGUM SULTAN MIR AMIRUDDIN:—"Sir, in view of the 11-15 fact that the City is growing into a chaotic Magopolis and in view a.m. of the fact that it is necessary to relieve the congestion in the City may I ask the Government whether they intend to implement the recommendations of the Provincial Housing Committee appointed by the Government or to shelve its report?"

THE HON. DR. P. SUBBARAYAN:—"I do not grant the Hon. the Lady Member's premises that the City is in a chaotic condition. I have been round the City and I know as well as the Hon. the Lady member does the condition of the City. Having denied the premises, the other question does not arise."

MOHAMAD ABDUL SALAM SAHIB BAHADUR:—"Out of the increase of four lakhs, may I know how many are Tamils and how many Andhras?"

THE HON. DR. P. SUBBARAYAN:—"Well, I am afraid the census as taken in 1941 has not taken into account the linguistic propensities of the people of Madras and, therefore, I am unable to give the information required by the Hon. Member for Guntur and the Hon. Member representing railways."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the answer given by the Hon. the Home Minister, may I know, what steps Government propose to take to see that people are attracted to other places than the City of Madras, particularly with regard to education and other matters?"

THE HON. DR. P. SUBBARAYAN:—"Well, Sir, I am obliged to the Hon. Gentleman representing the Muslims of Kurnool for his very leading question. But, it is a matter which may be addressed to my Hon. Colleague, the Minister for Education."

SRI B. S. MURTHI:—"Is it not a fact that the Provincial Housing Committee appointed by the Government of Madras have suggested in their report certain steps to be taken in order to relieve the congestion and if so, what are the Government going to do as per those suggestions?"

THE HON. DR. P. SUBBARAYAN:—"It is a matter for a separate question that should be put to my Hon. Colleague in charge of Housing."

BEGUM SULTAN MIR AMIRUDDIN:—"May I enquire whether the Government intend to take steps to see that industries are widely dispersed throughout the Province instead of being

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concentrated in large cities like Madras? May I also suggest that certain industries like the Soap Industry, the Match Industry and particularly the Cinema Studios may be taken out of Madras?"

THE HON. DR. P. SUBBARAYAN:—"As far as I know the situation in the City, industries are not concentrated in the City of Madras. In the first place, I do not think we can prevent industries being established in the City of Madras. Keeping in view the suggestion brought forward by the Hon. the Lady Member, Government are in favour of dispersing the industries as far as possible to other Cities."

MUHAMMAD RAZA KHAN SAHIB:—"Will the Hon. the Home Minister explain what are the contributory factors which caused the increase in the births in the Madras City?"

THE HON. DR. P. SUBBARAYAN:—"I suppose the natural physiological reasons." (Laughter.)

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, whether Government intend to take the Penitentiary out of Madras and also some of the Government offices as was done during war-time?"

THE HON. DR. P. SUBBARAYAN:—"I do not think there is such a panic among the population at present as to take the Penitentiary and other Government offices out of Madras."

BEGUM SULTAN MIR AMIRUDDIN:—"May I ask the Hon. Minister whether it is not desirable that something should be done by the Government to relieve the congestion in the city instead of their shelving the issue? May I also ask whether the Hon. the Minister has gone through the report of the Housing Committee and if so, why he said that he does not grant the premises that the City is growing into a chaotic Magopolis?"

THE HON. DR. P. SUBBARAYAN:—"I do not grant this question of chaos at all. The report of the Housing Committee is being actively considered by my Hon. Colleague in charge of Housing."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact that the Immigration laws of Burma and Malaya are so stringent that the evacuees in this country are finding it difficult to return to their places and if so, will the Hon. the Minister be pleased to intervene in the matter so as to enable them to return to their home of adoption?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member representing South Arcot knows as well as I do that Burma has become an independent nation to-day and therefore, it can only by a matter of treaty between the two countries, India and Burma, this can be done. I am sure, the Government are taking this matter with the Government of Burma. There is no question of compelling anybody to go back to Burma. If they wish, they will go under existing conditions, until fresh agreement is arrived at between the Government of India and the Government of Burma."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"The question has been addressed to the Hon. the Premier. May I ask the Hon. the Home Minister whether the Hon. the Premier is in any way responsible for the increase in population?" (Laughter.)

THE HON. DR. P. SUBBARAYAN:—"Let the hon. Member not think so."

SRI K. ANANDAN NAMBIYAR:—"Arising out of the answer of the Hon. the Minister, may I ask what steps Government have taken to stop immigration of people from outside into the City?"

THE HON. DR. P. SUBBARAYAN:—"Immigration is entirely a voluntary matter and Government do not propose to stop it."

SRI R. V. SWAMINATHAN:—"May I know from the Hon. the Leader of the House whether there is any truth in the rumour which is spread in the City that more Andhras are brought into the City to increase their population in order to put up their claim that the Madras City belongs to the Andhras?"

THE HON. DR. P. SUBBARAYAN:—"I do not think the hon. Gentleman should give credence to such rumours."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of what the Hon. the Minister himself has stated, is it not advisable that the surplus population that has come into the City should be sent to their respective places?"

THE HON. DR. P. SUBBARAYAN:—"I wish the hon. Gentleman will attend to it."

SRI B. PARAMESWARAN:—"Is it not the fecundity of man and the liberality of nature that is partly responsible for the increase in population?"

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

SRI GUNTUR NARASIMHA RAO:—"In view of the acute shortage of houses, will the Government make cement, iron and steel easily available for house construction in the Madras City?"

THE HON. DR. P. SUBBARAYAN:—"That is a matter which is entirely within the purview of my Hon. Colleague, the Minister for Industries."

MR. SPEAKER:—"Question time is over."

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

II.—ADJOURNMENT MOTION RE FOOD SITUATION IN RAMNAD DISTRICT.

MR. SPEAKER:—"The hon. Member, Mr. R. V. Swaminathan, has given notice of an adjournment motion under rule 36, that this meeting of the Assembly do stand adjourned to discuss the serious food situation created in the Ramnad district. This motion is altogether different from the motion given notice of

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by hon. Member, Mr. K. Anandan Nambiyar. Regarding this, I will have to advise my hon. Friend that to-day being Friday, we have to respect the susceptibilities of our Muslim friends as they have got their prayer and we should adjourn at 1 p.m. Therefore, it is better we take up this question on the 29th. As far as the Chair is concerned, I admit the motion and I wish to know what the Hon. Minister has got to say on this."

THE HON. DR. P. SUBBARAYAN:—"I mentioned yesterday in connexion with the motion of the hon. Member representing the Railway constituency that the Minister in charge of Food is actually having a statement made on the present situation with regard to food in every district and, therefore, hon. Members will be in a position to know the position with regard to the Ramnad district also. I am sure the Hon. the Minister for Food knows what is happening there and is taking cautious action betimes so that the people of the Ramnad district will be satisfied with regard to the food position there. Therefore, I do not see that any object will be achieved by a discussion on the floor of the House and I request the hon. Member not to press the motion and if he does press it, I will be constrained to oppose it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the Hon. Speaker whether he has admitted the motion? If he has admitted the motion, because we are rising to-day at 1 o'clock and since the rules are very clear that an adjournment motion may be taken up between 4 and 6 p.m., I want to know how the Hon. Speaker is going to reconcile the position with the fact that we rise to-day at 1 o'clock."

MR. SPEAKER:—"As far as to-day is concerned, I can request the hon. the Leader of the Opposition whether we can sit for about half an hour after 1 o'clock. I want to know whether he is agreeable to that."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, the Hon. the Leader of the House said that the Hon. the Food Minister knows what the situation is in the districts and that he is attending to it. But, the main question is not whether the Hon. the Food Minister knows the situation but the question is whether the steps taken by the Food Minister are sufficient to meet the situation."

MR. SPEAKER:—"The hon. Member is making a speech. I will take the sense of the House. First, the House must give permission to Sri R. V. Swaminathan to move his motion."

SRI R. V. SWAMINATHAN:—"In view of the fact that the Hon. the Leader of the House has requested me to withdraw the motion and that I belong to the same party and I cannot go against the wish of my party leaders, I would like to withdraw the motion. But, Mr. Speaker, I want to make one point clear. My adjournment motion relates to a district where the people are dying for want of food. In fact it is stated by the Hon. the Leader of the House that in the Ramnad district, several shops

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have been opened. But, what is the use of shops without having foodgrains? I want to draw the attention of the Hon. the Food Minister and the Leader of the House to that point. But, in view of the request made by the Hon. the Leader of the House, I am not pressing the motion, Sir."

The motion was not pressed by the hon. Member.

III.—GOVERNMENT BILLS.

(1) THE MADRAS SILKWORM DISEASES (PREVENTION AND ERADICATION) BILL, 1947.

THE HON. SRI H. SITARAMA REDDI:—"I beg to introduce the Madras Silkworm Diseases (Prevention and Eradication) Bill, 1947 and move that the Bill be taken into consideration at once. 11-3 a.m.

"Sir, the object of the Bill is to provide for the prevention and eradication of silkworm diseases in this Province. Similar legislation has already been enforced in the Mysore State in the year 1943. This kind of legislation was sought to be introduced into this Province right from 1943 but due to some other circumstances it was not done. Attempts were made in 1945 to introduce this measure but that was also not done and this Bill is introduced primarily with the object of improving the sericultural industry in Madras and I hope, Sir, that this Bill does not require any further elaboration as the Bill is simple and clear. I move that the Bill be taken into consideration at once."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"While supporting the object of the Bill, I want to place certain relevant circumstances in creating the machinery for the working of this Bill. Sir, the Sericultural Expert has been given certain powers of inspection and destruction in case any silkworm diseases exist under section 4. Under section 5, he has been given powers to make sure that there is eradication of silkworm diseases and further under section 7, penalties are sought to be imposed by the court wherever any person is found contravening the provisions of this Act. The Government have added some curious provisions in preventing the spread of this disease. Section 7, sub-section (1) reads in this manner: 'and any court trying any such contravention or failure may direct that any seed, silkworm, moth or cocoon, or any vessel, receptacle or apparatus containing the same in respect of which the court is satisfied that such contravention or failure has occurred, shall be forfeited to the Government'. I can understand the Government taking power or empowering the courts to punish certain persons for not reporting the existence of silkworm diseases, but I do not understand the necessity of the forfeiture clause being introduced when the matter is of an industrial nature. If it is the case of prohibition or opium or arms Act, I can understand such a provision being introduced for their forfeiture. But here we should encourage the industry in

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all sorts of ways and, therefore, if any individual has committed an offence he may be proceeded with in a court of law and may be punished with fine or imprisonment but there is no need at all for forfeiture of the whole articles. Therefore, this clause requires a suitable amendment so that the objectionable feature may not appear in the Bill at all."

THE HON. SRI H. SITARAMA REDDI:—"My hon. Friend has raised the question of forfeiture. The whole object of the Bill has been to prevent the silkworm diseases from spreading to other areas and its eradication. Sir, if a certain cocoon or any vessel has been affected, it is absolutely essential for its being forfeited in order to see that the disease is not spread."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"Sir, on a point of explanation. They have already got this power under clause 5, sub-clause (2) (a). It reads as follows: 'the disinfection or destruction of any seed, silkworm, moth or cocoon or of any vessel, receptacle or apparatus used in the rearing of silkworms or the manufacture of seeds'. Therefore, they have already the power to destroy the whole thing and the answer given by the Minister is not convincing."

THE HON. SRI H. SITARAMA REDDI:—"May I impress upon my hon. Friend that clause 7 refers to penalties. So far as clause 5 is concerned, it relates to measures which should be taken for the eradication of the silkworm diseases. One relates to the nature of the power and the other relates to the penalty. Under clause 5, the Government takes certain powers for eradication of the disease and under clause 7, they have power to execute such powers. Sir, it is very obvious that no destruction can take place unless the article is forfeited. It is all so very simple and I am sure that there is no such difficulty as contemplated by my hon. Friend. The whole Act has been so drafted as to see that the sericultural industry in Madras comes to the standard of the other provinces. In Mysore this Act has been working since 1943 and our Act is drawn on the lines of that Act and suitable additions and amendments have been made in view of the experience gained in the working of that Act. In view of this, Sir, I hope my hon. Friend will not press his opposition to this measure."

The motion was put and carried.

The Preamble and clauses 1 to 9 of the Bill were put together and carried.

THE HON. SRI H. SITARAMA REDDI:—"I now move that the Bill be passed into law. I thank the hon. Members of this House for the speedy passage of this Bill and for their hearty co-operation."

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

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(2) AMENDMENT TO THE MADRAS GENERAL SALES TAX (TURNOVER AND ASSESSMENT) RULES, 1939.

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

that the following draft of an amendment to the Madras General Sales Tax (Turnover and Assessment) Rules, 1939, which it is proposed to make in exercise of the powers conferred by section 3, sub-sections (4) and (5) of the Madras General Sales Tax Act, 1939 (Madras Act IX of 1939), as amended by Madras Act XXV of 1947, be approved:—

Draft Amendment.

In rule 5 of the said rules, in sub-rule (1) for clause (i) the following clause shall be substituted, namely:—

"(i) the excise duty, if any, paid by the dealer to the Central Government in respect of the goods sold by him."

One word, Sir, I will say and that is regarding the word 'Excise.' The rule as it stands from 1939 reads as follows:—

'In the case of sales of sugar, matches, rubber tyres and tubes by a dealer, the duty paid by him to the Central Government in respect of such sugar, matches and tyres and tubes'

But it was changed recently as follows:—

'If any duty paid by the dealer to the Central Government in respect of the goods sold by him.'

"Sir, you are aware that since 1939 only with regard to matches, tyres and tubes, etc., they were exempt from the sales-tax for purposes of turnover and recently as proposed in the Select Committee this was extended to all the articles which were subject to the Central excise duty and the word that was mentioned in the rule was merely 'duty'. It would have meant that it covered import and export duties paid also. Fortunately no such claims were made so far and this mistake ought to be rectified. We are, therefore, amending this by the addition of the word 'excise'. This was brought to my attention when the turnover rules were framed but I wanted to have specific details and now we have brought forward this correction."

The amendment was put and carried.

(3) THE MADRAS HOME GUARDS BILL, 1948.

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, I beg to introduce the Madras Home Guards Bill, 1948, and move that the Bill be taken into consideration at once. Already, Sir, an Ordinance has been issued by His Excellency the Governor on the subject from which hon. Members will be aware of what is the idea behind these Home Guards which the Government have got in mind. In times of any commotion it is but right that the Government should use their ordinary police force for tackling

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with such a situation rather than bringing in the Military forces of the country. It is a well-known principle in all countries that as far as possible civil commotion should not be dealt with by the armed forces because the army's function is of a different category altogether though when necessity arises, the army may have to be used, that is when the situation gets out of control. The Provincial Governments feel that it will be possible to tackle with any situation that might arise by means of the police forces at their command but in order to help the police the Government wants to have a voluntary force because these Home Guards are not to be enrolled for all times but will be trained and kept ready and will be called out when necessity arises. The Government have taken power to see that such Home Guards can be recruited in any place in the Province though for the present only the City of Madras and some of the districts are mentioned. There is no question of any community in this matter. I know there prevails in the minds of some hon. Friends the fear that the Government as a whole are thinking of excluding particular communities. My hon. Friend the Member for Railways is not here but he thinks that political considerations will come into play as well. Keeping in mind the fact that Government do not want to raise a force which might eventually prove Fascist, the Government will give opportunities for every member of the different communities to enrol themselves within the limitations of the principle laid down in the Bill. Such are the objects which the Government have in view and it is not meant as a menace or against anybody in the country. It is merely to train people in this Province in the art of self-defence. They will be trained as the police are trained and they will be auxiliary to the armed reserves of the districts in which they are enrolled. Therefore, I move that the Bill be taken into consideration."

11-45 a.m. MR. SPEAKER.—"Before we proceed further I have to announce to the House that under section 82 (3) of the Government of India Act His Excellency the Governor has recommended this Bill to the House."

SRI K. ANANDAN NAMBIYAR:—"Sir, I rise to oppose the Bill on the ground that this Bill gives certain executive powers to individuals in the name of Home Guards. Of course the purpose of the Home Minister is to train the youngsters of the country in self-defence. It is something like a Home Militia. But I see from the Bill that the police officials are put in charge of the Home Guards. If the purpose of the Bill is to train the people for self-defence, why should these people be put in the custody of the police?"

THE HON. DR. P. SUBBARAYAN:—"It would help the hon. Member to understand the position if I say that the police are the people who can train such people, because the police are trained people. I know the hon. Member is rather afraid of the police, but that is his own fault."

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I may say I am not afraid of the police, but once upon a time he was

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more afraid of the police, because he himself had been chased by the very police whom he supports now. This police is the remnant of the old bureaucratic regime."

THE HON. DR. P. SUBBARAYAN:—"I deny it. The police are now the people's police."

SRI K. ANANDAN NAMBIYAR:—"By a decree passed overnight somewhere in London, he says that the entire police force has become the people's police. How wonderful it is! Till yesterday, it was not the people's police. They broke the skull of Congressmen and others, and to-day by an Act passed in Parliament, the police have become the people's police. In the name of democracy and in the name of training the people for self-defence, the Hon. Minister says that the police are the people's police. The people's police will never rape women. I have heard people and women coming and telling me that they were raped by the police. It is most shameful on the part of the Congress Ministry to say that the police are the people's police. A woman, aged 60, was beaten and her limb was broken and one of her limbs is not functioning now. In the regime of Mr. Prakasam my skull was broken. Is this the people's police? People's police will not beat an old lady of 60. I challenge the Hon. Home Minister to seek re-election on this issue and I assure him he will be miserably defeated. The police is not yet the people's police. The Home Guards should not be given to the custody of the police. If he wants a Home Militia to be raised, I will support him. But the militia should be put in the custody of elected panchayats. The Home Minister and his party have always stood for elected panchayats and they have wanted the whole Government to be entrusted to elected panchayats. If they entrust the militia to the elected panchayats I will support him. But as things stand to-day the police are not the people's police and they have been doing the same wretched and rotten things as before. In the name of the Congress and Democracy the Hon. Minister is saying that whatever the police do is good and correct. The Hon. Minister may be a very generous man, may be a Congressman who loves the people, but not his officials. The police officers are not of the same quality. The Hon. Minister is an elderly man. I have great respect for him. But politics are quite different from regard for age and other things. Of course my voice may be a feeble voice in this House and whatever I say may not be accepted. I do not care. I have to represent the views of the common man at any cost."

"Muslim applicants and Communist applicants for the Police department were rejected by the District Superintendent of Police the other day. I do not know whether this is democracy. Is this the sort of Home Guards they are going to raise? Are they going to have only Congressmen? If he is a Congressman of the right type, I can understand. But Congressmen of the right type are not coming in."

"Sir, we had our experience in Coimbatore when the textile strike was going on last year. I went to Coimbatore and met the

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local District Magistrate and the District Superintendent of Police. While I was in Podanur, the Sub-Inspector came and asked me to go to the police station. I asked him why and he said he wanted to arrest some labourers. When I was going to the Collector's bungalow, on the road there were posted goondas paid by the mill-owners. They were wearing a particular type of dress. When my jatra was going that way they whistled and they wanted to attack me. It is this type of goondas that they will get for the Home Guards if they are put in the custody of the police. (An hon. Member: 'What about the other goondas?') I will answer one by one later on. If you want to raise a people's militia, raise it and keep it in the custody of the elected representatives of the people. Nothing short of that will be agreeable to the people. The Hon. Minister may say that the police is under his control and any power can be given to the police. But we are not here to agree to that, because the police officials have erred not once, not hundred times, but throughout. No powers should be given to them. These Home Guards will be persons recruited from the worst type of youths. They will be men who will support the mill-owners, the landholders and the big money-bags. They will not be home-guards, they will be money-guards, landlord-guards and capitalist-guards. They are not going to guard the homes of the people. They will be another body of mercenaries behind the police force who will fight strikes. Already in the name of safety, the Hon. Minister has got the Public Safety Act, which his honourable predecessor, Mr. Prakasam, has very generously handed over to him. That Act put in the hands of the Police officers and the home guards are going to be a menace to the peace of the country. With the magistracy, the police and the home guards they want to create another Germany. Things may drift towards fascism. I would like to warn in sufficient time that politics of our country are drifting towards fascism. It may happen we will have another Germany repeated in Madras. What happened in Bengal? They brought a Black Bill and the bigger persons—Pandit Nehru, Sardar Patel and others—had to come and ask the people to have the Bill passed. In spite of that the workers of Bengal raised their protest and did not allow the Bill to pass so easily as they wanted. The Hon. the Home Minister will have to satisfy the people that this force will not be subject to the control of the police, that it will not be used as a mercenary force against the rights of the people, and that it will not be used to create communal tension and communal clashes. In many places there are the R.S.S. and the Hindu Mahasabha organizations working. They want to create another Punjab in our country. This force will be used to suppress the agrarian movement and every progressive movement in the country.

"One word more, Sir. I learn from newspaper reports that the *Deshabhimani* of Malabar has been asked to get the permission of the Subdivisional Magistrate if it wants to print anything about the police. Is it democracy, I ask. If the daily paper wants to publish anything about the police, it should get the permission of the Subdivisional Magistrate. That is not democracy. There

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should be freedom of expression in the country. When the Hon. Dr. Subbarayan is the Home Minister, *Deshabhimani* should get permission from the Subdivisional Magistrate for publishing anything about the police! If the Home Guards also are attached to the police tomorrow, an order may be passed that we must get previous permission to speak in the Legislature also. Things are drifting towards that. Of course I know the result of the speech. I will be sent to Vellore. But I warn the Government that they cannot gag us, gag the public, gag the Communist party and the workers and peasants' movement. Let him take due note of history, Not only in India, but everywhere, when they wanted to suppress the Communist movement they have failed. Why should they think they could do it in this country? Let me correct him in sufficient time. I warn the Government that this is not the proper method. I oppose the Home Guards Bill in toto."

SRI V. M. RAMASWAMI MUDALIYAR:—"Mr. Speaker, Sir, I have great pleasure in supporting the motion for the consideration of the Home Guards Bill. In 1937 I was responsible for bringing a motion in the Assembly that our young men in our schools and colleges should be given military training. In a measure, I succeeded in persuading the Honourable House which was then composed of a majority of Congressmen pledged to non-violence to support the resolution. Many things have happened since. World War II has intervened. After ten years we have attained freedom.

12.
noon.

"We are to-day seeing that, with the attainment of freedom, a new spirit is actuating the Government and people of this country; a new spirit has been brought into being among all the servants of the Government because the Governments at the Centre and in the Provinces are national Governments representing the views of the people elected on the broadest franchise basis so far. Hence I fail to understand the opposition of my hon. Friend Mr. Anandan Nambiyar to the introduction of this Bill. Much of the arguments which he had adduced would lose their force when he realizes that the Governments functioning to-day in the Provinces and at the Centre are national Governments representing the people. If Mr. Anandan Nambiyar takes exception to that view, a time will soon come once again to demonstrate that the Government now in being have got the confidence of the vast majority of the population of this Province. If these premises are granted, if what I have said is true and if the Government have got the confidence of the people, it means that the spirit actuating this Government must actuate Government servants also. If a Government official, whether he is in the clerical cadre in the Secretariat or in the Police or any other department, goes counter to the spirit of the Government of this Province, he has no business to be in such a service. Any Government are certainly bound to take note of such a bad spirit and put an end to it. I hope that is the spirit, meaning and feeling of the Hon. Home Minister when he said that the Police and its policy are controlled by a national Government that is governing the Province to-day. With this observation I am very happy to see

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that the dream which I dreamt in 1937 has come into being at least in 1948 after ten years. This is the proper time for it and events have happened in this country which have proved that the ordinary Police force upon which any Government has to rely for keeping law and order in this country is not adequate for the purpose. I do not want to traverse over the causes for the commission of disturbances that we are witnessing in the country. Suffice it for me to say that I do hope that communal amity will be soon restored. The Hon. Home Minister has assured us that the Home Guards will be recruited on a non-communal basis. I hope that the Home Guards will be composed of patriots who will work for the preservation of social tranquillity and social order which alone will ensure the orderly progress of society either economically or politically. I hope, Sir, that this voluntary organization of Home Guards will be recruited from the students, educated classes and other classes who are actuated by considerations of service irrespective of other considerations of parties, communities and even of political cleavages. I do hope that the training they will receive will be short but sufficient to enable them to preserve law and order and to be an useful ancillary to the Police force; I hope the training they receive will stand them in good stead in maintaining discipline not only among themselves but in promoting a new spirit of service among the Police forces to whom these Home Guards will be auxiliary. It is with the hope that this force will be a recruiting ground for a new order of servants and public-spirited citizens in this Province, I support this measure for the formation of Home Guards."

* MUHAMMAD RAZA KHAN SAHIB:—"Sir, It is really to the credit of the people of this Province that they have maintained perfect law and order, whether they belong to any section or political party, in spite of what has happened in other parts of India. It is to the interest of all, Hindus, Muslims and others of different political parties, to maintain law and order in this Province. I say it is our duty, our sacred duty to extend our co-operation and help to the Government, whatever form it may be, to maintain law and order in this Province. I am sorry I have to join issue with my hon. Friend Mr. Anandan Nambiyar when he used bitter language against the Police. He must know that, whichever party may be in power, the Police should maintain law and order. It is to the credit of the people that they have maintained law and order in this Province. Whatever might have been said about the Police, whatever charges might have been made against them in season and out of season, I am proud to say from this Assembly one thing, that our Police is free from communal bias or tendencies. As long as the Police and the State machinery are free from communal tendencies, law and order will be maintained. To-day I give credit to them. On certain occasions the Police might have gone beyond their limits. I know Communist members have suffered at the hands of the Police; Members of the Muslim League also have suffered; Congressmen also have suffered. Every one is equal before the State and the Police. Whatever action the Police might

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have taken, it was in the interest of the preservation of law and order. It is with that intention that the present Ministry and the Government have brought forward this Bill. The idea is very laudable; the Police will not be sufficient when certain emergencies arise. It is really very unsound that we should seek Military help when there are communal disturbances. It is not advisable to seek the help of the Military to maintain law and order, because they will not be well aware of the conditions existing. It is but right and proper that the Government should come forward with this measure so that they may raise Home Guards to help the Government when emergencies arise. It will be to the credit of all sections of people to see that, though Home Guards are raised, there would be no occasion to use them. One can understand the anxiety of the Government, particularly of the Home Minister, to use these Home Guards only in emergencies. But I wish and hope that such emergencies will never arise. I am supporting this measure of the Government on behalf of my party. Whatever may be our differences in our country—which is very unfortunate—and although it is not so in our Province and whatever may be the responsibility of the Government, the Police and the Home Guards, our duty and our responsibility are there. Our duty and responsibility are much more than that of the Police; it is we who should help the Government in maintaining law and order. Whenever there is local trouble, we should see that it does not spread to other places. We should help the Government on such occasions. We all know that disturbances are not to the benefit of anybody; poor people suffer actually. We may deliver speeches from public platforms; they do not help anybody. I know it for certain that myself and Mr. Ananda Nambiyar may escape on the occasion of communal disturbances. But poor people actually suffer. Therefore it is our duty; it is the duty of Congressmen; it is the duty of Muslim Leaguers also to see that law and order is maintained in the Province at any cost. We do not want that the Government should always be afraid that there would be disturbances of law and order. They should not be always going about putting down disturbances. We are independent now and if we cannot maintain law and order by our own efforts, we are not fit to rule ourselves. It should be the desire and endeavour of all of us to support the Government. My hon. Friend, Dr. Subbarayan is a very clever man and he anticipates what the Opposition would say. He himself has stated that as far as Home Guards are concerned, no community would be excluded. That is a very good thing. I congratulate him, anticipating that the Muslim League Party would ask—that their community should not be excluded in the matter of recruitment of Home Guards. Therefore he has himself answered that question. If you want to have a force of this kind, it is quite true that you cannot confine recruitment to particular communities. If that is done, the very purpose of the Bill will be defeated. I really welcome what Dr. Subbarayan has stated on this point. I wish to emphasize the point that all communities, Hindus, Muslims, Christians and others, should

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be recruited for this force. Dr. Subbarayan has some idea as to how the very purpose of the formation of these guards was defeated in other Provinces. Sometimes bad men join these forces in large numbers; instead of their helping the Government in preserving law and order, they do great harm to the Government and they are responsible for creating more trouble. Dr. Subbarayan is not going to select the people for these forces; officers are going to recruit them; let us have confidence in them; they should not take into consideration party affiliations. The best men from different communities should be recruited who have the spirit and the energy to see that law and order are maintained.

“Incidentally I should like to state that Dr. Subbarayan has realized that the policy the Government have followed in excluding Muslims from the armed constabulary, has created a bad feeling among that community. That policy of the Government has really led to communal bitterness. The question of community should not be considered in connexion with this matter. This is a question of principle. I think it is a bad policy on the part of the Government to exclude any one community. This is not a political question. It is a question of apprehension and suspicion that the Government are excluding particular sections. We must see that there is no communal feeling among the armed Police force. Although this point is not in any way relevant to the issue we are discussing I hope the Government will go into the question, and see that they take in people from all communities.

“Incidentally I may say that I do not like to put the Government or the Home Minister in an embarrassing position. But I wish to inform the House and the Hon. Home Minister that Sub-Inspectors were selected in the month of August. To-day the position is some Muslim candidates have been excluded from undergoing training. This will lead to communal feeling. Certain sections of people will feel that the Government have no confidence in them. The Hon. Home Minister will of course defend his action. But the fact remains that Muslims have not been taken for the Police force. The Government should not adopt the policy of excluding certain sections of people. I am not going to ask for these petty things for Muslims. I wish very much that Muslims will not enter into Government appointments; they must take to commerce, industry, or some business, or trade. Government cannot provide jobs for all people. Let us not look to the Government for jobs. I am raising this point because it is a question of principle; the Government should not condemn one particular community. Muslims are feeling very much because of this exclusion.

“Last time during the course of the debate on the formation of the Armed Constabulary Dr. Subbarayan made a statement on the floor of the House that this Government is not run for any particular community but that it is run for all the people, irrespective of communities and that it is a people's Government. We take him at his word and we realize the spirit of that statement

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and in that spirit, we are going to give all our support and co-operation. It is our anxiety as much as that of any other party or community to help this Government in the maintenance of peace and order. Our aim is, whatever may be our politics, whatever may be the differences in our ideology, the rule of law should be supreme and I have great pleasure in supporting the Bill.”

SRI M. P. GOVINDA MENON :—“Mr. Speaker, I rise to support the Bill and in doing so, I must say that the Bill ought to have been introduced long ago. We are going through extraordinary times. As a result of the Great War which ended recently and as a result of the achievement of Independence in a mighty country and as a result of the unfortunate partition which followed independence, we are living in extraordinary times and it is absolutely necessary that Government must be armed with powers to maintain law and order. Our Police force is not adequate for the purpose and it is also not quite safe to rely on the military for carrying on the every day administration of the country and so Home Guards are an absolute necessity.

“The Hon. Home Minister said that in the matter of recruitment to Home Guards, he will not have any prejudice against any one on account of community or his political persuasion. That is a noble sentiment. But I would like to warn him that if he wants the Home Guards to be of use, opportunities for recruitment should not be afforded to societies, persons or parties who want to create trouble. I warn the Hon. Home Minister that there are such political parties, associations and organizations who are waiting for an opportunity to overthrow the Government and to create trouble. So, if opportunity for recruitment is to be widely thrown open to all, there is very great danger. I would also request Government to be careful regarding selection and not to entrust the selection entirely to district officials. I request them to take into account the necessity of associating responsible public persons along with district officials in selecting Home Guards. I am glad that my district has been selected for starting the Home Guards. Mr. Anandan Nambiyar was speaking eloquently about the conditions in different parts of the country; I know something of conditions in my district. With a full knowledge of it, I give a warning to this Government that the Communist party in Malabar is carrying on a very wild and vigorous propaganda with the idea of overthrowing the present Government. They begin with slogans supporting the Nehru Government and with those slogans they carry on all sorts of activities and propaganda with a view to incite the people against the present Government and create chaotic conditions. This is an additional reason why Government must be very careful not to give a handle to any political organizations to make further trouble. Mr. Anandan Nambiyar accused the hon. Mr. Prakasam for having introduced the Public Safety Bill; I may tell this House that but for that Act, life in Malabar would have been intolerable. I am afraid that the present Government is a little lax in enforcing that Act. Probably they may not be aware of conditions in that part of the country; the Communists think that with the changes in administration in Madras they are at

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liberty to carry on any kind of propaganda they like. Conditions in Malabar are such that this is a little dangerous and it has got a history in the past and I want to avoid a repetition of such history in the future. I have nothing to say against my Moplah friends; they are naturally law-abiding; I have no charge against the Muslim League organization as the Muslim League in the presidency is not out to create any trouble. But I must utter this note of warning that the Communists in Malabar are going about in the villages even at midnight and are trying their best to make them rise against the Government. I am sorry that Government is not taking account of that position and I am afraid they will land us in trouble if they are allowed to go unchecked. A word about *Desabhimani* to which my hon. Friend Mr. Nambiyar referred. My charge against Government is: 'Why do you allow the paper to be run which indulges in attacks against all sorts of people'; I am afraid this Government is weak in carrying on the administration and Communists will take advantage of that position to our detriment and eternal trouble. I whole-heartedly support this Bill but I request Government to be forewarned and be very careful in selecting the persons who comprise the Home Guards."

* SRI P. NATESAN:—"Mr. Speaker, I welcome this measure because I feel that it will give immense training to the general public including myself in citizenship and it will encourage people to understand what civic responsibility is and what they owe to the State. I hope this is not a panicky measure but one aimed at increasing the people's responsibility for the maintenance of law and order. I am glad to hear that this organization will be undenominational and will be open to all communities. Being public servants, a lot of responsibility will devolve on them and it is up to the officers to so train the Home Guards that they inculcate in them principles of honesty and integrity; they must also be told how far they can exercise their powers. There would not be much use if the Home Guards are not made to realise that they have to carry on with a sense of responsibility. I suggest that all the M.L.As. be asked to enroll themselves as Home Guards in their respective districts and then we can see how far the members of the Legislative Assembly themselves are able to cope with the situation arising now and then. I am putting forward this suggestion in all seriousness and there is nothing light-hearted about it. I would suggest that women might also be encouraged because they have come to the forefront. Only recently the women conference took place in the City of Madras and it was a sight to see 3,000 of them assembled, attired in various costumes, speaking various languages and taking part in the conference. I am an old man of 56 but am anxious to come and try to do something in my own division (An hon. Member: 'You are unfit') if I am unfit, I have got enough sense of responsibility and am conceited enough to think that I have some amount of responsibility; age does not matter. Regarding the rules, it looks as if the Government would be making them and there is no provision that they should be brought before the House. I have personally no objection to such a course but when they are framed, I want the Government to be

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very careful in giving powers to the persons entrusted with the appointment of Home Guards. I understand that the period of training is going to be only six weeks. I am not sure if you can turn out good Home Guards within a course of six weeks and I wish the Hon. Home Minister looks into it. I do not also know how long the period of service is likely to be. If it is going to be permanent, it is all the more necessary to see that men with integrity are appointed. I do not know if the people who are entrusted with recruitment will take advantage of a small committee to help them and advise them in regard to selection. This is a very important matter which has to be looked into by the Hon. Home Minister. Another point is that there must be no discrimination and the Government must see that people selected are given adequate training. They are going to be public servants and it is essential that the Home Guards should know their limitation; we have had very bad experience with the Civic Guards whom we had during war time. The organization was there but at a time when their services were really required, they did not turn up to serve. But for the various suggestions, I have made I welcome the measure and I whole-heartedly support the Bill."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Mr. Speaker, I welcome this Bill and support it whole-heartedly. I do not know why there was any need for promulgating an Ordinance on the 12th January when this House was meeting on the 20th January. I do not know what emergency arose during this one week; I feel there was no necessity to issue the Ordinance and we should discourage the issue of Ordinances in such matters as this.

"Mr. Govinda Menon said that much depends upon the personnel selected. I see that the district officials are going to be the selecting authorities. I welcome the proposal of Mr. Govinda Menon that a non-official committee should be associated with the district authorities in the matter of selection. Now that the measure is not going before the Select Committee, I think they will issue instructions that the district officials should be helped by a non-official committee and that the local members of the Legislature may form the committee to help them. There are no two opinions regarding the necessity and desirability of constituting the Home Guards and as much depends upon the persons selected, district officials must be helped by a non-official committee.

"The Government have taken too many powers and I hope the need for it will be clarified. Some details are also lacking. For instance I should like to know what special kind of dress is going to be given to them and what allowances they would receive. As we see, there seems to be no special attractions for the people wishing to join the Home Guards. So the amount of allowances that will be given must be mentioned in the rules to be framed by Government; their rights and privileges must also be prescribed. All Home Guards cannot go about in the streets saying that each can do every sort of thing. There must be directions in regard to what duties each has to perform and in what circumstances. Then, Sir, the purpose for which the Home Guards will be used has not been

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mentioned and specific mention must be made in that regard; then only it is possible for them and the public to know if what they do is within the limits of law; that they are doing what is prescribed in the law and that they are not interfering with people in their ordinary pursuits."

12.30 p.m. MR. W. J. FERNANDEZ:—"Mr. Speaker, Sir, I rise to join in the chorus of support for this measure. It is a matter for surprise that any dissenting voice should have been raised against this measure. I should imagine that every citizen with a sense of responsibility as such, who loves peace and order, and who wishes to be assured of some kind of security, would not fear such a measure and speak against it. One can understand the tirade of the Communist Member against the Bill. He is out to upset orderly society, and naturally he does not relish any move which would act as a curb to the full realisation of the fruits of the trouble which he fomented in this country. It seems to me that some unnecessary fears have been expressed in some quarters for we have been given an assurance that the recruitment of Home Guards will not be restricted to any particular community. Further these men will be trained and kept as a sort of reserve and will be called upon to help the Police instead of calling out the military. So there would be seldom any occasion for the Home Guards parading the streets of the city and making their authority as Home Guards felt and making themselves *ad nauseum* to the public in general.

"I think it a very good move on the part of Government to give every able-bodied citizen a training in self-defence. I feel that this should be a stepping-stone to a further measure which would be necessary and found to be very useful in this country. All able-bodied men should be given a thorough military training. We cannot maintain a large standing army, because it involves colossal expenditure. Every able-bodied man should be trained and made to defend his country. After the British have left the country this country has become the apple of envy. And we should not be disappointed if some years hence some foreign power makes an attempt to capture this country. In such an emergency every citizen should be able to defend his country. So I hope this measure will be a stepping-stone to another measure which will make military training compulsory in this country. With these words I congratulate the Hon. Minister in coming forward with what I think is a very useful and innocuous measure."

* SRI N. VENKATASUBBIAH:—"Mr. Speaker, Sir, I rise to support the Bill. I did not expect that there would be any dissenting voice on the floor of this House. But Mr. Anandan Nambiyar has made bold to raise his dissenting voice. Of course his voice has remained a lone voice. (Laughter.) I expected some opposition from the Muslim League. But I am very glad to see they are falling in line with us in the preservation of law and order and that they have extended their support to this Bill. The speech of Mr. Raza Khan has come in, in refreshing contrast to the irresponsible speech of Mr. Anandan Nambiyar. (Laughter.) To-day nobody can gainsay the fact that we are living under

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conditions which are none too congenial to the preservation of peace and tranquillity. Therefore if the Government is to be worth its salt it must take all precautionary measures and infuse a sense of security in the minds of its people. I hope peace and harmony will continue to prevail in the country especially after Mahatma Gandhi's fast which has created conditions favourable for the development of communal peace in the land. Though I come from an area bordering the Nizam's dominions, where conditions are indeed very terrible, still as a citizen who is very anxious to have law and order maintained, I do not want to say anything. Therefore, in supporting this Bill, all I want to say is only one thing. Though it is a very hard fact yet I want to say that. We know what commotion and continued restlessness and communal tension prevail because of certain things said or done or attempted to be done by a certain community in the land. Already there is a feeling that this community has been too aggressive and that certain other communities have suffered. Therefore if Mr. Raza Khan's wish is to be fulfilled they must make every attempt to see that there is no room or no reason left for prevalence of communal feeling in the land. If, therefore, the community to which Mr. Raza Khan belongs, takes up the sensible, the reasonable and the praiseworthy attitude he took, then, not only in this Province but in other Provinces and in the Sister Dominion as well, there will be peace and harmony. Actually not only here but in the Sister Dominion as a whole, the great object with which Mahatma Gandhi undertook his fast will soon be fulfilled and the continuance of the Home Guards may not be necessary at all."

* MR. H. O. FOWLER:—"Mr. Speaker, Sir, I rise to support the motion. I feel we are all agreed that our country is passing through very difficult and very critical days. We are all also agreed that if anybody or any group of people deliberately decide to break the peace or tranquillity of our land we should take steps to put them down. I feel, Sir, that this Province owes a real debt of gratitude to the Police who have loyally and efficiently carried out their duties during the past few months under very trying circumstances. If the Police need to be strengthened or supplemented by the creation of Home Guards, I feel that we, on the floor of this House should unanimously agree to the creation of such a Force. There is one very pleasing aspect of the Bill and that is that we have been given the assurance that every loyal citizen irrespective of community or caste or creed will be permitted to join the new Force. That, Sir, is something for which we are all grateful. I would just say, in conclusion, that while I would like not to bring in the question of communities into this subject, I represent the Anglo-Indian community, a community which has for many years worked loyally and efficiently as soldiers and policemen and as members of the Auxiliary Forces. I can assure all, that the members of my community would continue to be loyal and efficient soldiers or policemen or members of the Home Guard under the new flag of their country." (Applause.)

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I welcome this measure. I do not want to say anything on this Bill, because the Hon. Mover has made it clear to us that this is a national measure, a measure for the whole Province and for all the people. Therefore there is nothing for anybody to fear that any particular community would be excluded, or the force would be used for any other purpose than for which it is sought to be introduced. My Friend Mr. Venkatasubbiah, in his own style, has thought it fit to speak in a very patronising way so far as Muslims are concerned. Sir, it is this attitude we must give up. No community should feel that it is superior to the other community, that it is going only to tolerate other people, that they are going to be rulers and the other people are the ruled. This attitude must go from the minds of our people. It is this attitude and this apprehension which are responsible for all the trouble in this land. We are thankful, we in this Province, in the absence of this attitude of superiority of one community over the other, are getting on very well. We do not want any member of any community to be wronged. My friend, Mr. Venkatasubbiah, who comes from Kurnool, seems to believe that Muslims have been the aggressors. But on the other hand, you know, as a result of the panic that has been created by some of his friends, as many as 29 or 30 Muslims have been detained and they are still rotting in jail. I appeal to Mr. Venkatasubbiah and his friends in Kurnool to give up that attitude and try to see that harmony prevails, so that we may all work together with no difference between one community and another."

12-45 p.m. M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker Sir, I also join my friends who have given their support to the measure. Sir, now after the attainment of independence of the country, it is necessary that every citizen of the Province or country should be trained for such service as is being contemplated by the Bill before us. Sir, some months ago, I pointed out that the Police force in the Province was not sufficient when any emergency arose, inasmuch as we have got only one constable or head constable for a population of 1,400 people; or again, we have got only one Police station for every two hundred square miles or so. Therefore it is that the Government have brought forward this measure for the formation of Home Guards. I agree with Mr. Salam, when he said, that this Bill might have been brought forward straight before this Assembly rather than an Ordinance being promulgated over the matter first. This practice of promulgating Ordinances, I think, must cease under democracy. Particularly when the Assembly was going to meet in a week, there was no necessity for promulgating an Ordinance. I don't think that the Government have made any headway in the constitution of Home Guards as a result of this Ordinance. For the future I leave the matter for the consideration of the Government."

"Reference to the Muslim League was made by certain friends. I want to assure them that the Muslim League has been and is for the maintenance of law, order, peace and tranquillity, and the

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security of the people in the Province. From the time the Congress Government came into being in April 1946, the Muslim League has wholeheartedly co-operated with them in the maintenance of law and order. The previous Congress Government have acknowledged more than once on the floor of this House and elsewhere that the Muslim Leaguers have been assisting them actively and beautifully in the maintenance of peace in the Province. I assure the hon. Members of this House and the Government beyond any doubt whatever that the same attitude will be continued. I do not want to import any other consideration in the discussion of this Bill. I take the words of the Hon. Leader of the House and I am sure that he will put them into practice by making the constitution of the Home Guards a non-communal affair. If even a single community is excluded, it will become communal. I am very glad that the Hon. Leader of the House recognizes that the constitution of the Home Guards should be a really non-communal affair, as it will create a feeling of security which is very necessary for any Government working a democracy. Once again, I assure the Hon. Home Minister and the other Members of this House that we are wholeheartedly for the maintenance of peace and security in the Province.

"With these words, I have great pleasure in supporting the motion before the House."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, I am indeed most grateful to the Members of this House with one honourable exception for the support that they have given to this measure. I can see the concern in the mind of my hon. Friend who is the exception. He wants to push forward his scheme through acts of violence and that is what I want to prevent. When he attacks the police, he attacks the Government for, I assure him, that I take the responsibility for whatever the police force does. (Sri K. Anandan Nambiyar: 'And did in the past also?') In the past I was not in charge and the hon. Member knows it. The responsibility for whatever the police force from the constable right up to the Inspector-General of Police does will eventually fall on my devoted head. They know what my intentions are and they act accordingly. I have enough confidence in the police force of this Province. The police force acts under the orders of the Government and takes the complexion of the Government, if I may say so to my hon. Friend. I feel confident that the police know what is wanted of them by this Government. If they act in consonance with law and my hon. Friend suffers for it, he himself is responsible for the suffering and not the police. Hon. Gentlemen should not take the law into their hands and do everything on the face of the earth because there is freedom. Freedom, I have said on the floor of this House, is liberty and not licence, and my hon. Friend who opposed this measure believes not in liberty but in licence. If my hon. Friend believes in licence, steps have got to be taken which may be unpalatable to him but which are necessary for the maintenance of law and order. If activities of the party to which

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he belongs are carried on in a legitimate way and without preaching violence; I for one will not be for the restriction of civil liberties. He referred to *Desabimani*. One has got only to read the translations of the articles published in that journal which I get. I am convinced that the Government acted rightly in restraining *Desabimani* from running riot, for that was what it was actually doing. As long as I am responsible for law and order of this Province I will not allow any journal to run riot and preach doctrines which might lead to a breach of the peace. (Sri K. Anandan Nambiyar: 'Never.') The hon. Member can cry 'never'. But there are several members of this House who agree with the sentiments I am expressing. My hon. Friend talked of my friend Mr. Prakasam and the Public Safety Act that he passed. I feel that Mr. Prakasam has forged a great measure to save the Province from destructive elements. (Hear, hear.) As the Minister in charge of Law and Order, he felt that such a measure was necessary, and I think the passing of that Act has been responsible to a great extent for maintaining law and order in the Province. I am sure the Members of this Assembly are thankful to the hon. Mr. Prakasam for the measure he forged to save peace in this Province. (Dissent from Sri K. Anandan Nambiyar.) If there are dissentient voices, they are very few because I know that measure was passed with the goodwill of a large majority in this Assembly even though I was not a member at that time. I am here to defend the action that my hon. Friend took at that time. As my hon. Friend from Malabar pointed out, he took action not a moment too late than was necessary in the circumstances prevailing at that time. I entirely approve of the action that was taken at that time. If there are any overt acts which, in the opinion of the Government, might lead to a situation as it existed when the measure was passed and security measures were undertaken by Mr. Prakasam, this Government will not be a moment too late in taking necessary measures to prevent a breach of the peace. Once again I am thankful to the members for the support they have given to this Bill and I hope that the Bill will be taken into consideration at once."

The motion was put and carried.

Clause 2 was put and carried.

Clause 3.

SRI K. ANANDAN NAMBIYAR:—"I move—

'that in clause 3 (1) after the words "a volunteer body" the words "to whatever political party they belong" shall be inserted.'

The reason why I move the amendment is that here is a single party in power and that is the Congress Party."

THE HON. DR. P. SUBBARAYAN:—"That is always the case."

SRI K. ANANDAN NAMBIYAR:—"That is not always the case, because there may be coalition governments. Democracy does not say that one party alone should rule."

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SRI K. T. KOSALRAM:—"What about Russia?"

SRI K. ANANDAN NAMBIYAR:—"Russia can take care of itself and it is too big for Mr. Kosalram to take care of."

SRI K. T. KOSALRAM:—"You are too small."

SRI K. ANANDAN NAMBIYAR:—"The reason for my amendment is this. A single party is in power and it can do anything it likes. Last week I toured round the Malabar district and I saw with my own eyes the atrocities that the police are committing there. I have brought them to the notice of the Hon. Home Minister. To-day the party in power is vindictive to such an extent that it never allows even common rights to the party in opposition. My venerable leader Sri A. K. Gopalan, Secretary of the Communist Party in Malabar, has been imprisoned under section 302. He has not committed murder or anything like that. He has not been given the right of even classification as a political prisoner; he is treated as an ordinary criminal. I have requested the Hon. Home Minister that there should be no vindictiveness in dealing with such cases. I am saying all this to show how the party in power is taking the law into their own hands and curbing other political parties. To avoid the Government wielding their power in favour of one party, my amendment is necessary."

MR. SPEAKER:—"For want of a seconder, the amendment falls through."

Clause 3 was put and carried.

Clause 4.

Sub-clause 4 (1).

MR. SPEAKER:—"I advise the hon. Member not to move the amendment as it is likely to fall through for want of a seconder."

SRI K. ANANDAN NAMBIYAR:—"I have great respect for the advice of the Hon. Speaker. But I want that my speech should go in the record of the proceedings so that in future my sons and the sons of the Hon. Home Minister may read it."

"I move—

'that in clause 4 (1) after the words "Home Guard" the words "to whatever political party he might belong" shall be inserted.'

MR. SPEAKER:—"The amendment falls through for want of a seconder."

"We will require about ten more minutes. We shall sit till 1-10 p.m. to-day and pass the Bill into law. The Leader of the Opposition has also agreed to it."

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Sub-clause 4 (2).

SRI K. ANANDAN NAMBIYAR:—"I move—

'that in clause 4 (2) after the words "such authority" the words "who will not be an officer of the Police Department" shall be inserted.'

"Home Guard or a national militia is necessary for every democratic Government. But power should not be given to bureaucratic officials. The Hon. Home Minister said that the police were the defenders of law and order. But the police are the defenders of money-bags and landlords and all that they want. They never defend poor men. In the campaign for the political freedom of the country, the police were used against the members of the Indian National Congress. Therefore I submit that the police officials should not be in charge of this. A committee to look after this business composed of representatives elected by the people should be constituted. If there is any need, I don't object to the police officials being consulted. With these words, I move my amendment."

MR. SPEAKER:—"The amendment falls through for want of a seconder."

Clause 4 was put and carried.

Clause 5.

p.m.

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, I move—

'that at the end of clause 5, the words "but not on reason of his being a member of the Communist Party", shall be added.'

"Sir, clause 5 reads as follows: 'A Home Guard shall be bound to serve the Provincial Government for such period and in such areas as may be prescribed, but he may be discharged at any time by such authority and subject to such conditions as may be prescribed.' My amendment seeks to add the words 'but not on reason of his being a member of the Communist Party' at the end of this clause. Sir, formerly there were occasions that when the police officials found that a particular applicant to the post of a police constable was a Communist, his application was rejected and he was denied entry into the Police department. Similarly if police officers come to know that any police subordinate or any police constable has any Communist leanings or belongs to the Communist Party, he is discharged from service. I therefore want, Sir, that there should not be such a prohibition in the case of these Home Guards. That is the object of my amendment."

THE HON. DR. P. SUBBARAYAN:—"I might inform the hon. Member that there is no politics in the police force."

SRI K. ANANDAN NAMBIYAR:—"It may be so, Sir, in theory, but no person is allowed to enter the police department

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I may submit, Sir, that there is no officer if he is a Communist. I may submit, Sir, that there is no officer or Government servant who does not belong to any political party or have sympathy for any political party but that does not debar him from continuing in service. No man is free from politics. If politics is divorced from service, then even the Hon. Home Minister is not fit to become a Minister, because he has got politics. Then why in the police force alone should there be no politics? (An hon. Member: 'He can be a Minister'). Yes, he can be a Minister, but a Communist cannot be a constable. I cannot understand why the police force cannot have politics. Even so, Sir, I want here that the Home Guard, if he happens to be a Communist should not be discharged simply on the ground of his being a Communist. That is why I am moving this amendment, Sir."

MR. SPEAKER:—"The amendment falls through for want of a seconder."

Clause 5 was put and carried.

Clause 6.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—

'that this clause be deleted.'

MR. SPEAKER:—"The amendment falls through for want of a seconder."

Clause 6 was put and carried.

Clause 7.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—

'that clause 7 (2) shall be deleted.'

SRI K. BHASHYAM:—"Mr. Speaker, Sir, 'Deletion' means only opposing a clause and there is no question of moving an amendment. No speech is therefore needed."

MR. SPEAKER:—"The hon. Member is at liberty to speak, even when opposing a clause."

SRI K. ANANDAN NAMBIYAR:—"Sir, why I am opposing this clause is this. This is only a corollary to clause 6. Clause 6 gives power to the Commissioner of Police and the District Superintendent of Police to call out any Home Guard for training or to discharge any duties assigned to him by the Commissioner of Police or the District Superintendent of Police. Clause 7 (2) states that no prosecution shall be instituted against a Home Guard in respect of any act done or purporting to be done in the exercise of his power or the discharge of his duties as such, except with the previous sanction of the Commissioner of Police in the Presidency-town and of the District Superintendent of Police concerned elsewhere. So, Sir, if a Home Guard commits any atrocity as many of the Police officers are doing to-day, in the name of the discharge of his duty, there can be no case or

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prosecution against him. He can go scot-free. Police officers like our friend Mr. Harrison and others who have committed all sorts of atrocities have got promotion and retired. So also these Home Guards can do anything they like and still escape law. That is the position under this clause and that is why I want that this should be deleted."

MR. SPEAKER:—"For want of a seconder, this amendment also falls through."

Clause 7 was put and carried.

Clause 8.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—
'that clause 8 also be deleted'."

This is also a continuation of clause 6. Under clause 6, the Commissioner of Police has got full powers to control the Home Guards in whatever manner he likes. I submit, Sir, that the Police officers should not be given such wide powers over the Home Guards. That is why I want to delete this clause."

MR. SPEAKER:—"I shall put the clause to the vote of the House and the hon. Member can vote against it."

Clause 8 was put and carried.

Clause 9.

Clause 9 was put and carried.

Clause 10.

SRI K. ANANDAN NAMBIYAR:—"Sir, I move—
'that clause 10 (2) shall be deleted'."

"Clause 10 (2) reads as follows:—

'10. (2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for or regulate the following matters, namely:—

(a) all matters required or allowed by this Act to be prescribed;

(b) the exercise by any Police officer or any officer of the Home Guards of the powers conferred by section 6 on the Commissioner of Police, or the District Superintendent of Police concerned, as the case may be;

(c) the exercise of control by officers of the Police force over Home Guards when acting in aid of the Police force;

(d) the organization, appointment, discipline, training, arms, accoutrements and clothing, conditions of service, powers and duties of Home Guards; and

(e) the exercise by Home Guards of any of the powers exercisable under section 7, sub-section (1)."

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"Sir, this clause is also in continuation of clause 6 and the same argument applies here also and so I move that this sub-clause also be deleted."

MR. SPEAKER:—"This amendment also falls through for want of a seconder."

Clause 10 was put and carried.

Clauses 11, 12 and clause 1 and the Preamble were put and carried.

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

'that the Bill be now passed into law'."

MR. SPEAKER:—"The motion before the House is that the Home Guards Bill be passed into law."

SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, I have taken up the attitude of opposing this Bill on the grounds I have already mentioned. I do not want to add any more to what I have already stated, but I wish now to answer to certain accusations made against the Communist Party by certain hon. Members in the course of the debate on this Bill. My hon. Friend from Malabar Mr. Govinda Menon stated that it is the Communist Party that has been creating all the troubles in Malabar. I want to disabuse that impression from the minds of all hon. Members of this House and to inform them that it is not the Communists who are creating all these troubles, but that it is the President of the Kerala Congress Committee, Mr. Kelappan who is at the bottom of all these things and that he is responsible for creating all the troubles in Malabar. He is always carrying a revolver in his trouser-pocket and going about the district warning people that he would shoot if anybody dares challenge him. That is the attitude of the President of the Kerala Provincial Congress Committee. Let my hon. Friend Mr. Govinda Menon clearly understand that. Let him not therefore make these baseless allegations against the Communists on the floor of this House.

"Secondly, Sir, Malabar is on the verge of a great famine. The six-ounce ration that is given to the people of Malabar is hardly sufficient for even two days in a week. People are therefore angry; they are underfed and they are dissatisfied with the conditions prevailing in the district and they are on the verge of rising against the present Government who have brought about such conditions on account of their various policies and measures. The Congress Party which is responsible for these things wants to find a scapegoat and that is why it throws the whole blame on the Communist Party. That is the real position, Sir. (Interruption by Mr. Govinda Menon.) Well, you come there and we shall show you who is at the bottom of all these troubles. You cannot throw the entire blame on the Communists.

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"Now Sir, these Congressmen not only throw the blame on the Communists, but they also accuse the *Desabimani*, a local paper, which supports the Communists' stand and which is opposed to the Congress policy. That is an important point to be remembered. I can quote several instances to show that the Congress High Command in Malabar has been responsible for these troubles and several articles on this subject have appeared in that paper. But I do not want to take up the time of the House in enumerating them in detail. They say that the *Desabimani* is writing all sorts of nonsense and misleading the public. That is quite wrong, Sir. There are lakhs of people who are subscribing to the paper and they believe what it writes and says and if those views are wrong and if what it writes is all nonsense, certainly it will lose its popularity and its circulation will fall. But that is not so and about 80 per cent of the people of Malabar are reading it."

SRI T. S. PATTABIRAMAN:—"Mr. Speaker, I want to draw your attention that he is talking something which is outside the scope of the Bill we are discussing."

SRI K. ANANDAN NAMBIYAR:—"I therefore submit, Sir, that these sweeping remarks about the *Desabimani* are absolutely wrong and should not be made on the floor of the House. That is my appeal to hon. Members opposite."

MR. SPEAKER:—"The hon. Member will please finish his speech in two minutes."

SRI K. ANANDAN NAMBIYAR:—"Then, Sir, I have to say a word in reply to the remarks made by some hon. Members opposite about the maintenance of law and order and keeping of public peace. You know, Sir, all from the Inspector-General of Police at the top down to the police constable are in charge of law and order. Legally the Inspector-General may be in charge of the Police department, but without his knowledge things are going on in the districts and all sorts of atrocities are committed by the subordinate officers and the police constables in the name of law and order. If the Hon. Home Minister or the Inspector-General of Police is prepared to make an enquiry, I shall go with them and show what atrocities are being committed in Malabar by the Malabar Special Police. I have been complaining about their atrocities, not only this time, but ever since the Public Safety Bill was enacted. I have been requesting the Hon. Home Minister to conduct an enquiry into the police excesses in Malabar. Perhaps there had been occasions in the past when the district officials had to call the police to fire, but after all those shootings had taken place, everything is peaceful there at present. I ask why a non-official enquiry should not be instituted into those incidents to assess how far the police were responsible for the excesses committed. Every democratic Government should be prepared to hold an impartial enquiry after any police firing has taken place so that the public may know under what circumstances firing was resorted to. That is a democratic procedure which no popular government should shirk. These are my reasons, Sir, for opposing this Bill on its third reading."

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MR. SPEAKER:—"I am now going to put the motion to the vote of the House, viz., 'That the Madras Home Guards Bill, 1948, be passed into law'."

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

MR. SPEAKER:—"I now adjourn the House to meet again at 11 o'clock on the 29th. Hon. Members are entitled to travelling allowance."

THE MADRAS LEGISLATIVE ASSEMBLY

Thursday, the 29th January 1948.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Creation of Andhra Province.

* 5 Q.—MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. the Premier be pleased to state whether the Government have received any information from the Central Government regarding the creation of Andhra Province?

THE HON. DR. P. SUBBARAYAN (on behalf of the Hon. Sri O. P. Ramaswamy Reddiar):—"The answer is in the negative."

SRI B. S. MURTHI:—"Now that the Andhra Province is in the offing, may I request the Hon. Premier to appoint a separate department . . ."

MR. SPEAKER:—"The hon. Member is making a request; he is not putting a supplementary question."

SRI B. S. MURTHI:—"May I ask the Hon. Minister whether a separate Secretariat will be formed even now, so that when the Province is bifurcated, it will be easy to carry preliminary works, without spending much time over it?"

THE HON. DR. P. SUBBARAYAN:—"I might remind the hon. Gentleman that this is a matter entirely for the Government of India and this Government have taken every step that is necessary for this purpose. They have communicated not merely the resolution that was passed on the floor of this House but also the speeches made by various hon. Gentlemen on this question. I believe the Government of India have in their possession all these documents and I am sure they will take necessary steps when the time arrives for the separation of the Province."

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SRI A. VEDARATNAM PILLAI:—“ Will the Hon. Minister be pleased to state when we can expect the linguistic provinces to be established and what are the linguistic provinces that would be formed? ”

THE HON. DR. P. SUBBARAYAN:—“ The hon. Gentleman is as much aware as I am of the resolution passed on the floor of this House which suggested that this Province should be divided into linguistic units and that resolution has gone up to the Government of India who are in possession of it. It is for them to take any further action that is necessary to give effect to that resolution.”

SRI GUNTUR NARASIMHA RAO:—“ As the formation of the Andhra Province has been contemplated, has there been any reference from the Central Government to the Provincial Government with regard to the formation of that Province and has the advice of the Madras Government been sought by the Central Government? ”

THE HON. DR. P. SUBBARAYAN:—“ I have already explained that there is no information from the Government of India to the Government of Madras, with regard to the division of this Province into linguistic units.”

Transfer of Mr. Narayana Rai, District Superintendent of Police.

* 6 Q.—MR. SPEAKER:—“ The hon. Member (Sri V. Raghavayya) is not in his seat. The answer will be printed in the proceedings.”

SRI V. RAGHAVAYYA:—“ Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that Mr. Narayana Rai, District Superintendent of Police, Guntur, was transferred from that place to Madura; and

(b) what the reasons are for the transfer?

THE HON. DR. P. SUBBARAYAN:—“ (a) Yes.

“ (b) Administrative reasons.”

Bridge over the Pennar.

SRI N. VENKATASUBBIAH:—“ Before I put the question, I wish to lodge a mild protest that the question appearing in the list is a mutilated and distorted version of the original question I gave notice of.”

MR. SPEAKER:—“ I have admitted the question in its present form. Otherwise, the question will have to be rejected. If the questions are not in order, they will have to be rejected. In order to admit the questions, the Speaker amends them. The Speaker has power to amend the questions.”

SRI N. VENKATASUBBIAH:—“ The original meaning of the question has not been brought out.”

MR. SPEAKER:—“

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SRI B. S. MURTHI:—“ May I know whether the Speaker is entitled to amend a question so as to give a different meaning to the question? ”

MR. SPEAKER:—“ It has no different meaning; I had no idea of changing its meaning. Opinions may differ.”

* 7 Q.—SRI N. VENKATASUBBIAH: Will the Hon. the Minister for Public Works be pleased to state whether there is a bridge on the Pennar near Chennur village (Cuddapah district)?

THE HON. SRI M. BHAKTAVATSALAM:—“ No, Sir. There is a causeway at the site.”

SRI N. VENKATASUBBIAH:—“ Are the Government aware that the Pennar river is in freshes for more than four months during the rainy season, that a bridge is therefore necessary and if so, what steps the Government have taken to construct the bridge? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ The bridge would cost Rs. 12 lakhs; it has not been included in the first five-year programme, because we have to take up more urgent and essential works. This bridge will be included in the second five-year programme of Post-war Road Development.”

SRI N. VENKATASUBBIAH:—“ As it is a trunk road with very heavy traffic, is it not desirable that the construction of the bridge should be included in the first five-year programme? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I have already stated that there are more essential and urgent requirements which have to be met under the limited allotment of Rs. 7 crores for the whole Province.”

SRI N. VENKATASUBBIAH:—“ Will the Hon. Minister give an assurance that this work will be included in the second five-year programme? ”

THE HON. SRI M. BHAKTAVATSALAM:—“ I think I can give that assurance.”

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

II.—NON-OFFICIAL BUSINESS.

A. BILLS.

- (1) THE MUSLIM PERSONAL LAW (SHARIAT) APPLICATION (MADRAS AMENDMENT) BILL, 1947.

* K. M. SEETHI SAHIB BAHADUR:—“ Mr. Speaker, Sir, I beg to introduce the Muslim Personal Law (Shariat) Application (Madras Amendment) Bill, 1947, and move—

[K. M. Seethi Sahib Bahadur] [29th January 1948]

"While making this motion, I would like to make one or two submissions with regard to the amendment that has been given notice of by the Hon. Dr. P. Subbarayan. The amendment seeks to circulate the Bill for eliciting public opinion. This Bill only intends to make the Muslim Personal Law Act passed by the Central Legislature, 1937, applicable to agricultural lands in the Madras Province. There was a similar Bill which this House considered—the Hindu Women's Right to Property Bill. In connection with the Hindu Women's right to property, the Central Legislature passed an Act. According to the Government of India Act, the Central Legislature passed legislation which did not affect agricultural lands. The Provincial Legislature had therefore to pass a Bill by which the benefits of that Act might be made applicable to agricultural lands in this Province, for the benefit of the Hindu women. I have given notice of a similar Bill. I do not see any reason why there should be a motion for the circulation of the Bill for the purpose of eliciting public opinion. When the Central Legislature considered the Shariat Bill, public opinion was gauged. It was after ascertaining public opinion that the Central Legislature passed that Bill. Such being the case, I do not find any necessity for the further circulation of this Bill for eliciting public opinion when we amend it to overcome a technical difficulty. In the case of the Hindu Women's Right to Property Act, no such motion for circulation was made on behalf of the Government. I do not find any reason why any distinction should be made in the case of this Bill. I therefore move the motion for reference of the Bill to Select Committee and in doing so, I re-emphasize the point that after all, this is only a re-enactment of the Act passed by the Central Legislature extending its application to agricultural lands. Any legislation affecting agricultural lands in this Province can be passed only by the Provincial Legislature and not by the Central Legislature. The present Bill seeks to make the Shariat Act unconditionally applicable to legacies, public trusts, etc. The Central Legislature has no power to pass legislation with regard to some of these matters. This is only a formal and non-controversial amending Bill and as such I request the Government not to press its motion for the circulation of the Bill. Such a motion will stand in the way of the Bill being passed into law expeditiously, though it may not be intended. The consideration that was given to the Hindu Women's Rights to Property Act, by this House, may be extended to this Bill also. With these words, I move that my Bill may be referred to the Select Committee."

15. BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I have great pleasure in seconding the motion. This Bill is analogous to the Hindu Women's Rights to Property (Extension to Agricultural Land) Bill, which was passed in this House a couple of months ago. The object of the Bill is to extend the operation of the Shariat Act of 1937, which was passed by the Central Legislature, to agricultural lands in this Province. The idea underlying the Shariat Act was that Muslims who were governed by the customary law which in most cases was the

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Hindu Law, should be governed by their own Islamic Law. Prior to 1937, some Muslims in India such as the Khojas, Memons, Sunni Bohrahs of Bombay, the Moplahs of Malabar and some Muslims in the Punjab adhered not to Muslim Law but to their own customary law. Since there was a general desire on the part of the Muslims that they should be governed by their Shariat or personal law in as many matters relating to their life as possible instead of by the customary law, and since this desire was expressed throughout the length and breadth of India, a Bill for this purpose was introduced in the Central Legislature in 1937 and passed. The scope and purpose of section 2 of the Shariat Act was to abrogate custom and usage in so far as they displaced the rules of Muslim Law, in all matters relating to non-agricultural land, but agricultural land was excluded from the purview of the above Act as it was a provincial subject. The exception of agricultural land was a very important exception for only a small portion of the land in India can be excluded from this category. Hence it was necessary to bring in provincial legislation in this regard. But though ten years have passed since the Shariat Act was passed and though for ten long years the Moplahs have not been able to avail themselves of the benefits of this Act, no step was taken to bring agricultural lands in this Province within the purview of that Act until Mr. Seethi brought in his Bill. As a matter of fact this question should have received attention during the last Congress Ministry but somehow or other, it escaped notice. Thereafter the Advisers' Government intervened which of course could not interfere with matters pertaining to the religion of any community. Since the Bill brought forward by my hon. Friend, Mr. Seethi, has been delayed for ten years and is long overdue and since public opinion has already expressed itself on this matter, I feel that there is no necessity for eliciting public opinion upon this measure now.

"One of the main effects of the Shariat Act has been to improve the position of women by granting them the rights of inheritance as prescribed by Islam. I wish to point out to the hon. Members of this House that many supported this Bill because it aimed to do justice to womanhood. According to the customary law that was prevalent among certain sections of Muslims, the general rule was agnatic succession and women were excluded from inheritance, with the exception of widows and daughters, who had only a life-estate in the properties. If the provisions of the Shariat Act are made applicable to agricultural lands in this Province, the economic position of Moplah women is bound to improve considerably.

"Mr. Seethi mentioned that he intends to include within the scope of the measure before us wills and legacies also, which have been excluded from the parent Act. According to the Shariat Act of 1937, those who after the passing of that Act desired to be governed by the Muslim Law with reference to wills and legacies had to make a declaration in that behalf, but Mr. Seethi's idea is that when a person is a Muslim, he should be governed

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by the Muslim Law in regard to all matters including wills and legacies as well. According to the Muslim Law, no one is at liberty to dispose of more than one-third of his property by wills and legacies. Muslim Law does not allow parents to disinherit their children in entirety but only to the extent of one-third. When we glance through the pages of history, we find that the imposition of this restriction originated from the desire on the part of the Holy Prophet Muhammad to protect the rights of women. In days of old, the custom was in vogue among the Arabs to will away all their properties to the agnates to the exclusion of the females and daughters were usually disinherited by their father. It is narrated that one day when the Holy Prophet visited a very rich man named Abu Wekaso, who was seriously ill and who had but one daughter, the sick man asked the Holy Prophet whether he could dispose of his entire property by will since he had no sons. To this the Prophet replied that he could dispose of only one-third and not more, the idea being that the remaining two-thirds should be available for the daughter. Thus the origin of the Muslim Law of wills is to be traced to the solicitude on the part of the Holy Prophet to safeguard the rights of women. There was no greater champion of women's cause than the Holy Prophet of Islam, who, moved by the miseries and disabilities of womanhood, launched upon innumerable measures to lift women from the depths of degradation in which they were immersed and place them on the highest step in the social ladder. Besides the safeguarding of women's interests, another idea underlying the restriction imposed on Muslims with reference to the disposal of their entire property is that it is unnatural to deprive one's own children of their inheritance and let them adrift in the world.

"The Bill intends to bring the special property of the females also within the purview of Muslim Law. In places where the Muslims are still governed by the customary law the rule is that property received by a female by means of gift or inheritance is not to be regarded as her special property and she is precluded from bequeathing, alienating or dealing with the same in any manner. She has merely a life-interest in such property, and on her death it reverts to the heirs of the last male owner. When this special property of females is brought under the operation of the Muslim Law, the owner thereof will have absolute rights of enjoyment and disposal over the same. In regard to marriage also, the Shariat Act replaced the customary law by Muslim Law for, in the Punjab, among certain sections of Muslims, the rule as regards 'Iddat' was not being observed, which prescribes that when the marriage is dissolved either by death or by divorce, the woman should not re-marry until a certain period has elapsed. This period is known as the Iddat. In the case of the dissolution of the marriage by death, the woman cannot re-marry until three months have elapsed and in the case of divorce, the period is four months and ten days. Mr. Seethi's intention is that Muslims should be governed by their personal law with reference to all matters and hence marriage has also been included in his Bill. He has followed the parent Act in this regard as well. Dissolution of

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marriage, maintenance, dower, guardianship and gifts are also subjects in regard to which the customary law is to be supplanted by the Muslim Law. The dissolution of marriage among Muslims is now governed by the Dissolution of Muslim Marriages Act, 1939, in accordance with which a woman can on certain grounds obtain a decree in a court of law dissolving her marriage. Gifts have been included to abolish customs which restrict the power to make gifts to non-agnates. For the same reason, trusts and wakfs by way of family settlements have been included in the Bill. According to the Muslim Law, there are two kinds of wakfs—one is wakfs for charitable purposes which are not sought to be brought under the purview of this Bill; the other is wakfs created by way of family settlement, called Walk-Alal-Aulad which comes under the scope of this Bill. Previous to the passing of the Shariat Act, questions relating to wakfs by way of family settlement made by those who were governed by the customary law had to be decided on the principles of equity and good conscience. Thus we see that Mr. Seethi's Bill follows the line of the original Act with one exception and that is the inclusion of wills which my hon. Friend Mr. Seethi wants to deal with and legacies also in the present measure.

"Since the main idea underlying this Bill is that Muslims who heretofore have been governed by their customary law should hereafter be governed by the Muslim Law, I am sure no Muslim would object to it. Therefore, I feel that it is not necessary to circulate this Bill for eliciting public opinion. Sir, I wish to point out that Mr. Seethi Sahib does not wish that retrospective effect should be given to this measure. In this regard also he follows the parent Act, namely, the Shariat Act of 1937, which was not made retrospective in operation. Thus settled transactions will not be disturbed, and those who have lawfully obtained possession of properties in the past will not be affected. Unlike the Hindu Women's Rights to Property (Extension to Agricultural Land) Act, this measure is not to be made retrospective, hence it cannot be deemed to be a controversial piece of legislation. Public opinion having already expressed itself in this matter there is no further need to elicit public opinion on it again. In view of the fact that this Bill has long been delayed, I hope the Hon. Minister will accept the motion of Mr. Seethi Sahib to refer this Bill to the Select Committee."

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a.m.

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from the fact that there are only five members present out of 29. Certainly they would have come in in more numbers if they were so keen on this measure, as it is made out. I am sure most of them would have been present, or at least the majority of them would have been present. But this only shows that there is opinion outside this House which might very well want the retention of customary law. Therefore I do not want to take away that right from the Muslim community as a whole. As Mr. Seethi Sahib himself pointed out, the Muslims in North Malabar are following the Marumakkattayam law. They are Malayalis in every sense of the word. They are not different from the other portions of the population. They are clinging to their old traditions and customs in spite of the claims made for Moplahstan by my friend (Mr. Moideen Kutty), who now sits here and who I think does not wish to support this measure on this occasion. (Laughter.) At the same time I cannot help feeling that it is necessary that we should get the opinion of private Muslims. For instance, the Labbais are still governed by the Hindu Law (Mr. Muhammad Ismail Sahib: 'No.') I am sure it is so; the Hon. Education Minister says 'It is so'; you may not know better than us, because we lawyers have come across this in courts of law. Therefore I feel it is necessary that this Bill should be circulated to elicit public opinion and if the opinion is in favour of the measure then they can certainly get this measure passed into law. I can assure them, as far as this measure is concerned Government will leave it to the Muslim Members of this Legislature to decide what should finally be done. But Government do feel that the other people among the public should have a chance of saying what they want to say on this occasion."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, Sir, I support Mr. Seethi Sahib's motion and oppose the motion of the Leader of the House. This is only an enabling measure to make the Government apply the law that has already been passed by the Central Government to a small section of Muslims in this Province. It is not even an amendment in the real sense of the term; because it does not propose to alter anything in the law that has been passed by the Central Legislature."

*THE HON. DR. P. SUBBARAYAN:—"On a matter of personal explanation, Sir, may I remind the hon. Member that it is the right of any member to move a Bill to be referred to the Select Committee or be referred to elicit public opinion."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I have not said anything which would suggest that I deny the right of any member to move such a motion. I have not said anything like that at all. Everybody has got a right to move such a motion subject to the rules and regulations and subject to your discretion. Sir, I was saying that this is not even an amendment in the real sense of the word. Because it does not seek to alter

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anything in the Act that has been passed by the Central Legislature in 1937. That law, before it was passed, went through all stages of legislation. It was circulated for eliciting public opinion; it was before the people of the whole country for months and months; and after deep consideration it was put on the statute book. Now what the present measure proposes to do is to make it applicable to this province. With regard to this province, most of the Muslims of this province are following the Muslim personal law. Only in Malabar, and that only in the portion of North Malabar, the Muslim people are not following this personal law.

"With regard to eliciting public opinion I have absolutely no objection, because I have always been upholding the right of the people for a chance to have their say, and I have been saying that every opportunity should be given them to express themselves on important measures, though they have sent their representatives to this House. That has been my contention all along. But we must make a judicious and sensible use of that right. In this matter I have already told you that the people of the country have expressed their view already. Now, Sir, this amending Bill itself was published more than two months ago. It has been before the public so long. It is to go before the select committee. There also the public will have an opportunity to put forth their views.

"Then again, Sir, so far as Muslim opinion is concerned, I may tell you, I have not received so far a single dissentient voice on this measure. Nobody has written or spoken to me anything against this measure. The hon. Leader of the House made a point with regard to the absence of many members of my party, Sir, to-day. That only shows that the people have no objection to this Bill. (Laughter.) If they had any objection they would have made it a point to come and express their views. But they have let it to members present here, and therefore it shows that there is absolutely no controversy over it. As I have said, not even a single person has so far come to us and put forth a different view on this measure; and so there is no point in circulating the measure to elicit public opinion. It will only delay matters, where it is not desirable to delay matters. People have already expressed their views once. People, whom this measure will affect, are for this Bill. I therefore hope the Leader of the House will allow the Bill to be referred to the select committee without insisting on its being circulated for eliciting public opinion."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, I thought that this motion of Mr. Seethi Sahib was so simple and so innocent and so harmless that there would be no need for an elaborate debate on this question. But the Leader of the House has been, in a very critical mood, and he is always inclined to be so regarding any motion that comes from our side. Of course that critical mood is a mere parliamentary flare rather than anything else and we understand him very well. There is

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nothing seriously to object in this Bill. I want him to understand the whole Province, I mean wherever there are Muslims in this Province, wants this measure, except perhaps a section of Muslims in North Malabar who follow the Marumakkathayam law. I think it is the spirit of caution on the part of Government that has necessitated this motion. Perhaps Government wish to be careful in dealing with religious matters affecting a particular community. They do not want to go hastily or carelessly in a matter which affects the religion of certain people. It is out of consideration for the religious beliefs of the Muslim community that the mover has brought forward this measure. So I hope Government will have no objection to accept this Bill."

11.45 a.m. * P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"I rise to support the motion moved by my friend Mr. Seethi Sahib. I am surprised that of late reason has altogether left our Doctor Sahib. He put forward two arguments for opposing the motion to refer the Bill to a select committee and moving that the Bill be circulated for eliciting public opinion. His first argument was that there are conservative elements and that the Government have got to be careful in dealing with them. In that case, I ask him whether he is entitled to legislate even on a matter like prohibition, because there are many people who are addicted to drink and whose conservative instinct may not like the idea of legislation. This measure has been sponsored by a party which represents 99 per cent, if not 100 per cent, of the Muslim population of this province, and I cannot really understand why the Government cannot accept the reference of such a measure to a select committee. His second argument was that on account of the very fact that only a few of the representatives of Muslims were present in the House, the motion had got to be opposed. That is really a very curious argument. The very fact that it has been sponsored by the party is sufficient to show that it represents the views of the Muslims of this province. A single speaker from this side of the House is enough to speak on this measure, because he represents the view of the party. Both these arguments are, if I may say so, fallacious and childish. Therefore I oppose the amendment and support the motion of my hon. Friend for referring the Bill to a select committee."

* K. M. SEETHI SAHIB BAHADUR:—"Mr. Speaker, Sir, in spite of the explanation given by the Hon. Dr. Subbarayan in support of his amendment, I remain unconvinced about the necessity for it. My hon. Friend wanted to make a point of the fact that the Moplahs are following the customary law and that their sentiments have got to be respected before any enactment is put on the statute book which would depart from the customary law. My hon. Friend is absolutely uninformed of the feeling of the Moplahs in this matter. There was an agitation in the district of Malabar that the Muslim personal law should be made applicable to the Muslims in North Malabar in some parts of which Marumakkathayam law was followed in matters of succession and

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inheritance even as early as 1918. Even though there was not a single Moplah representative in the old Madras Legislative Council, the Moplahs prevailed upon the then Muslim representative in that Council, the late Sir Ahmed Tambi Maracair, to bring forward a Bill to make the Muslim personal law applicable to them. Government were cautious in the matter; instead of going the whole way which the Moplah community wanted them to go, they said that the Muslim personal law would be made applicable to their private property but not to their family or tarwad property. The Moplah Succession Act I of 1918 was the result of the agitation for the application of the Muslim personal law to the Moplahs. My hon. Friend might not know that only in certain portions of Kottayam, Kurumbranad and Chirakkal taluks of Malabar and Kasaragod taluk in South Kanara, Moplahs are following the Hindu customary law. Even with reference to this, according to the Moplah Marumakkathayam Act passed in 1939, a Moplah family could be partitioned, every individual member being entitled to claim partition, and the devolution of the partitioned property being subject only to the rules of Muhammadan law. The Moplah Wills Act also made Muslim personal law applicable to the testaments of Moplahs. So the Moplahs have practically succeeded in getting the wholesale application of the Muslim law in matters of testamentary and intestate succession and inheritance. There are only very minor matters remaining in which the anomaly of the Hindu customary law conflicting with the *Shariat* persists. That anomaly is sought to be removed by this Bill. As a matter of fact it was only with the backing of the Moplah public opinion that I brought this Bill before the Muslim League Legislature Party, and the party approved of it. This Bill has therefore got the cent per cent support of the Muslims of this province. When the position is so clear, I do not find any justification for over-caution on the part of the Government and a motion for circulating the Bill for eliciting public opinion. In fact, from the conservative public, greater opposition could have been expected to the reform of giving property rights to Hindu women than to the application of *Shariat* to the members of the Muslim community. My hon. Friend was saying that Moplahs wanted to follow the Malabar customary law in spite of the demand for Moplahstan. In fact, the desire for Moplahstan is as old as the Moplahs, because the demand is based on the desire of the Moplahs to have an autonomous area in the Indian Union where they could develop according to their culture and safeguard their political, social and religious interests and ensure their educational and economic progress which have been criminally neglected by those in charge of the administration of the district of Malabar. My hon. Friend cannot make a point against the demand for Moplahstan by making a passing reference to the imaginary existence of some conservative opinion among Moplahs in favour of the customary law of Malabar. In fact, there is no demand for the retention of the customary law so far as the Moplahs are concerned. The Moplah Succession Act

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of 1918 and the Moplah Marumakkathayam Act, 1939, bear eloquent testimony to this as I have already stated. I submit that by delaying this Bill, the Government are going to gain absolutely nothing. This Government promulgated many ordinances, and at least a fraction of the expedition shown in the promulgation of ordinances could be extended to such non-official Bills of a non-controversial nature. This is a point which I want the Hon. Dr. Subbarayan to bear in mind.

"My friend was saying that public opinion had got to be ascertained as to whether the people would desire to follow the customary law or the *Shariat* law. In fact, the Muslim Personal Law (*Shariat*) Act of 1937 passed by the Central Legislature was applicable to this province also. It has been followed all these years by courts of law in adjudicating on disputes between Muslim and Muslim for the past ten years, and nobody has taken objection to it. In fact, the defect of the Act is only with reference to the application of that Act to agricultural lands, and that defect is sought to be remedied by this amending Bill. The principle of the Bill has been before the public and no protest has been made either by the Muslims of the province in general or the Muslims of Malabar district in particular.

"I agree that caution is necessary in some matters connected with legislation. But in certain matters caution will cause prejudice and hardship to the interests which are sought to be protected by Bills. In these circumstances, I submit that there is no necessity for the Government to press their amendment which, if accepted, would result in inevitable delay in the matter of the passing of the Bill. I appeal to the Hon. Minister to reconsider the matter and allow the reference of the Bill to a select committee before which the Bill may be carefully considered and public opinion also gauged before it is finally passed into law. So I am constrained to oppose the amendment moved by the Hon. Dr. Subbarayan and press my motion for referring the Bill to a select committee."

* THE HON. DR. P. SUBBARAYAN:—"I am sorry that I cannot withdraw from the position I have taken up. I am glad that at least one hon. Muslim Member, the Member representing Kurnool, did not doubt my bona fides in this matter. He has known me long enough to understand me and I am glad that he at least is of the view that I will not do anything to obstruct business. I still feel that in North Malabar there is considerable opinion in favour of sticking to the customary law. I do not want to go into the arguments put forward by my hon. Friend Mr. Seethi Sahib. with regard to Moplahstan. If suspicion about the loyalty of Muslims exists in the minds of the majority community in this province, it is because of speeches like the one just delivered by my hon. Friend from North Malabar. I cannot hide from the hon. Members of this House the fact that there is suspicion in the land. And what is more, it is growing. Speeches like the one delivered

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by the hon. Member only strengthen that suspicion and people begin to think: 'Can we be certain of the loyalty of some of the Muslim population of this province to the Indian Dominion?' If such a suspicion is created and instilled in the minds of the people, with all the goodwill that we on this side of the House possess, it will be impossible to allay that suspicion. That is the reason why I have been repeatedly saying on several occasions that, if there is a real feeling of loyalty that is being affirmed time after time by Members of the Muslim League on the floor of this House, we should drop all controversy, and that we should not think of further division of the country. My hon. friend talked of the culture of Moplahs. I want to know what the difference is. I have been throughout the length and breadth of Malabar. Their language is the same; they all talk Malayalam and very few of them understand Hindustani if I may say so without fear of contradiction. Therefore I feel that the orthodox sentiment of the Muslims in North Malabar must be respected and that I must insist on circulation."

MR. SPEAKER:—"I wish to make the position with regard to the motion as well as the amendment clear. If the amendment is carried, I am not going to put the motion to the House."

The amendment was put and carried.

(2) THE PROVINCIAL INSOLVENCY (MADRAS AMENDMENT) BILL, 1948.

SRI GUNTUR NARASIMHA RAO:—"Mr. Speaker, Sir, I am just informed that a legislation on the same lines as the one I have proposed in this Bill is being taken up for consideration by the Central Legislature and that the Government do not intend to support my Bill. I therefore do not propose to move this Bill in this Assembly."

MR. SPEAKER:—"The hon. Member is not moving this Bill. Now let us pass on to the next item, 'Resolutions.' Begum Sultan Mir Amiruddin will now move the resolution standing in her name."

B. RESOLUTION.

COMMITTEE ON THE REMOVAL OF THE STATUTORY BAR TO THE APPOINTMENT OF WOMEN TO CERTAIN GOVERNMENT SERVICES.

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I move—

"that this Assembly recommends to the Government to constitute a Committee consisting of the Members of the Legislature and the representatives of Women's organizations to consider the removal of the statutory bar that exists at present to the appointment of women to certain posts in Government service in this province."

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"Sir, this country, to-day, is pulsating with a new life, political, economic and social. Changing conditions bring in a new outlook, new aspirations, new opportunities and new codes of conduct. During this period of transition, it is necessary to weed out all that is sordid, unjust and unfair in our laws, customs and conventions, so as to revitalise our society into a vigorous life of proud achievement. Sir, political freedom has been secured, but it must be remembered that this freedom will prove a mere Dead Sea fruit if not accompanied by justice and fairness to all and by assigning to women their due rights and opportunities. We hear much to-day about the emancipation of women, but real emancipation has not yet been attained though some of the hurdles in the path are being successfully negotiated. We have been told that women in India are now occupying some of the highest positions in the land, namely, those of Ambassador, Governor and Minister in the Central Cabinet. But the mere fact that a few women have been enthroned in seats of power is not the criterion by which the real position of the womanhood of the land should be judged. The real index in this regard is the scope and opportunities that are afforded, not to a few but to the generality of the womanhood of the land for rising to their full stature. No doubt actuated by political motives three women have been placed in seats of power, but that does not indicate that the position of the mass of the womanhood of the land has improved.

"Sir, at a time such as this, when in order to secure international esteem, India is proclaiming to the world that she believes in according to women equality of rights with men, it is indeed regrettable to find that in this Province, women are debarred from as many as 66 categories of posts under the Government. In this connexion, I should like to invite the attention of the Hon. Leader of the House to Appendix I at page 598 of Volume IV, No. 7 of the Official Report of the Madras Legislative Assembly Debates, wherein is given the list of services and posts in this Province for appointment to which there is statutory bar in the case of women. When through an interpellation on the floor of this House, I drew the attention of the then Premier, Mr. Prakasam to the unjust rules relating to women's appointments, he promised to look into the matter to remove the inequalities. But, Sir, though a year has elapsed since then, no step has yet been taken in that direction. It is true that it was not the present Ministry that made the promise, but I was given to understand that this Ministry was no less liberal in its attitude towards women's rights than the previous one. I therefore, hope that at least now the Government will come forward to revise the rules so that the hardships from which women suffer at present are removed.

"Sir, as disclosed by the above-mentioned list, among the posts from which women are debarred in this Province, are those of professors and lecturers. In this connexion it is too late in the day to argue that men are intellectually superior to women for

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this theory has been exploded long ago. Havelock Ellis, who made a deep study of sex psychology, has stated that from the standpoint of brain anatomy and brain physiology, there is no ground for attributing any superiority to one sex over the other. The distinctions that women have attained in the fields of science and research provide an adequate testimony to their genius and should put the final quietus on all doubts in regard to this matter. The idea of women's inferiority is logical perversion and psychological misunderstanding. It is a matter of common knowledge that very often to-day, women students score higher marks and secure superior ranks than their men contemporaries at University examinations, not merely in the Arts courses, but even in the spheres of science and research. Since it has been acknowledged that women are in no way inferior to men in intellect and in their ability to teach, is it proper that they should be debarred from becoming professors or lecturers, simply because they are women?

"Again, Sir, we find from this list that no woman can become a Principal, Vice-Principal or a professor in the Law College or a Vice-Principal in the Teachers' College, Saidapet. I wish to enquire why a woman should be excluded from these posts, if she is duly qualified. It may be urged that since the majority of the students in these colleges happen to be men, a woman may not be able to control and manage them. But, Sir, gone are the days when women could not control and manage men. The art of managing men, women learn in their homes and the lesson that they learn in their homes can be fruitfully applied in other places. (Laughter.) Have we not in this country a number of Women Deputy Speakers and are they not able to keep in order the men members of their respective Assemblies? Why then should it be presumed that if a woman is placed at the head of a men's institution or made a professor in such an institution, she will not be able to manage the men students? While Madras is lagging behind in this respect, the neighbouring States are moving forward, including Hyderabad. I may inform the House that the Hyderabad Government have appointed a woman professor in the Nizam's College, that professor being Miss Leelamani Naidu, the daughter of Her Excellency the Illustrious Mrs. Sarojini Nayudu, the Governor of the United Provinces. When the Hyderabad Government could come forward to appoint a woman professor in a men's college, why should not the Madras Government remove the existing barriers to women's appointment?

"Again, Sir, women are not allowed to become clinical and non-clinical professors or lecturers or clinical and non-clinical assistants or tutors or Director of Tuberculosis Institute and Superintendent of Tuberculosis Hospital. The doors of all such posts are shut to them. What is the reason for this, I ask? There is absolutely no reason for such exclusion other than the prevalence of prejudice in the minds of men with regard to women's capacity. But, Sir, was it not a woman—Madam Curie—the winner of the Nobel Prize who discovered Radium,

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the cure for cancer? And, was it not another woman, her daughter, Madam Juliet, who also won the Nobel Prize in Physics? When we have the verdict of history that women can attain eminent heights in various fields, including those of research in medicine, is there any justification on the part of the Government of this Province to withhold from women the appointments of clinical professors, clinical lecturers and similar jobs?

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"Sir, medicine is a science which makes a special appeal to women and a number of our women doctors are particularly well-versed in midwifery—a subject which pertains absolutely to women and not to men. Yet the paradox of it is that in this province women are not allowed to become professors in midwifery—the men arrogating to themselves the exclusive right to teach this subject. Despite the fact that some women have made deep researches in midwifery, they have not been appointed as professors in this subject whereas junior men with lower qualification have been appointed to the posts. The reason for this is indeed incomprehensible. Such unfair treatment to women should no longer persist in a progressive society.

"Again we find that women are debarred from becoming dental surgeons. While women successfully perform major operations, is it not presumptuous to imagine that they are not competent to pull out teeth? (Laughter.) (M. Muhammad Ismail Sahib Bahadur. 'They will pull out the wisdom tooth.') Wisdom teeth are often redundant. A woman will extract a wisdom tooth only when there is need to get rid of it. Removing a tooth is after all a simple affair. Whereas women are allowed to undertake major operations, is it logical to deem them unfit by reason of their sex to become dental surgeons? In this connexion I may point out that Miss Fatima Jinnah, the sister of His Excellency Quaid-ae-Azam Mohamed Ali Jinnah, the present Governor-General of Pakistan, is a qualified dentist who practised her profession successfully in Bombay. There may be some other instances also of women who have qualified as dental surgeons. I see no reason whatsoever for the existence of the bar to the appointment of women as dental surgeons in this province.

"Further, we find that women are not permitted to occupy the posts of even clerks and typists in the judicial ministerial service, whereas in the neighbouring State of Travancore they are allowed to hold the responsible office of a Subordinate Judge. The argument that a woman clerk cannot be relied upon to keep confidential matters to herself does not stand the test of scrutiny based on recent experience. It is true that there was a time when men believed that women were too garrulous to be able to keep secrets and that it was on that account that women were debarred in Western countries from entering the diplomatic service. But, Sir, this war has nullified the fears of men in this regard which have been proved to be without any basis. Military officers of the highest ranks have affirmed that the women who served during the last war in the Women's Auxilliary Corps and

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similar departments were found to be most efficient in their work and in whom the utmost confidence could be reposed in regard to military secrets. Such women, I have been told, never divulged any military secret even as much as to their parents or husbands. It has been acknowledged by those in authority that during the last war women displayed remarkable qualities of reticence, self-restraint and equanimity and proved as reliable as, and in some cases even better than, men in the matter of retaining secrets. It was in the wake of such realization that the clock of time could not stand still in Britain, and that country which stood out for long against the entrance of women into the diplomatic service had to revise her opinion and admit women into that service. In an age such as this, when women's capacity has been proved, is it not presumptuous to hold that she cannot successfully fulfil the role of even a clerk in the Judicial department? When I visited Turkey some years ago I noticed that the majority of the clerks in the law courts were women, the majority of the stenographers were women and yet there was no complaint whatsoever in that country that judgments leaked out. In addition I found in Turkey a number of women judges; for, in consonance with the true spirit of Islam, Turkey has granted to women equality of rights with men with reference to all matters. While as late as the twentieth century, the right of women to the exercise of judicial authority is yet to be conceded even in the most advanced countries of the West, as early as the eighth century, Abu Hanifa declared that women should not be precluded from exercising the office of a judge. Hence one of the first manifestations of the Turkish Renaissance has been a harking back to the injunctions of Islam in the matter of women's rights. When women the world over are coming to their own, does it not detract from the sense of fair dealing of the men of this Province that women here should be denied the right to hold even small posts, such as those of clerks, not to speak of higher appointments? In addition to the Judicial department, I find from the list referred to above that women are debarred from appointment also as clerks and typists (including steno-typists) in the offices of the Registration department, the Excise department, and the Revenue Department, including the Board of Revenue. In the Post-War Reconstruction Committee I drew the attention of the Government to the necessity of removing the sex disqualification that was prevalent in this Province in regard to the appointment of women to many posts. In response to my appeal for the removal of the sex bar, all that the Government did was to throw open to women the posts of upper division clerks in the Secretariat. That was the record of achievement of the Advisers' Government. But women expect a popular Government that has risen to power through the votes not merely of men but also of women to lose no time in making a comprehensive examination of the whole question and in eradicating *in toto* the existing injustices and disabilities from which women suffer. I must also refer to the bar to the appointment of women to the posts of District Medical Officers and civil surgeons in charge of stations as well as of

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personal assistant to the Surgeon-General. When in the neighbouring State of Travancore a woman could efficiently discharge the duties of a Surgeon-General, is it correct to assume that women will be unsuccessful as District Medical Officers and are unfit to be appointed as Personal Assistant to the Surgeon-General? The Hon. Minister may say that Travancore is more advanced but the question is: 'Why should not Madras come forward and become equally advanced? How long are the women of this Province to eat the air on promise crammed with reference to the removal of the inequality of opportunities?' As I am pressed for time, I have referred to only a few of the posts from which women are excluded to-day, but I expect the Government to examine the entire list and do full justice to women not merely with reference to the posts of which I have made specific mention but with reference to others as well.

"It is a matter of common knowledge that it is not on the ground of lack of ability or competence that women are disqualified from the above posts but by reason of their sex. But, Sir, in an age such as this, when efficiency is the need of the hour, is it desirable that instead of merit, sex should be the criterion in regard to appointments? I wish to emphasise that women demand no favours; they ask for no concessions; they look forward to no privileges; but hold that merit and merit alone should be the deciding factor in the matter of making appointments. I am of the opinion that the measure of women's rights should be the measure of their capacity, the measure of their ability only and that merit and not sex should be the basis of preferential treatment in regard to the selection of candidates for posts in the Government services. It is heartening to find that the great Apostle of India's freedom, Mahatma Gandhi, holds views identical to those expressed by me above with reference to women's rights. When presiding over the annual gathering of the Bhagini Samaj at Bombay, he declared that 'Woman is the companion of man gifted with equal mental capacities. She has the right to participate in the minutest details of the activities of man, and she has the same right of freedom and liberty as he.' He has further stated that 'It is contrary to experience to say that any vocation is exclusively reserved for one sex only.' He made the above observations not to-day but as early as in 1918 and 1925 when the question of women's rights was not receiving any attention at all in this country. To illustrate . . ."

SRI B. S. MURTHI:—"May I mention, Sir, that Mahatma Gandhi wanted recently that a Harijan woman should be the President of the Republic of India?"

BEGUM SULTAN MIR AMIRUDDIN:—"Yes, Sir, he is right. I was referring to what Mahatma Gandhi has said with reference to women's rights. He mentioned that no profession or vocation should be reserved for one particular sex only, whether man or woman. To illustrate this, he stated that while cooking was

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predominantly the occupation of women, no soldier would be worth his name if he did not know how to cook his own food. Likewise, while fighting was predominantly the occupation of men, on turning over the pages of history we found that in the days of yore Arab women fought like heroines, side by side with their husbands and that in India the Rani of Jhansi distinguished herself for her bravery as very few men did. (Muhammad Raza Khan Sahib: Question.) My Friend questions, Sir, but the Great man, Mahatma Gandhi has stated so after deep study. Is it meet, then, on the part of a young Member of this House like Mr. Raza Khan to question a statement made by the Great Seer, Mahatma Gandhi? (Laughter.) Sir, the idea that sex should not be a disqualification to any service is nothing new, nothing novel. It is not a nineteenth or twentieth century innovation, but an idea that can be traced as far back as 2,000 years ago, to the days of Plato. That great philosopher deplored the fact that in the disregard of women half the citizen population was neglected and he proclaimed that division of labour should be by aptitude and ability, and not by sex.

"Sir, these are the words of Plato. 'If a woman finds herself 12-30
capable of political administration, let her rule; if a man finds p.m.
himself capable of washing only dishes, let him wash.' I do not wish hon. men Members of this House to be alarmed by this quotation. (The Hon. Dr. P. Subbarayan: 'I am not at all alarmed.') Women do not intend to relegate the men of the land to the position of those who wash dishes. (The Hon. Dr. P. Subbarayan: 'Hewers of wood and drawers of water!') Nay, Sir, we shall be more generous. I wish to point out that the women of India believe in a balanced outlook. They are loath to bring about a disintegration of the home, for the home is the vital unit of society and let not men be assailed by the fear that women will enter the professional fields in large numbers for, the number of women who will do so will be microscopic. Women wish to be granted due opportunities for the culmination of their highest possibilities in order to bring their quota of knowledge and service to the welfare of humanity. The women's movement is based on the unique value of human personality and on the belief that the flowering of women's innate abilities and their full utilization is as beneficent and important for the common weal as that of man's. The existing fetters on women's advancement are discordant with social progress, hence we plead that they should be removed. The idea towards which the modern mind is gravitating is the recognition of the humanity of women, on which basis equality of opportunities with men is demanded. It detracts from the humanity of women and it is derogatory to their self-respect that sex should be a bar to any service. This stigma, this blot on womanhood should be removed and women of due merit and ability allowed to avail themselves of all avenues of opportunities in every sphere of activity in consonance with their aptitude. Therefore, I appeal to the Hon. Minister to view the question in its human aspect, from the human perspective and not through a blinkered mind. The women's problem is a human problem

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and not a sex problem—I am interested in the well-being of humanity as a whole and it makes no difference to me whether it is a question of men's rights or women's rights. To-morrow, if men are deprived of their rights, I assure you that I will be the first person to come forward and champion their cause. (Hear, hear.) (The Hon. Dr. P. Subbarayan: 'We are glad of your assurance!') It must be remembered that a society based on a democratic conception is one based on respect for the fundamental fact of human personality, irrespective of sex. In this connection, I wish once again to quote that great champion of women's freedom, Mahatma Gandhi. He has described perfect democracy to be a state of society where there are no inequalities whatsoever, that is, one wherein not merely race, caste and colour but also sex inequalities vanish. Such is the view entertained by Mahatma Gandhi about democracy."

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

BEGUM SULTAN MIR AMIRUDDIN:—"I have got a few more points, Sir. Democracy, I wish to point out, is not a mere form of Government. True democracy, is a way of life a way which opens out opportunities to all classes and all sections of the people including Harijans, women, etc. The measure of respect for democracy on the part of my hon. Colleagues in this House as well as on the part of the Government will be the measure of response they accord to my demand for removing the sex disabilities of women."

"It may be contended that the rights of women are protected by the Government of India Act, 1935. It is true that theoretically the principle has been conceded that sex shall be no disqualification to any appointment, but in actual fact there is a loophole in that Act. I shall now read the relevant section of the Government of India Act, 1935."

THE HON. DR. P. SUBBARAYAN:—"Is it the Adapted Act?"

BEGUM SULTAN MIR AMIRUDDIN:—"No: I have not the Adapted Act with me, but I take it that there is no change in the section to which I shall be adverting. I wish to refer to section 275."

THE HON. DR. P. SUBBARAYAN:—"Section 275 remains as it is. It is not amended."

BEGUM SULTAN MIR AMIRUDDIN:—"That strengthens my case. Sir, some years ago the All-India Women's Conference submitted to the Joint Select Committee on India's Constitution a memorandum demanding that in the Declaration of Fundamental Rights it should be clearly stated that sex shall be no bar to any public employment, office, power or honour and in the

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exercise of any trade or calling. This principle has been accepted. Section 275 of the Government of India Act, 1935, reads thus:

'A person shall not be disqualified by sex for being appointed to any civil service of, or civil post under, the Crown in India other than such a service or post as may be specified by any general or special order made (a) by the Governor-General in the case of service and posts in connection with the affairs of the Federation; (b) by the Governor of a Province in the case of services and posts in connection with the affairs of the Province.'

Thus we see that while there is no statutory bar under the Government of India Act to the appointment of women to any post, that Act empowers the Governor-General and the Governor to impose restrictions on the admission of women to any post or service by general or special orders. It is in pursuance of this power conferred by the Government of India Act that the Local Government imposed a bar to the appointment of women to as many as 66 categories of posts. Thus the Government of India Act affords no protection whatsoever to the women of this Province. The position is indeed paradoxical that the equality of women should be accepted in theory but nullified in practice. The loophole in the Act, which still persists, even after adaptation, has made possible the evasion of an accepted principle. Such being the case, we can never be sure of assurances given as regards the incorporation of the principle of women's equality in the Declaration of Fundamental Rights, for some loophole may lurk there also. Therefore we have to wake up to the fact that the position of the women of this Province can be improved only by suitable steps taken by the Local Government. It is because of this that I have brought forward my resolution, which envisages the constitution, of a committee to advise the Government in regard to the matter. As the question relates to women, it is best that the Government consult women's organizations and discern from them their opinion with reference to the removal of the existing bar to the appointment of women to the abovementioned 66 categories of posts. Among the women's organizations that I should like to have representation on this Committee are the All-India Women's Conference and the Indian Women's Association.

"Another point to which I wish to advert is that the principle of equal pay for equal work should be implemented by the Government of this Province. I know that this principle has not been accepted even in a country like England. As a matter of fact, England has been very conservative in this matter. In 1942, Mr. Pethick Lawrence (now Lord Pethick Lawrence) stated that women in England had not been treated fairly and that they had a standard in services that had been expressed roughly as a two-third standard, that is, a woman was worth about two-thirds of a man. He deplored that while opportunities had been extended to women during the War, so far as recognition was concerned, it was withheld from them. Reason demands that sex should not be the

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deciding factor in the matter of remuneration but the work done, but England has remained adamant with reference to this question. It may be recalled that the question of equal pay for equal work created a big uproar in Government circles a few years ago, so much so that the Prime Minister, Mr. Churchill threatened to resign on that issue. In this connection I wish to state that we should not be guided by what is prevalent in other countries but by the dictates of reason and justice. Though to a casual observer the 'West' may appear to be advanced, in actual fact it is governed by certain conservative traditions, for do we not read in Timothy, St. Paul branding women thus, 'Let the women learn in silence with all subjection. But I suffer not a woman to teach nor to usurp authority over the men, but to be in silence.' In contradistinction to this we find women in Islamic countries encouraged to give their light to men and women alike and to become even professors of Universities. And in Hindu India we find women like Gargi and Maitreyi among the teachers of the Rig Veda. In Britain women are still debarred from becoming members of the House of Lords, whereas in this country women are admitted to the upper chambers. Thus the West is not the proper guide for us today in regard to women's progress. The proper status of women in our society should be settled not in the light of what is prevalent in the West, but in the light of our own traditions and of reason and justice. The difference in the matter of remuneration between the two sexes is an anachronism from the dead past and should disappear without delay for woman, no less than man, is entitled to the fruits of her labour. The existence of two different cadres in the medical department, namely, the men's cadre and women's cadre is also antiquated, unnecessary and prejudicial to the interests of women. As a result of this differentiation, the promotion of women is blocked. Hence we desire that this differentiation should be abolished and that there should be one uniform cadre for both men and women. Unless this is done junior men will continue to steal a march over senior women as is happening today. I hope the Government will do the needful in regard to this matter also.

"In conclusion, Sir, I wish to express the hope that the present Government will implement the promise made by the Hon. Mr. Prakasam when he was the Premier of this Province and will remove the disabilities from which women are suffering at present. It is indeed a matter of gratification to find that the men of this land are coming to realise that 'The woman's cause is man's; they rise or sink together, dwarfed or god-like, bond or free.' In the present era of change, women see the rising gleams of a new life and of the recognition of their due rights from various quarters. In the words of the poet:

'And not by Eastern windows only
When day-light comes, comes in the light;
In front the sun climbs slow, how slowly
But Westward, look, the land is bright.'

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"Having regard to the breadth of vision of the men of the land I have reason to hope that the members of this House and, particularly the Government, will accept my resolution without demur."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I have immense pleasure in seconding the resolution moved so ably by the hon. the Lady Member, Begum Amiruddin, and I am sure this is a question which is not a party question but is free from party bias and party politics. While supporting the resolution of course, I must also have the freedom of giving expression to my own views. I should like to point out incidentally that in moving the motion, the Hon. the Lady member has been given by the Hon. Speaker more time than he would have allowed to a male member. (Laughter.) Again, this resolution has placed the Hon. the Leader of the House in a very embarrassing position because, if he accepts the resolution, then he would be committing the Government to certain things and if he does not accept the resolution and opposes it, then he would be answerable to prominent ladies of our Province, particularly Mrs. Radhabai Subbarayan, and it will be a very very difficult task for him. (Laughter.) Because, I know that Mrs. Radhabai Subbarayan has been a prominent lady worker in this Province and so, the Leader of the House should think twice before formulating his own views on this matter. By saying this in seconding the resolution, I do not mean any discourtesy to the Hon. the Lady Member who so ably moved the resolution. I feel, Sir—and I do not mean any discourtesy when I say this—that it would have been very easy if the Hon. Mr. Avinashilingam Chettiar is left to deal with this matter because without any bias and without any prejudice, our Hon. Minister can do so. He is free from commitments and therefore he can take a very realistic view of things. (Laughter.) He is not answerable to anybody and so, he is a better authority to reply to this debate than our Leader of the House although, according to the rules the Leader of the House should reply.

"Sir, hon. Members should not think that I am trying to contradict my own party member because, I feel that as far as our country is concerned, we are very very proud of our record and no other country possesses such a good record as ours. Even to-day, we have got a prominent Lady as one of the members in the Central Cabinet, Rajkumari Amrith Kaur. Then there is another prominent Lady of our country, I mean, Mrs. Sarojini Naidu, who is now the Governor of the United Provinces. Moreover, I understand that this is going to be a permanent job for her and not a temporary one. We have also sent another prominent lady, Mrs. Vijayalakshmi Pandit, as our first ambassador to a very important country. (Interruption by Sri K. Anandan Nambivar.) My friend Mr. Anandan Nambivar will understand that there are so many difficulties in being an ambassador and only because we have got complete confidence in Mrs. Vijayalakshmi Pandit, she was sent for that job.

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“Then, coming to our own Province, we have got a pretty good record here also. A prominent Lady member of this House was for a long time Minister-in-charge of an important portfolio. Then there is another Hon. Lady Member who is still the Deputy Speaker of this Assembly. Apart from that, there are a good number of Lady members in this House and in the other House. Therefore, it is a very great record for our Lady members who have done so much. But, I should not be misunderstood if I say this. There is some characteristic in them and that is this. One cannot satisfy them. The more one tries to satisfy them, the more their dissatisfaction grows. (Laughter.) So, I suggest that all men put together should organize themselves against the women because they are encroaching too much on men's rights. (Laughter.) To-day, it is not so much the question of conceding the genuine rights to women which they deserve but it is a question of preserving our own rights. The main problem for men I think, to-day, is how to preserve our rights against the onslaught of women. Then, another characteristic of women is—I am not saying this in any offensive manner—that not only they want their own interests should be preserved but also they want their husbands to do as they want them to do. (Laughter.) I am not casting any aspersion on any man and when I say this, I speak with some experience and not as a young man.

“Well, Sir, as far as the resolution is concerned, it is a very innocuous one. By this resolution, the Hon. the Lady member wants that there should not be any statutory bar for the appointment of women to certain posts in Government service in this Province. I have got the greatest sympathy for our Lady members and I hope other Lady members will also speak supporting this resolution moved by Begum Amiruddin who has been fighting for the rights of women not only in this House but also outside. But, at the same time, do we not expect something from their side also? There should be some reciprocity. Of course, they may have a grievance that they are not to-day represented on the Treasury Bench. But, who knows one of them may not occupy the seat of the Premier Sri Omandur Ramaswami Reddiar and become the Premier of this Province tomorrow? These are things which might happen. If such things should happen, I feel that there will be anarchy in the home front because every woman will be anxious to secure some job or position and so on. Therefore, my suggestion is that the home front should not suffer on account of these things. That is a very important factor.

“Well, Sir, with regard to the resolution itself, I do not know for what exact reasons it was tabled. It wants to remove certain statutory bars imposed on women for appointment to certain posts. At the same time we must also realize that there are certain jobs for which women are not fit. As an instance, Begum Amiruddin pointed out the Medical Service and said that there should not be two cadres, one for men and another for women. I feel that women may not be suitable for certain posts. For instance,

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speaking subject to correction, I may say that there is not even one woman who is an Engineer and their contribution to the engineering profession is nil.”

BEGUM SULTAN MIR AMIRUDDIN:—“I may inform the hon. Member that there are two women who have passed out of the Engineering College.”

MUHAMMAD RAZA KHAN SAHIB:—“I am thankful to the Hon. the lady member for the information but we have not yet tested their capacity as engineers. They might have passed the Engineering examination. As far as I can say, they have got more time to sit and study for the examinations and so, they might have passed the examination even with distinction but they have yet to prove their capacity as practical engineers, in big Engineering undertakings, such as the Tungabhadra Project. If they fail, it means much loss of money to the Government and we do not intend to take risks and if the Leader of the House speculates and appoints a woman engineer, he will be answerable for all the loss of money resulting therefrom (laughter) and I hope Government would do well not to accept such a proposition. After all, the lady member wants that a Committee should be appointed to go into the matter. Therefore, Sir, I have great pleasure in seconding the resolution.”

MR. SPEAKER:—“The motion is—

‘that this Assembly recommends to the Government to constitute a committee consisting of the members of the Legislature and the representatives of women's organizations to consider the removal of the statutory bar that exists at present to appointment of women to certain posts in Government service in this Province.’

“Before I call upon other hon. members to speak, I wish to announce to the House that we will not have the afternoon session to-day, that the House will adjourn at 1-30 p.m. and meet tomorrow. Sri K. Anandan Nambiyar will now speak.”

* SRI K. ANANDAN NAMBIYAR:—“Mr. Speaker, Sir, I am here to support the motion. Of course, my support is based on the fundamental principle that women must have equal rights. After August 15th, 1947 and after India has become free, there cannot be any reason why women should be barred from taking up certain posts under Government. The hon. the Lady member who moved the resolution has read out a long list of posts for which women are not allowed to compete. It is absolutely wrong on the part of the Government to suppress women. We, in India, know that in good many other countries, they call their home-land as father-land whereas in our country, we call it the mother-country. So, it means that we give more importance to mothers and when such is the case, why should we not extend the same right to women here, especially where there are women fit enough to occupy any post? Previous speakers have already referred to many high posts

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which are being occupied by prominent ladies to-day and when they have done so, there cannot be any reason whatsoever to debar them from occupying certain posts in Government service. Again, in factories, women workers are not treated on a par with men in the matter of pay and they are not given equal pay to which they are entitled for the same amount of work. I may also state that in coal mines, the women workers are neglected. They are not given equal pay with the male workers though they undergo the same hardships. Thus, there is a terrible difference between male workers and female workers in coal mines. They are not given the same rights. For instance, it was one of the subject-matters for discussion here that nurses in hospitals are not allowed to marry.

1 p.m. "I would request the Hon. Minister to reconsider the matter and see that in the various activities women are treated in the same manner as men. Everywhere the women are treated in a better manner than here in India, I can understand if it was done before August 15th, but now I feel they should be extended the same right. I am sure the Hon. the Leader of the House will agree to this motion because he loves women as all others do. (Laughter.) Therefore I expect that he will certainly do this and not only that, he will do it as a matter of duty also towards our own sisters. That will be a credit to us and this Assembly will have the credit to say that they have taken up this matter into consideration and the Government have agreed to do so. We will be proud of that. In all walks of life where they will be useful like medicine and teaching they should be given full opportunities. We have no powers except that of talking. Therefore we appeal to the Leader of the House to accept this motion without any reservation."

* SRIMATHI C. AMMANNA RAJA:—"I wanted to second this motion moved by the hon. lady member but, as usual with men, Mr. Raza Khan selfishly grabbed the opportunity. I am not going to make a long speech because we had a very long speech from the mover of the resolution and the good-humoured and light-hearted speech from Mr. Raza Khan. I would merely like to impress upon the members that this resolution has the complete support of the women in this House who represent the women outside. I know there are a few women who differ from me in certain respects."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, the hon. lady Member is casting an aspersion when she refers to my speech as light-hearted whereas I was quite serious."

MR. SPEAKER:—"I would say that the hon. lady Member did not cast any aspersions on the hon. Member and she will be the last person to do so."

* SRIMATHI C. AMMANNA RAJA:—"People need not be afraid that the women of this land will rush into all departments

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once the bar is removed. It is not the case at all and other things have to be taken into consideration. There is our health, and temperament and we are not going to rush into the military and police if we feel we are not fit for them. It does not mean that once you are going to pass a Divorce law, all women are going to divorce their husbands. For entering into any profession there must be no bar and that is all what we want. Woman would know her own capacities and she would select her vocations. You cannot say that women are not fit for hard work such as military for we have had in this country women warriors like O and Bibi, Rani Samyuktha, Sathyabhama and so on. Women should know how to defend their honour and they must be made fit to face situations like the ones that are taking place in the north where women are being abducted and many atrocities are taking place. They should be trained to protect themselves and their homes in such circumstances and they should not be left helpless but given full scope to rise to the occasion.

"Mr. Raza Khan said that because they are not physically as strong as men they should not be taken in the Engineering departments. Even though they may be physically weak, in strength of mind I think they are definitely superior to men and they will cope up with any situation. They will choose their professions according to their capacities and temperament and they will acquit themselves well anywhere and so there should be no bar against them. With these few words, Sir, I have great pleasure in supporting the motion moved by the hon. lady Member Begum Sultan Mir Amiruddin."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Mr. Speaker, Sir, the mover of the resolution wants that the disabilities under which women are suffering should be removed. I am sure that the Government will be only too ready to accept this. It is necessary that there should be a Committee convened for this purpose of seeing to the removal of disabilities. There is no question of any difference so far as intellect is concerned between men and women and women have risen to the highest positions in any field. Our histories have shown that our women have not only functioned as rulers of States, but as Ministers also and they have led armies and they have served in the battle-fields most efficiently and there have been cases where due to selfishness men have removed them from their high positions. But whenever opportunities were afforded them they have proved their worth. There are particularly some branches of life where they are particularly useful like education and medicine. My own opinion is that if you limit them to the field of education, women would do far better than men, particularly in the earlier stages of education. More women teachers should be employed in the elementary stages of education and particularly in handling little children in nursery schools. Pupils under the age of 12 should be under the case of a woman and when children are taken away from their parents unless there are women to look after them they will become hard-hearted men. Therefore the field where woman is absolutely

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necessary is, in the earlier stages of education. I do not know whether women doctors have been very successful in surgery, but I know in Madras women have done very well so far as medicine is concerned. I know they introduced in our province men nurses. I do not know whether they have been successful or not. I do not know how they can be compared with women nurses. The presence of women by the side of a patient is certainly very important and women must be given more and more opportunities in the nursing service as well as in that of medicine. They are the very important fields where women have done well and they ought to be employed more and more. Women themselves will not be anxious to get into any and every department of life for they know their capabilities and their capacities. They are not people who will rush into fields where they are not wanted. But in social service I do not think men will be more successful than women. Even when you remove the bar I do not think they will rush into departments where it is essentially a man's job. With regard to the Engineering Department I do not think that the Engineers-in-charge of supervision, etc., do hard work themselves. They simply use their intellect and guide the people at work. During the present war and during the last war women have driven lorries and motor cars and done various other jobs while the men were working in the fields and fighting. I understand that in Russia women were in the Air Forces also. If they are given opportunities they will prove successful in all walks of life but they know very well that their work lies elsewhere and they are required to look after their homes and not rush into places where men can work. They should be given opportunities wherever they could be given with advantage and there should not be any monopolies for men. At the same time I believe that women must retain their modesty, their home life and should look after the wants of the home rather than go in for service. The business of man is to earn and the women to look after the family and I am aware, Sir, that there is a craze for women going out of the house and serve elsewhere in order to exercise their right equally with men. It should not be thought that because she earns she should get equal rights with men. She should be able to spend the money earned by the husband wisely and well in the interests of the home.

1-15
P.M.

"I think it is necessary that women should think more and more of serving in the house rather than of seeking service elsewhere. I am sorry that because they have received high education, they should think of serving elsewhere. They have also a feeling that they should earn their livelihood and be independent. All this has come because man has forgotten his duty to woman and woman has forgotten her duty to man. Man should give the lady of the house all the rights and privileges which she demands and requires. He should treat her with some respect and some amount of regard and affection. If he does so, I do not think the woman will feel, even though she is highly educated, that she should try to get a job. Unfortunately, there are cases where although both

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the husband and the wife are in some service, the household does not get on very well. They cannot get proper food and their life becomes costly. Experienced people have to think twice and thrice in dealing with this question. Although there must not be any ban on the employment of women, I feel that women should think in terms of serving humanity in fields where their service is required and they should begin from the home. Therefore, Sir, while I support the resolution, I appeal to our sisters not to think in terms of service but in terms of social service and begin the social service in the home itself. They should first think of their husbands and their children before they think of anything else. After all, Sir, if a lady with a certain number of children devotes all her time outside her house, the children will certainly not be brought up in the manner in which they ought to be brought up. The mother's attention to children is absolutely necessary particularly when they are young, if the children should grow up as human beings. There is no use of allowing them to grow up as trees or as brutes. They should be allowed to grow up as human beings with all the fine qualities of human beings. It is therefore necessary that our women should devote more attention to their household rather than think in terms of service outside."

SRI D. V. RAMASWAMI :—“అభ్యుదయ మహాశయ, శ్రీమతి బేగం అమీ రుద్దీగారు ప్రతిపాదించిన తీర్మానాన్ని నేను సంతోషంగా, హృదయపూర్వకంగాను బలపరుస్తూ కొద్ది విషయాలను మాత్రం మనవి చేయ దలచుకొన్నాను. పూర్వ వ్యతిరేకంగా శ్రీమతి మనత, శ్రీమతి చావ్యతలు, శ్రీమతి తెలివి లేకుండు గురించి నాకుకుండు ఉపన్యసింపిన సోదరీమణులు చెప్పినట్లు ప్రస్తుత పరిస్థితులలో కూడ స్త్రీలు అట్టి ఉన్నత స్థానమునందు ఉండవలసిన అవకాశము ఉపశ్లేషిత ఎంతో ఉన్నది. స్త్రీలకు పురుషులతోపాటు అనేక విషయములలో సమాన హక్కులను, అవకాశములను కల్పించేయటం మన యొక్క విద్యుక్త ధర్మము.

“కొన్ని ప్రత్యేక పరిస్థితులలో పురుషులు దేశ సరిహద్దులపై ఇప్పుడు వారు చేయుపనులను విడిచి ఇతర సౌకర్య వల్లమని వచ్చినవనుకొనవచ్చును. అట్టి పరిస్థితులలో పురుషులు చేయుచున్న పనులను స్త్రీలే చేయవలసినవచ్చును. అందువలన స్త్రీలను ఇట్టి పనులను చేయమనుట చాలా కష్టము. అందువలన స్త్రీలకు ఇట్టి పనులలో ఇప్పు టినుంచి అనుభవము కలుగునట్లు, చేయుట చాలా అవసరము. లేకపోయినచో ప్రమాద పరిస్థితులు సంభవించినప్పుడు చాలా ఇబ్బంది పడవలసి వస్తుందని మనవి చేస్తున్నాను.

“కాగా, బేగం అమీరుద్దీగారు ఈ తీర్మానములో కోరినవిషయము చాలా స్వల్పముయినటువంటిది. వారు కోరినదల్లా ప్రభుత్వమువారు ఒక ఉపసంఘమును నియమించి స్త్రీలకు ఇప్పుడు ఏ ఏ ఉద్యోగాలకు వచ్చుటకు ఆర్డర్ లేదో, ఈ bar ను తొలగించవలసిన విషయా నట్లము కలుగుతుందో షాదగు విషయములను విచారణ జరిపించవలసినదనియే. ఇది చాలా సబలైన న్యాయమైన కోరిక. ఈ తీర్మానమును అంగీకరించినందువల్ల ఏ విధంగాను ఉపద్రవం లేదని స్త్రీలు తమ (limitations) సరిహద్దులు చాటి ప్రవర్తించరని గవర్నమెంటువారికి మనవి చేస్తున్నాను. మన మదరాసు రాష్ట్రము అనేక విషయాలలో తక్కిన రాష్ట్రములకన్న ముందంజ

[Sri D. V. Ramaswami] [29th January 1948]

వేసియున్నది. స్త్రీలకు- బాధ్యతలవిషయములలో మన రాష్ట్రం ఇంకా రాష్ట్రానికి
చారిత్రాత్మకా ఉండాలని నేను కోరుతున్నాను. ఈ తీర్మానముయొక్క ముఖ్యద్దేశమను సంఘా
ర్థంగాను, విక గ్రహంగాను సభ్యులు ప్రభుత్వము వారి ఆమోదింపబడిన సమయము తిరుగు
తీసుకొనుచున్నాను."

* THE HON. DR. P. SUBBARAYAN:—" Mr. Speaker, Sir, I have carefully listened to the speeches that have been made on this motion. The Government are in entire sympathy with the idea underlying the resolution. At the same time, the Government feel that there is no need for a committee to go into the question, because the Government, having accepted the main principle of the resolution, will try and examine the restrictions that are now being placed on women entering Government service and remove such restrictions where they find it necessary to do so.

" Sir, I would like to remind the hon. Lady Member who moved this motion that the women of this country have had rather an easy time in getting their rights established. In England, for instance, the suffragist movement existed for years before even the suffrage was given to women. But from the very beginning of legislation in this country with regard to suffrage, women have been given almost equal rights as men. That is because, by culture and tradition, this country has always respected its womenfolk. The unseen influence that women exercise in Indian homes is only known to India. In fact, they are masters of their households. The hon. Lady Member need not be under any apprehension that the Government will not do what lies in their power to remove the disabilities which she adverted to during the course of her long oration.

" The hon. Member for Chittoor Muslims said that he was not flippant, but I am afraid I must charge him with flippancy, because he made references to matters which have no bearing on the resolution at all. In fact, the hon. Lady Member whose resolution he seconded would rather have had somebody else to second her resolution who would have given better support to the point of view she expressed.

" Sir, Muslims on the whole in this country are inclined to be orthodox in these matters and I think the lady Member who sponsored the resolution wants to convert her menfolk rather than the Government. I wish her success in the venture because all members of the body politic should move almost with equal speed in the direction of reform. I feel that every community in the land should be bereft of its orthodoxy and it is in that sense that I say that the Government will see that these disabilities are removed. But a committee of the kind suggested by the hon. Member is not necessary. The Government will do all that lies in their power to examine the disabilities that exist and have them removed in proper time. With this assurance, Sir, I hope the hon. Member will withdraw her resolution."

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* BEGUM SULTAN MIR AMIRUDDIN:—" Mr. Speaker, Sir, I am glad to find that the Hon. the Leader of the House is in sympathy with the women's demands and that the Government intend to remove the statutory bars that exist with reference to the appointment of women in the services. All that my resolution seeks is that the existing disabilities of women should be removed. It is immaterial whether this is achieved through the constitution of a committee or by the Government acting on their own accord in this behalf. I know that the Hon. the Leader of the House is sympathetically inclined towards women's cause. How can it be otherwise, for his wife, Mrs. Radhabai Subbarayan, has for more than two decades been a stalwart advocate of women's rights. I am very glad to be given the assurance that the Government will do all that they can to remove the existing sex inequalities pertaining to women. In this connexion, Sir, I would request the Government to consult the leaders of the women's organizations, especially the representatives of the All-India Women's Conference and the Women's Indian Association. I may mention that the National Planning Committee has advocated that sex should be no bar to the appointment of women in any of the services. This, I understand, has been accepted by the Constituent Assembly and it is to be incorporated in the Declaration of Fundamental Rights. But my fear is that some loophole may creep in the above declaration as is to be found in the Government of India Act, nullifying the effect of the principle that has been accepted. Therefore, Sir, we are not concerned with the Declaration of Fundamental Rights nor with the Government of India Act. We look up to the Government to ameliorate the position of the women of this Province. I am thankful to the Hon. Dr. Subbarayan for the promise that he has given me in this regard. In view of his assurance, Sir, I do not wish to press my resolution.

" Before I conclude, I wish just to refer to one point mentioned by the Hon. the Leader of the House."

MR. SPEAKER:—" The hon. Member has got one more minute."

BEGUM SULTAN MIR AMIRUDDIN:—" The Hon. Minister mentioned that the Muslim community was orthodox and opposed to women's rights. I do not agree with his view. As a matter of fact, it was Islam that granted to women, 14 centuries ago, every possible right, some of which are still denied to the women of even advanced countries. Even the *Shariat* has been placed on the Statute Book in order to protect the rights of women. It is a self-evident fact that whoever is a true Muslim will never be opposed to women's cause. Sir, in view of the assurance given to me by the Hon. the Leader of the House, I wish to withdraw my resolution."

The resolution was, by leave, withdrawn.

The House adjourned till 11 a.m. on Friday, 30th January 1948.

[29th January 1948]

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

Notification issued with G.O. No. 1972, L.A., dated 28th October 1947, excluding from the limits of Ramnad District the local area defined in the Schedule.

G.O. No. 63, Finance, dated 20th January 1948, relating Schedule of the Second Supplementary statement of authority further expenditure for 1947-48 as authenticated by His Excellency the Governor.

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 30th January 1948.

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

MR. SPEAKER:—"I find there are no questions to-day to be answered. No answers have been received."

SRI V. RAGHAVAYYA:—"My questions have not been answered."

MR. SPEAKER:—"As soon as the Assembly Secretariat receives answers, questions will be put up for answers."

SRI V. RAGHAVAYYA:—"I sent some of my questions long ago and they have not been answered yet."

MR. SPEAKER:—"It is not the fault of the Chair."

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

I.—MESSAGES FROM THE COUNCIL.

MR. SPEAKER:—"I have to announce to the House that the following messages, dated Fort St. George, the 23rd January 1948, have been received by me from the Hon. the President of the Madras Legislative Council:—

'I transmit a copy of the following motion passed to-day by the Madras Legislative Council concurring with the Madras Legislative Assembly in setting up a Joint Select Committee of both the Chambers to consider the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947:—

"That this House concurs in setting up a Joint Select Committee of the two Houses consisting of 30 members (20 members from the Assembly and 10 members from the Council) to consider the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947 (L.A. Bill No. 37 of 1947), and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) The Hon. Sri O. P. Ramaswamy Reddiar.
- (2) The Hon. Dr. T. S. S. Rajan.
- (3) Sri P. Veerabhadraswami.
- (4) Sri A. Govindacharyulu.
- (5) The Hon. Sri K. Madhava Menon.
- (6) Sri N. Ranga Reddi.
- (7) Sri S. Jayarama Reddi.
- (8) K. Uppi Sahib Bahadur.
- (9) Dr. Sir A. Lakshmanaswami Mudaliar.
- (10) Sri M. D. T. Kumaraswami Mudaliar."

[Mr. Speaker] [30th January 1948]

In accordance with rule 111 (2) of the Madras Council Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Council, desiring to obtain the concurrence of the Assembly in setting up a Joint Select Committee of the two Houses to consider the Madras Weights and Measures Bill, 1947 (L.C. Bill No. 2 of 1948)—

“That, under rule 111 of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of 21 members to consider the Bill, 14 members from the Assembly and 7 members from the Council.”

In accordance with rule 111 (2) of the Madras Council Rules, I transmit a copy of the motion passed to-day by the Madras Legislative Council, desiring to obtain the concurrence of the Assembly in setting up a Joint Select Committee of the two Houses to consider the Madras Aliyasanthana Bill, 1947 (L.C. Bill No. 1 of 1948)—

“That, under rule 111 of the Madras Council Rules, the concurrence of the Legislative Assembly be obtained in setting up a Joint Select Committee of both the Houses consisting of 12 members to consider the Bill, 8 members from the Assembly and 4 members from the Council.”

“I have to announce to the House that the following messages, dated Fort St. George, the 26th January 1948, have been received by me from the Hon. the President of the Madras Legislative Council:—

In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Silkworm Diseases (Prevention and Eradication) Bill, 1948 (L.A. Bill No. 1 of 1948), as agreed to by the Council without any amendment and signed by me.

In accordance with rule 108 of the Madras Council Rules, I transmit a copy of the Madras Home Guards Bill, 1948 (L.A. Bill No. 2 of 1948), as agreed to by the Council without any amendment and signed by me.”

II.—ELECTION OF MEMBERS TO THE HOUSE COMMITTEE.

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

- (1) Kumararaja Sir Muthiah Chettiyar of Chettinad.
- (2) Sri Pyndah Venkatanarayana.
- (3) Sri P. Kakkan.
- (4) Srimathi K. Lakshmi Ammal (Mrs. Lakshmi Bharathi).
- (5) K. M. Seethi Sahib Bahadur.
- (6) Srimathi V. Seethamahalakshmanima.

30th January 1948] [Mr. Speaker]

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

In addition to the above, under Rule 152 of the Madras Assembly Rules, I nominate the undermentioned two members to be members of the said Committee:—

- (1) Sri K. Anandan Nambiyar.
- (2) Dr. D. S. Ramachandra Rao.”

III.—MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

MR. SPEAKER:—“I have to announce to the House the following messages, dated the 26th January 1948, from His Excellency the Governor:—

In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947.

In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Madras Re-enacting and Repealing (No. 1) Bill, 1948.”

IV.—PAPERS RELATING TO THE CORRESPONDENCE WITH THE ALL-INDIA CONGRESS COMMITTEE PLACED ON THE TABLE OF THE HOUSE.

SRI T. VISWANATHAM:—“Sir, I wish to raise some points about the paper relating to Madras Estates (Repeal of Permanent Settlement) Bill laid on the table of the House to-day. The Hon. Revenue Minister has been pleased to place a gist of the correspondence that passed between him and the All-India Congress Committee, in pursuance of the undertaking given by him. On page 324, extract No. (4) relates to summary of proceedings of Revenue Ministers' Conference, dated 17th December 1947. The paragraph begins: ‘The next question taken up was the post-abolition land reforms.’ I want to know whether the Hon. Minister will be pleased to lay on the table of the House, the previous paragraph also relating to the abolition question itself. This extract refers to the post-abolition land reforms. I wish to know whether the Conference proceedings refer to anything about the abolition of the zamindaris themselves.”

MR. SPEAKER:—“The next item on the agenda of the Assembly is about the Madras Estates Bill. I hope the Hon. Minister will say whatever he has to say when he moves his motion. The Hon. Minister can now move the motion that stands in his name.”

[30th January 1948]

V.—GOVERNMENT BILLS.

- (1) THE MADRAS ESTATES (REPEAL OF THE PERMANENT SETTLEMENT AND CONVERSION INTO RYOTWARI) BILL, 1947 (L.A. BILL NO. 37 OF 1947).

* THE HON. SRI KALA VENKATA RAO:—"Sir, I move—
'that the Madras Estates Bill, 1947, be referred to the Select Committee and that the undermentioned Members of this House be nominated to the Joint Select Committee:—

- (1) The Hon. Sri Kala Venkata Rao.
- (2) The Hon. Dr. P. Subbarayan.
- (3) The Hon. Sri M. Bhaktavatsalam.
- (4) Sri G. Sanyasi Rao.
- (5) Sri M. Pallam Raju.
- (6) Sri A. Kaleswara Rao.
- (7) Sri B. Venkatanarayana Reddi.
- (8) Sri Kalluri Subba Rao.
- (9) Sri K. A. Nachiappa Gounder.
- (10) Sri K. Rajaram Nayudu.
- (11) Sri K. R. Karanth.
- (12) Sri R. S. Manikkam.
- (13) Sri Dorairaj Pandyan.
- (14) Sri N. S. Varadachari.
- (15) Mahboob Ali Baig Sahib Bahadur.
- (16) B. Pocker Sahib Bahadur.
- (17) Kumararaja Sir Muthiah Chettiyar of Chettinad.
- (18) Raja of Venkatagiri.
- (19) Zamindar of Mirzapuram.
- (20) Sri P. Venkateswarlu."

SRI R. V. SWAMINATHAN:—"I wish to have some information from the Hon. Minister. What is the basis for the selection of Members which he has just announced? There is a feeling in this Province that the Hon. Minister for Revenue is not in favour of bringing suitable legislation for the abolition of the zamindari system in the Province. There is a feeling that he wants to help the zamindars as far as possible. I want to know why he has eliminated some radical younger Members from the list he has read out."

SRI G. RAJAMANNAR CHETTI:—"I support his contention."

SRI B. S. MURTHI:—"From the list read out by the Hon. Minister for Revenue, he has shown that he is doing grave injustice to certain sections representing Agricultural Labour, Harijans and some backward communities. He has neglected Harijan representatives."

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MR. SPEAKER:—"The hon. Member can move an amendment that such and such Members be nominated to the Select Committee and I shall put the amendment to the vote of the House."

SRI B. S. MURTHI:—"Instead of moving amendments and putting them to the House, I appeal to the Hon. Minister to realize the growing feeling in the country that this Ministry is a capitalist Ministry and is not taking into consideration the grievances of labouring classes."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I want to submit that it would be much better if the Government increased the number of Members of the Committee to the maximum. There are certain committees to which a smaller number may be nominated; there are certain other committees to which the maximum number may be elected. In this case, I think the maximum number has been elected. Out of 20 Members from this House only two places have been given to the main Opposition Party. Since the total number of Members has been increased to the maximum, the number of Members of the main Opposition Party on the Committee should be increased. The Government should have considered that point."

"I wish to make another submission. In regard to this legislation, diverse opinions have been expressed by the Members of the Congress Party and there are groups representing diverse points of view. There are people who are not in favour of inams being included."

MR. SPEAKER:—"The hon. Member can move amendments suggesting the names of hon. Members who should be on the Select Committee."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"It is better and fair if the Government had given more representation to Members who differ from them. I find the prominent exclusion of the name of my hon. Friend, Mr. Prakasam, . . ."

THE HON. SRI KALA VENKATA RAO:—"I offered it to him but he rejected it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"The hon. Member, Mr. Bhashyam, could have been there; he has taken a definite view with regard to inamdars; Mr. Vaidyanatha Ayyar has not been included in the list. All these factors should have been taken into consideration before Members were selected for the Select Committee."

SRI P. KANDASWAMI PILLAI:—"Sir, I should like to hear from the Hon. Minister how many Members of the Select Committee represent the zamindari areas and how many represent the poor ryots, and the zamin ryots. I wish to know the percentage of Members who represent zamindari ryots on this Committee. I hope the Hon. Minister will give this information to the House."

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11-15 SRI M. S. PATTABHIRAMAYYA:—"I wish to know from the Hon. Revenue Minister whether a seat was offered to Mr. Vaidyanatha Ayyar because he represented an aspect of the controversy which has been going on in connexion with the abolition of zamindaris; I want to know whether a seat was offered and it was refused as was the case with Mr. Prakasam."

SRI V. RAGHAVAYYA:—"I would like to draw the attention of the Hon. Minister to the fact that agricultural labourers have been shabbily treated in this matter; they deserve at least a fourth of the seats. In the note circulated to-day, it is stated that before taking up this legislation, the Government should have done several things, one of which is that the interests of agricultural labourers should be very carefully gone into and provision made to safeguard them. I think in view of the directions which have been given from above and also to meet the genuine need for giving them a voice in these matters, even now the Hon. Minister should reserve a fourth of the seats for landless agricultural labourers irrespective of their community or caste."

* REGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, I find that no woman has been included in this list. In view of the fact that this is a Bill which affects both men and women since not only zamindaris but also inams come within the purview of the Bill and a number of women including widows have their interests to be safeguarded, I feel that women should have representation on the Select Committee."

* MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, from the number of speeches made, no doubt very short, it is quite apparent that the House is not at all satisfied with the personnel announced by the Hon. Revenue Minister. In fact, it is a very important Bill and, therefore, I quite understand the anxiety of every Member particularly from the other side representing different views to be in the Select Committee. With regard to the number of seats given to our party, it is a matter between the leader of my party and the Revenue Minister. But regarding the various observations made from different quarters of the House, may I suggest to you as there are numerous gentlemen anxious to serve in the Select Committee whether it would be possible to convert the whole House into Select Committee and proceed with the Bill."

MR. SPEAKER:—"It is not possible."

* SRI P. NATESAN:—"From the paper that has been placed on the table of the House, I find that the Congress President Acharya Kripalani, begins with the words: 'You have asked for consent for introduction of the Bill.' It would have been satisfactory if the Hon. Minister had placed before the House what sort of consent he asked for and without reference to the consent that

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was asked for, it is not possible to follow what the Congress President means by saying, 'You have asked for consent'. Again the letter of the 16th January starts with a reference to the Revenue Minister's letter of the 8th January. We would like to know what the letter was that was dated the 8th January 1948; otherwise this reference is not complete. Barring that, I would like to know whether the attention of the Hon. the Revenue Minister has been drawn to Sardar Patel's speech wherein he has definitely said that we must not rob the zamindars. I want to know the reaction of the Madras Government and I should also like to know whether the Madras Government or any of the Cabinet Ministers have since heard anything more from the High Command. I would like the Hon. Minister to see if he can satisfactorily give an answer to the various points referred to."

SRI D. V. RAMASWAMI:—"Mr. Speaker, I would like to remind the Hon. Minister that most of the work connected with the zamindari abolition was done by the hon. Mr. Prakasam and Mr. Viswanatham; regarding Mr. Prakasam, an explanation has been given why his name has not been there; regarding Mr. Viswanatham, the House is aware that, as Secretary of the Committee, he rendered yeoman service and further he represents a district in which 20 of the 22 taluks are entirely zamindari areas and is one of the biggest zamindari districts in the whole Presidency. I therefore, respectfully suggest that the name of Mr. Viswanatham may also be included in the list and it cannot be omitted."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I rise in connexion with a separate matter and that pertains to information that has been provided to the House just now. My submission is that the material that has now been given must be thrashed out before the matter goes to the Select Committee; this is a very material aspect of the question. I do not know whether the Select Committee should go on with its work without the view point of this House on the basis of the information that has been supplied. It will be fair on the part of the Government if they allow a regular discussion on the material that has been now supplied so that the Select Committee can go into the question with the information regarding the views of the House on the subject."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, I would not have intervened in this debate but for the fact that there is a slightly changed atmosphere which provokes me to speak on this occasion. I do realize that the Bill was introduced and the Hon. Minister took the consent of the House for the constitution of a Joint Select Committee of both the Houses; the motion was passed and now the motion before the House is the submission of names of members of the Select Committee. I have no quarrel with the names but my submission is on an important question . . ."

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MR. SPEAKER:—"I believe the Leader of the Independent Group remembers that when the Bill was taken up at the very first stage, we came to the conclusion that five days should be allowed and that in the second stage members need not take much time of the House."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"I am not going to take more time than necessary and I request you, Sir, to be good enough to allow me a few moments and then you would, I am sure, agree that the view point I am going to put forward is almost a new point considering the changed atmosphere in the country. May I remind the House that the very purpose of the Zamindari Bill is to keep pace with the atmosphere in the country which is for relief to the ryots as well as to the zamindars, to release the zamindars from their liability to pay peishkush and the ryots from heavy payment on account of rents. It has been brought to the notice of this House that things have come to a standstill which is good neither to the ryots nor to the landholders. So, I have said in this House that the manner in which both the zamindars and the inamdars have agreed that the Bill should be proceeded with, should be appreciated by the House. I go further and say that it is not possible for the public to stand in the way of any Government measure to take over any public property for the use of the public weal. We ask you to take it but give compensation. I hope I am perfectly relevant if I refer to the question of compensation which is also touched upon in the paper placed before us which you so kindly have allowed to be referred to during the discussions. In doing so, I shall not take much time; it will be only a question of a moment as I am anxious that the Bill should be proceeded with and there should be no delay, for it would help none. In this context, we have had a very refreshing statement from the Deputy Prime Minister Sirdar Patel a few days ago saying that adequate compensation should be given to the zamindars—I lay great stress on adequate compensation which is different from equitable compensation. The Hon. Minister for Revenue said some months ago that the capacity of the Government to pay should be taken into account in the matter of giving compensation to zamindars; I am very glad that he did not reiterate that in subsequent months and I do hope that he will provide for adequate compensation. The acceptance of this principle will mean that it is accepted not only with reference to the Bill under discussion but with others also and if it is departed from, it will cause a sense of insecurity in the mind of the public and will not conduce to the progressive development of the country, which should be the aim of any popular Ministry. I would earnestly beg the Government to give very serious consideration to the question of adequate compensation. I refer to the reply made by the Hon. Revenue Minister to the last debate as this is the only occasion for me to refer to it."

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MR. SPEAKER:—"The hon. Member can refer to it in the Select Committee of which he is a member."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"It is not a question of my being a member of the Select Committee; so far as the Bill is concerned, I may be a member of the Select Committee or I may not, when the Select Committee is constituted, but it is the united voice of the House and the directions of the House that should guide the activities of the Select Committee."

"Regarding compensation, to-day it may be a question of abolition of zamindaris; tomorrow, it may be that legislation may be introduced saying that nobody can own more than four houses or more than two houses and the rest should be taken over by Government; some raised the question as to what would happen if one person had more than one wife but I shall not worry about that here. If such were to be the case many more people than are affected by this legislation will be affected and if the principle of adequate compensation is laid down it will apply uniformly to all cases whatever may be the nature of property that is being taken over by the Government and it will infuse a spirit of confidence and there will be greater support to Government measures intended for public good. It is with that view that I reiterate my request regarding the grant of adequate compensation. In this connexion, I have to refer to the reply of the Hon. Revenue Minister on the question of the multiple. He said: 'Do not worry about the multiple that is provided for here; the whole question depends upon the assessment business and whatever may be the multiple, the total will be very small and you need not bother about that'. I would have been quite happy if this is meant as a reply to those enthusiasts who do not want any compensation to be paid. I have no doubt that the Hon. Revenue Minister is a more experienced person in matters of land revenue than I and would realize that there should be no injustice. I do hope he will bear this in mind and see that the compensation is not only fair but is also real; not only equitable but also adequate and it will give a great fillip to the future development schemes with which Government may be concerned."

"I am very grateful to you, Mr. Speaker, for the indulgence you have shown to me and I may assure you that you have done the right thing in the interests of the public."

SRI M. KANNIAPPAN:—"தலைவர் Sir, இப்பொழுது கமிட்டியில் 11-30 போட்டிருக்கும் மெம்பர்களைப் பார்த்தவுடன் நான் பிரமித்தேன். உண்மையில் அது ஒரு கமிட்டிதான் என்று எனக்கு தெரியவில்லை. இப்பொழுது கமிட்டியில் போட்டிருக்கக் கூடியவர்கள். . ."

MR. SPEAKER:—"இப்பொழுது கமிட்டியைப்பற்றி பேசுவதற்கு ஒன்றுமில்லை. நீங்கள் அதற்கு ஒரு amendment move பண்ணலாம். அதற்கு வேண்டிய மெம்பர்களையும் சொல்லலாம்."

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SRI M. KANNIYAPPAN:—“நாங்கள் பேசிற்போதும் தெரிவித்
தோம். நியாயமாக கமிட்டியை போடவேண்டுமென்றும் உண்மையான
மெம்பர்களுடைய கமிட்டியாக இருக்கவேண்டுமென்றும் அதல் லுமித்
தார்கள் இருக்கக் கூடாது என்றும், பணக்கார கூட்டத்தை சேர்க்கக்கூடாது
என்றும், ஜமீந்தார்களுடைய சித்தநிதாக்களையும் சேர்க்கக்கூடாது என்றும்,
தெரிவித்தோம். ஆனால் இப்பொழுது கமிட்டியில் போட்டிருப்பவர்களைப்
பார்த்தால் இந்த ‘பில்’ அப்படியே நாசமாகிவிடும் என்று நான் நம்பு
கிறேன். மக்கள் இதை எதிர்ப்பார்கள் என்பதையும் உங்கள் சார்பாக
மந்திரி அவர்களிடம் சொல்லிக்கொள்ளுகிறேன். இந்தக் கமிட்டியை
துருத்தியமைக்கவேண்டும். இல்லாவிட்டால் சபையில் இந்தக் கமிட்டிக்கு
இடம் கொடுக்காமல் சபை அங்கத்தினர்கள் கிளர்ச்சி செய்யவேண்டுமென்று
மவண்டிக்கொண்டு இந்தச் சமயத்திலும் இதை சொல்லிக்கொண்டு நான்
என்னுடைய வார்த்தையை முடித்துக்கொள்கிறேன்.”

SRI T. PRAKASAM:—“Sir, what was said by Sri Vallabhai
Patel was referred to here. I may point out to you and to hon.
Members that it has already been brought on record that with
regard to the question of compensation all the provinces cannot
be said to go together, because there would be variations in
certain provinces. Therefore on the question of compensation there
could not be any unanimity. It is only on the condition of the
ryots and his position that there can be any unanimity. That is
the only one construction that should be put on it. Whatever
Sri Vallabhai Patel has said must be taken in the light of what
is recorded.”

* **THE HON. SRI KALA VENKATA RAO:**—“Sir, I am very
sorry that this motion has given so much room for so much dis-
cussion and criticism, and particularly from Mr. Kanniyappan.
Mr. B. S. Murthi always talks at a tangent (interruption) he has
been saying that the Government is capitalist-minded and that
I want to obstruct this legislation and so I have put in people
who are capitalist-minded. (Laughter.) I shall tell you what I
mean. Please see the names of the members. (Interruption.) I
am not a capitalist. The Hon. Mr. Kala Venkata Rao, whatever
he is, is a very poor man; he owns only 25 acres of land.”

SRI T. VISWANATHAM:—“On a point of order, Sir; may
I point out, that in the selection of names of members of the
Select Committee, amendments may be moved, and passed or
rejected. It is not good to discuss the merits or demerits of
members.”

MR. SPEAKER:—“He wants to point out to Mr. B. S.
Murthi that members who are in the list of the Select Committee
are all poor people and not capitalists.”

THE HON. SRI KALA VENKATA RAO:—“The Hon. Dr. P.
Subbarayan is the legal Member of the Cabinet and as such he
ought to be in the Select Committee. The Hon. Mr. Bhaktavat-
salam is, I think, a poorer man than myself. (Continued
laughter.) As far as I know, he has not even 15 acres of land,

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and then, Sir, he is required to be there with reference to the
irrigation works which, we contemplate, should be repaired.
Mr. G. Sanyasi Rao represents Vizagapatam district.”

SRI GUNTUR NARASIMHA RAO:—“Sir, on a point of
order, is it necessary to go into the history of each member of the
Select Committee?”

MR. SPEAKER:—“It is not a point of order. I have
already said the Minister wants to show that all the members of
the Select Committee are poor people.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“On a point
of order, Sir, I beg to submit that it is strange that the Hon.
Minister should get up and speak about the financial position of
each member of the Select Committee.”

MR. SPEAKER:—“The point is this; some Members of the
House have remarked that all the members of the Select Committee
are rich people. The Minister wants to show that all of them are
only poor people.”

* **THE HON. SRI KALA VENKATA RAO:**—“I claim and I
challenge anybody to prove, whether any member of the Select
Committee from our side except one or two have got property worth
a lakh of rupees. They have all slaved their lives for the cause
of the poor. They are all representatives of estate areas. There
is only one member on our side who is outside estate areas. The
selection has been made on territorial basis from Vizagapatam to
Cape Comorin. All the districts have been represented by one
or two members. There is absolutely no reflection on anybody,
if he is not selected. It is only intended to bring on the best
representatives on the ryots' side. If anybody comes and proves
that any member of the Select Committee on the Congress side,
except one or two, owns lands worth a lakh of rupees, I will
resign and get away.

“Then, Sir, with reference to the correspondence which is
laid on the table of the House, Mr. Viswanatham pointed out
paragraph 4 and said that all the proceedings of that conference
should be published. The proceedings of the Revenue Ministers'
Conference have been marked confidential. I may also assure
my hon. Friend, the circular from which Mr. Prakasam quoted
refers only to post-abolition agrarian reform.

“The Kumararaja of Chettinad once again referred to the
question of compensation. Of course it is unnecessary to have gone
into that question. I would assure Mr. Chettiar, whatever compen-
sation will be given, it will be given with the approval of the High
Command. I have got their approval already for a particular
figure. Therefore, if there is any difficulty, it is open to this House
to make any further suggestion in the House or in the Select
Committee and Government are prepared to consider them. If
any member is not here—I never want to shut out anybody—he can

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come and give evidence in the Select Committee. We do not want to pass any legislation which will go against the interests of the country and the tenant, and in particular if it goes one millimeter against the ryot I will be the last man to sponsor it."

MR. SPEAKER:—"Does Mr. Prakasam wish to raise any point of order or any point of information?"

MR. T. PRAKASAM:—"I wish to raise a point of order of very great significance. The Hon. Minister said that he had already got the approval of the High Command. The High Command can never give the approval before the matter was discussed here or in the Select Committee. It is this House which should discuss this thing first, and the Hon. Revenue Minister should not have asked for approval before this matter was discussed here."

* THE HON. SRI KALA VENKATA RAO:—"But it is a matter of opinion."

MR. SPEAKER:—"As I have already said, it is this House that should discuss this matter. The High Command could have given something in private; but all those things should not be brought before this House."

* SRI P. NATESAN:—"Sir, I wish to ask the Hon. Revenue Minister to furnish the draft of the letter in which he asked for the approval of the High Command, that is, how he initiated correspondence on this matter. It is said in the letter of the High Command thus: 'In this matter it is our opinion that all such Bills may be introduced if they have been thoroughly discussed in the Province and the Congress Legislature Party and the Cabinet as a whole have given their consent to the measure introduced.' If it has been approved by the Congress Legislature Party we should not be seeing such a large number of people on the Congress side standing up and criticising. I want to know how he accounts for it. Then, Sir, I thought the Revenue Minister was going to take instruction from the High Command once again."

MR. SPEAKER:—"I have already ruled that nobody should refer to the High Command. It is this House that should decide on this matter."

* SRI P. NATESAN:—"But he was saying, 'he is going to abide by the decision of the High Command.' If it is so, where is the need for this House or the Select Committee to go into it."

SRI R. V. SWAMINATHAN:—"On a point of information, Sir. I want to know—now that Hon. the Minister has replied—a brilliant speech no doubt (laughter) but very unconvincing (laughter)—how he could say that many of them are poor inasmuch as they do not own any land. But they may be rich otherwise, having large amounts in banks. Does he mean that a man who has got only one acre of land but has lakhs of money in bank, is a poor man?"

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MR. SPEAKER:—"Individual merits of members should not be discussed in the House."

SRI R. V. SWAMINATHAN:—"I want to know why he has not given his reply to the point—that in spite of what has been said by several members who did not want to give any compensation, why no representation has been given to such people in the Select Committee."

MR. SPEAKER:—"The hon. Member may move an amendment. I will not allow discussion in this manner."

SRI B. S. MURTHI:—"Sir, on a matter of personal explanation I have to say something. The Hon. Sri Kala Venkata Rao, who hails from Amalapuram, my neighbouring taluk, is at liberty to talk of me in any language, because we have been cousins ever since the days of Aurangzeb. (Mr. Muhammad Raza Khan: "Very bad cousins.") Therefore, irrespective of the fact, whether he has a right or I have a right to challenge, I take the challenge."

SRI P. NATESAN:—"Sir, is the floor of the House intended to discuss the richness or otherwise of members of this House?"

SRI B. S. MURTHI:—"My contention is, out of thirty members of my community in this House, only one member has been nominated to the Select Committee. Even according to the communal G.O. issued by the present Ministry, on the basis of two out of fourteen vacancies, there must be four of our people there. When there are people like Messrs. Muniswami Pillai, Parameswaran, Kakkan, Raghavan and Nagappa, I do not know . . ."

MR. SPEAKER:—"It is not right or proper for a Member to talk comparing members of the House. I cannot allow the hon. Member to continue his speech. Mr. Kanniyappan will now speak."

SRI M. KANNIYAPPAN:—"தலைவர் Sir ஒரு விண்ணப்பம். இந்தக் கூட்டத்தில் ஜூன்தார்கள் எத்தனை பேர்களை போட்டிருக்கிறது என்பதை நான் தெரிந்துகொள்ளவேண்டும்."

THE HON. SRI KALA VENKATA RAO:—"There are three members, two from the Opposition and one from the Congress Benches."

MR. SPEAKER:—"What I said was that the Hon. Minister had given a list of names and that the hon. Member was not right in asking why so and so was not selected."

SRI B. S. MURTHI:—"My question was that, when there were people available, why, only one Harijan member had been selected."

MR. SPEAKER:—"Then the hon. Member need not have mentioned names, because the House knows the names of all the thirty members."

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SRI B. S. MURTHI:—"I mentioned names so that people might not misunderstand that I am anxious for a place on the Select Committee. Even if the Hon. Mr. Kala Venkata Rao had asked me to serve on the committee, I would not have accepted the offer."

SRI R. V. SWAMINATHAN:—"I rise on a point of order. The Hon. Revenue Minister has challenged on the floor of this House whether any one can prove that any member of the Select Committee has got property worth a lakh of rupees. If I prove that there are members whose property is worth more than one lakh, may I know what action will be taken?"

MR. SPEAKER:—"This is not at all a point of order."

SRI P. NATESAN:—"I have not got a reply from the Hon. Revenue Minister. I wanted to know whether this Bill was thoroughly discussed in the Congress Legislature Party and, if so, why there was all this unseemly talk in the House."

MR. SPEAKER:—"The Hon. Minister need not reveal what has taken place in the party meeting. Even if he wants to reveal, I am not going to allow him to do so."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Members of this House were discussing various aspects of the question and we thought that the Hon. Speaker would give us an opportunity to suggest names for inclusion in the Select Committee. It is certainly not fair to say that, because we were discussing other matters, we are now precluded from suggesting names. If an opportunity is given to the members to suggest names, they will do so."

MR. SPEAKER:—"I have told the House a number of times that the members are at liberty to move amendments. After the reply of the Hon. Minister, I am not going to allow it as it is out of order."

SRIMATHI C. AMMANNA RAJA:—"I rise on a point of order. Sri D. V. Ramaswami suggested the name of Sri Viswanatham. I am bringing it to your notice because you were talking to somebody when he made that suggestion."

MR. SPEAKER:—"I have not heard the hon. Member proposing the name of Sri Viswanatham. He could have brought it to my notice or sent a chit saying that he proposed such and such a name."

SRI D. V. RAMASWAMI:—"I have sent a chit through a peon just now."

MR. SPEAKER:—"Just now! Further nobody has seconded the name."

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THE HON. SRI KALA VENKATA RAO:—"I have nothing to add to what I have already said. Some of my friends are angry. Either I will have to make up with them or they will have to make up with me, because there is no personal quarrel between us."

SRI K. T. KOSALRAM:—"I propose some names."

MR. SPEAKER:—"நீங்கள் இப்பொழுது names கொடுக்கமுடியாது. நீங்கள் அவர் reply பண்ணுவதற்கு முன்பாக names-ஐ propose பண்ணி இருக்கவேண்டும். இப்பொழுது அவர் பதில் கொடுத்துவிட்டார். ஆகையால் இப்பொழுது நீங்கள் பேர்களைச் சொல்ல முடியாது."

The motion was put and carried.

SRI K. T. KOSALRAM:—"Sir, இங்கிருந்து சில voices 'no' என்று சொன்னார்கள். தயவுசெய்து அவர்களை 'யார் யார்' என்று விளக்கினால் நல்லதாக இருக்கும்."

MR. SPEAKER:—"யாராவது ஒருவர் 'no' என்று சொன்னால் அதை என்னால் கேட்கமுடியாது. நான் சப்தம் வருவதை வைத்துக்கொண்டுதான் 'சரி, இல்லை' என்று சொல்வது. ஒருவர் இரண்டு பேர்கள் சொன்னால் சப்தம் குறைவாக இருக்கும். எந்த சப்தம் ரொம்பவும் அதிகமாக இருக்கிறதோ அதைத் தான் எடுத்துக்கொள்ளமுடியும்."

(2) THE MADRAS ALIYASANTHANA BILL, 1947 (L.C. BILL
NO. 1 OF 1948).

* THE HON. SRI K. MADHAVA MENON:—"I move—
'that this House concurs in setting up a Joint Select Committee of both the Houses consisting of twelve members (eight members from the Assembly and four members from the Council) to consider the Madras Aliyasanthana Bill, 1947 (L.C. Bill No. 1 of 1948) and that the following members of this House be nominated to the said Joint Select Committee:—

The Hon. Dr. P. Subbarayan.

The Hon. Sri A. B. Shetty.

Sri K. R. Karanth.

Sri U. Padmanabha Mallayya.

Sri L. C. Pais.

H. S. Hussain Sahib Bahadur.

Sri K. Ishwara.

Sri M. P. Govinda Menon.

"Sir, there is no necessity for me to speak at length on this Bill. Aliyasanthana law is more or less akin to Marumakkattayam law which prevails in Malabar. Aliyasanthana law is being followed in Talunad in South Kanara. But there is very little difference in the Law of Inheritance and Intestate Succession in

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that area and in the neighbouring district of Malabar. In Justice P. R. Sundara Ayyar's book on 'Malabar and Aliyasantana Law', it is stated as follows (pages 243 to 245):—

'Aliyasantana law as the name implies is the rule of inheritance under which property descends in the line of nephews. The term, it will be noticed, is the exact Canarese equivalent of the Malayalam term Marumakkattayam. The people that follow this system are to be found in Canara and mostly speak Tulu. The word corresponding to Marumagan in Tulu is Marumaya but the word in use among the people to denote the system of law is the Canarese word Aliyasantana Kattu or more shortly Aliyakattu. The rules of this system with the traditional account of its origin are to be found in a Canarese pamphlet known as Bhatala Pan ya's Kattu Kattalai.

The system promulgated differs but slightly from the Marumakkattayam system. In its main features, viz., impartibility, descent in the line of females and non-recognition of marriage as a legal institution, it completely agrees with the latter.

The Aliyasantana system differs from that of Malabar only in more consistently carrying out the doctrine that all rights to property are derived from females. Observations to a similar effect are to be found in some decisions. These observations are responsible in the main for the recognition of rights of management in females, for the evidence given in certain cases disclosed a state of fact, not dissimilar to that in Malabar.

"When the Marumakkattayam Bill was brought in the Assembly in 1932, people who were following the Aliyasantana law were also included within the scope of that Bill. But serious objections were raised by the followers of the Aliyasantana law to their inclusion in the Marumakkattayam Bill, because they thought that the Bill was going too far than what their customs allowed. So they were excluded from the provisions of the Bill. In 1933, the Hon. Mr. A. B. Shetty, who was a member of the old Legislative Council, brought forward a Bill similar to the one that is introduced in this House now. It was referred by the Council for eliciting public opinion. Public opinion was obtained and published by the Government. A vast majority of the followers of Aliyasantana law agreed that the Bill was necessary. But as the Legislature was dissolved, the Bill could not be proceeded with. When the Legislature was formed again, the Hon. Mr. A. B. Shetty before he became Minister gave notice of a private Member's Bill. The Government gave him permission to do so and said that they would not oppose the Bill being referred to a Select Committee. Later on he was able to convince that the Government themselves might take it up as a Government Bill. That is the reason why it has come up now as a Government Bill.

"The Bill only intends to codify the existing law which is based on custom and certain decisions of courts. Customs change as the views of the people change, and courts also have been adjusting to some extent to the change in custom. We have only attempted to codify the existing practice and made certain changes to suit the conditions and ideas of the people concerned. It has been suggested that it is expedient to define and amend in certain

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respects the law relating to marriage, intestate succession, family management and partition applicable to persons governed by the Aliyasanthana Law of inheritance. The exclusion of persons following the Aliyasanthana Law of inheritance from the operation of the Marumakkattayam Bill in 1932 was due to the opposition of a section of the people to certain provisions in the chapters on Marriage and Partition. But since then opinion in favour of such legislation has gathered strength in the South Kanara district.

"I feel that the Bill before the House does not go as far as the Marumakkattayam Act in certain respects. This is due to the fact that we have given consideration to conservative opinion and respected it. Personally I would have certainly preferred the provision relating to marriage in the Marumakkattayam Law to be incorporated in this Bill. Under the Marumakkattayam Law, the marriage of a Marumakkattayam female to a male belonging to any Hindu community is valid. We are recognizing every marriage provided the parties are Hindus and females governed by the Marumakkattayam Law. In this Bill, we have said that the marriage of a Aliyasanthana female with a male belonging to the same community only is valid. I do not see any reason why a marriage of an Aliyasanthana female with a male belonging to any community provided he is a Hindu should not be a valid marriage. Whatever may be my personal opinion the community does not want to go to that extent. We have respected that opinion and made the provision as it is in the Bill.

"The Aliyasanthana Law Reform Conference appointed a committee to draw up legislation to codify the Aliyasanthana Law, and the Bill more or less follows the recommendations of that committee.

"There is nothing more to be said and I do not want to take the House through the details of the Bill as I find that many members are not interested, not because they have no interest in the followers of the Aliyasanthana Law but because they may not know all about the law. The reason why I have selected members mostly from the West Coast and mainly from South Kanara is because they are more interested and know what the law is. I hope the House will concur in setting up a Joint Select Committee."

* THE HON. SRI A. B. SHETTY:—"Mr. Speaker, Sir, any 12
speeches on the Aliyasanthana Bill may fall flat on the members
of this House, especially after the very exciting debate we have
just had on the selection of members to the Zamindari Bill Select
Committee. Many of the members of this House do not seem to be
acquainted with the Aliyasantana system. As a member of the
Aliyasantana community myself, I think it my duty to give my
wholehearted support to the introduction of this measure.

"As mentioned by the Hon. Mr. Madhava Menon, the customary law known as the Aliyasantana Law obtaining in South Kanara is similar in most respects to the Marumakkattayam Law prevailing in Kerala. According to the principles of this system,

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children are not entitled to inherit the father's property. Hence courts of law have declined to grant recognition to this system of marriage even for the purpose of marital status. If a man dies intestate, his property which is self-acquired or separate, devolves on the members of his mother's branch and in case there are no Aliyasantana heirs who are entitled to inherit the property it will escheat to the State. The Aliyasantana family manager has to carry on a perpetual struggle between his duties to his heirs and their children and his natural affection towards his own wife and children. Naturally he prefers the interests of his own wife and children to the interests of his sisters and their children. The case becomes worse when he becomes the manager of a big family consisting of several branches. He finds it difficult to hold the scales even between these several branches. Naturally he becomes partial to the members of his own branch. Family lands are neglected and family funds are unjustly appropriated for the benefit of his own wife and children. The Aliyasantana family manager or yajaman as he is called, spends money on the education of his children and not on the education of the children of his sisters. He does not allot to the family members any lands for cultivation. He leases out the family lands to the tenants. When distant relatives removed from each other by several degrees are huddled together in the same joint family house, home-life in the best sense of the word, becomes impossible. The different branches of the family quarrel and fight among themselves and often criminal proceedings are being instituted against each other. Junior members of the family file maintenance suits against the yajaman and very often they seek to depose him. Voluntary division of family properties takes place in some cases but very often it is effected only after much ruinous litigation and creation of bad blood. The unnaturalness of this system has been often dwelt upon in judicial pronouncements. Travancore and Cochin have many years ago passed legislation for effecting reforms in this system. The Marumakkattayam Act affecting the people of Malabar was passed in the year 1932. It was sought to be applied also to the Aliyasantana people of South Kanara. But after the passing of this Act, due to the opposition from a section of the Aliyasantana people to certain provisions of the Act in regard to marriage and partition, the Aliyasantana people were excluded from the operation of that Act. Since then there has been a growing demand in South Kanara for a legislation of this sort and several Bills have been drafted. In 1939 the Aliyasantana People's Reforms Conference constituted a representative committee and they drafted a Bill after taking the opinions of people all over the district and they found that the main provisions of the Bill as drafted by them had the support of the principal Aliyasantana communities in the district, namely the Bunts, the Jains, the Mogaveeras and the Billavas. The Government have drafted this Bill on the same lines as the Bill drawn up by the people's committee in 1939. The four main measures of reform provided for in this Bill are with regard to marriage legalisation, intestate succession, family

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management and partition. These reforms are the same as those provided for in the Marumakkattayam Act. The Bill proposes less radical changes than what you find in the Marumakkattayam Act so as to take the line of least resistance and make the reforms acceptable to the conservative sections also among the Aliyasantana community people.

"Now, Sir, legislation for the abolition of the zamindari system and the present move for taking away the lands from non-cultivating landlords and giving them no compensation has naturally created a sort of fear among certain sections of people in the country. The Aliyasantana people are an agricultural community. The junior members of the family want to have partition and get their share of the land and cultivate it. I think it will be a very good thing to create a class of peasant proprietors or independent farmers who cultivate economic holdings of their own. The Aliyasantana people of South Kanara have long been looking forward to a legislation of this sort. The Bunt alias Nadava Sangha at their annual conferences held in Kasargod in December 1946 and in Coondapoor this month have passed resolutions urging upon the Government the necessity for an early introduction of this measure and there is no doubt whatever that this measure will be welcomed by all sections of the people belonging to the Aliyasantana community in South Kanara. This Bill does not propose any root-and-branch reform. It seeks to bring about certain wholesome changes which have a large measure of support among all the sections of the people governed by this law. I am very thankful to my hon. colleague Mr. Madhava Menon who is himself a follower of a similar system, namely, Marumakkattayam system for undertaking to pilot this Bill through this House and the Upper House."

M. MUHAMMAD ISMAIL SAHIB-BAHADUR:—"Mr. Speaker, Sir, I have only one observation to make before the Bill is put to vote. This Bill concerns the fundamental rights of a particular section of the community. It pertains to the customary law which governs a certain section of people in the Province. When such fundamental questions are taken up for legislation, is it not right and proper for the Government to move that the Bill be first circulated for eliciting public opinion, before it is referred to a Select Committee?"

THE HON. SRI K. MADHAVA MENON:—"I may submit, Sir, that public opinion has already been received in regard to this measure and there are two bound volumes containing public opinion supporting this Bill. That is why, Sir, the Government have taken up this Bill for introduction."

"In reply, Sir, I have nothing more to add to what I have already said on this Bill, because everybody is inclined to agree with the principles of the Bill."

The motion was put and carried.

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(3) THE MADRAS WEIGHTS AND MEASURES BILL, 1947
(L.C. BILL NO. 2 OF 1948).

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

- *that this House concurs in setting up a Joint Select Committee of both the Houses consisting of twenty-one members (fourteen members from the Assembly and seven members from the Council) to consider the Madras Weights and Measures Bill, 1947 (L.C. Bill No. 2 of 1948) and that the following members of this House be nominated to the said Joint Select Committee:—*

The Hon. Dr. P. Subbarayan.

Sri N. S. Varadachari.

„ Guntur Narasimha Rao.

„ C. M. Kothari.

M. S. Abdul Majid Sahib Bahadur.

Haji Moulvi Sinna Kaziar S. A. Ibrahim Sahib Bahadur.

Sri B. Parameswaran.

The Hon. Sri H. Sitarama Reddi.

Mr. B. W. Batchelor.

Sri N. M. R. Subbaraman.

Srimathi C. Ammannappa Raja.

Sri A. Subrahmanyam.

A. K. Kader Kutti Sahib Bahadur.

Sri M. P. Damodaran.

" Sir, though this may not be so exciting as the discussion over the selection of members to the Select Committee of the Zamin-dari Bill, this is a very useful and weighty measure for this affects our Province considerably, because this Bill attempts to bring a uniform system of standard of weights and measures in this Province. We all know that the system of weights and measures differs from village to village in the Province and that considerable difficulty is felt in the commercial circles for purposes of inter-provincial trade, without such a uniform system. The question of taking steps to prescribe and enforce a uniform system of weights and measures was considered on several occasions. In 1928, the Jewellers' Weights Committee recommended that Government should introduce legislation. The Government decided that a Bill should be prepared to provide for the stamping of all weights and measures and prohibiting the use of those unstamped; for the licensing of manufacturers of weights, etc., and for inspection and power to destroy inaccurate weights. The difficulties in the way of the proposed legislation were however considered insuperable and the proposal to proceed with the legislation was dropped in 1932. In 1936, the question whether legislation for standardizing weights and measures should be undertaken in this Province, was referred to

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a sub-committee of the Provincial Economic Council. This Committee decided that the matter might be deferred until after the inauguration of the new constitution.

" The constitutional position under the Government of India Act, 1935, is that 'Establishment of Standards of weights' is a Central subject while 'Weights and Measures' is a Provincial subject. So far as weights are concerned, it is for the Central Government to prescribe standards. The enforcement of the use of weights based on these standards is however a matter for the Provincial Government. In 1939, the Government of India passed the Standards of Weights Act, 1939. The Act prescribed the units of weight commonly used by the railways and in commerce, namely, the tola, the seer and the maund and the ton. The Stamping establishments in this Province are at present attending to the stamping and testing of weights fixed by the India Act, 1939. It was with reference to the Central Act of 1939 that the question of undertaking legislation for standardization of weights and measures was again taken up in 1939; but in view of the then disturbed political atmosphere the Government postponed legislation for the duration of the war. The question was however reopened in 1944 at the instance of Mr. G. W. Priestley (then Adviser) and it was considered necessary to specify certain denominations of weights and measures correlated to reliable standards. A draft Bill was accordingly prepared and considered recently at a conference with representatives of commercial interests, and the alterations suggested by those representatives have been embodied in it. The Bill is thus one which has been generally agreed to by commercial interests in this Province. The Bill was published for general information in Part IV-A of the Fort St. George Gazette, dated 9th December 1947."

" The object of the proposed Bill is to secure uniformity which is now lacking. It follows in several respects the Bombay Weights and Measures Act, 1932, the Punjab Weights and Measures Act, 1941, the Orissa Weights and Measures Act, 1943 and the North-West Frontier Province Weights and Measures Act, 1947. It has been reported that there was opposition in the initial stages from the dealers in Bombay which was mainly the result of their conservative nature and their natural unwillingness and fear of control by a Government agency. The general response from the public in Bombay was reported to be very favourable. The Act is operating smoothly and is a success there. The trades were allowed six months as period of grace to change over to the new system of weights and measures. Similar provision is also made in our Bill. The main features of the Bill are as follows:—

" The recognized weights and the recognized measures of length, area and capacity or volume are specified in the schedule to the Bill, which is in three parts. The recognized weights have been correlated to the standard weights specified in the Standards of Weights Act, 1939 (Central Act IX of 1939). Weights and measures specified in the schedule with reference to particular trades are not to be used in other trades. Power is also reserved to

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the Government or any authority empowered by them, to notify any integral multiple or sub-multiple of any recognized weight or measure, as a recognized weight or measure for the purposes of this Bill. The Bill provides for the preparation and custody of primary and working standards for recognized weights and measures, and also for the stamping of weights and measures. Inspectors will be appointed for the purpose of ensuring that the weights and measures used are accurate and have been properly stamped. Every dealing or contract after the Bill becomes law is to be deemed to be had or made with reference to a recognized weight or measure. The use or possession of unstamped or incorrect weights has been made a criminal offence, and such weights and measures are also liable to be seized and forfeited to Government. Unauthorized or incorrect stamping of weights and measures and the counterfeiting of any mark prescribed for stamping on recognized weights and measures have also been made offences.

"Sir, subsequent to the publication of the Bill the Government have been getting very many representations that it was a very right measure and it has come none too soon. Certain amendments and suggestions for the improvement of the Bill have also been received from various centres which I am sure will be gone through thoroughly in the Select Committee. I have been attempting to get as many businessmen as possible in the Select Committee and that is why I have suggested the names of Hon. Members just now mentioned, because I wanted to get the assistance of people who are actually dealing in weights and measures in bringing out a good legislation which would enable us to have uniform standards of weights and measures in the Province. I seek the support of the Legislature, Sir."

* BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, this is a very useful piece of legislation which the Government have brought forward in view of the fact that the need for uniform weights and measures has long been felt. In the interests of interprovincial trade and commerce, it is very necessary that there should be uniformity in regard to this matter. As things stand at present there are innumerable differences in weights and measures in this Province not only from district to district but also from village to village. We find that even backward Provinces like Orissa and the N.W.F. Province have already gone ahead of us by bringing forward necessary legislation with reference to this matter. I am sure that this Bill will be welcomed in this Province by all sections both traders and consumers. I am glad to find that the Government have given sufficient time to the people to switch on from the old weights to the new. I also note that the Bill provides for the imposition of due punishment on those who violate the law. I think this is very necessary for in the absence of such a penal provision there will be considerable infringement of the law. With these words, Sir, I support the measure."

* MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, while supporting this Bill I have to mention one point. At

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the time when the Hon. the Leader of the House made certain amendments to the rules of the House, namely, that for constituting joint select committee, he gave us an assurance that only under special circumstances there would be a joint select committee of both the Houses. In the course of this session we find that every Bill which is referred . . ."

* THE HON. DR. P. SUBBARAYAN:—"With due apologies to the hon. Member I may perhaps take a little of the time of the House for telling him that these are measures that are considered very important and on which we want the opinion of both the Houses. Therefore if they are frequent in this session, it is due to the fact that there are any number of important measures before the House."

* MUHAMMAD RAZA KHAN SAHIB:—"I thank the Leader of the House for his explanation, Sir. If the Hon. Leader of the House presumes that all the Bills which have been referred to the Joint Select Committees are important I cannot object to that. But I say that the very purpose of the Upper House would be defeated if we have Joint Select Committees for all the Bills. Under the Constitution Act it is for this House to initiate legislation and when it goes to the Upper House, they have got every right to make changes or make the necessary amendments. If we have Joint Select Committees on all the Bills we will be making them bound by our decisions also. To have Joint Select Committees in special cases there is of course no objection. But under the pretext of every Bill being important can we have Joint Select Committees for all the Bills? That is my submission, Sir."

SRI GUNTUR NARASIMHA RAO:—"Mr. Speaker, I rise to support the Bill. In a country like India where we have different provinces where different languages prevail, different weights and measures also are in existence. It is very awful for the business community to transact business. As we are trying to have some uniformity in the Indian Dominion this is the right time that the Bill should be brought forward. Sir, I welcome the measure on behalf of the business community and I hope this will soon be passed."

* SRI V. RAGHAVAYYA:—"It is good, Sir, that this Bill has at last come. But there is a defect here in this Bill which I wish to point out to the Hon. the Minister concerned lest it may be too late before it is rectified. Clause 7 says: 'Whoever after the expiry of six months from the commencement of this Act, uses in a commercial transaction or . . . ' Sir, I shall refer to a state of affairs which does not come under 'commercial transaction'. Weights and measures which are deliberately false and intended to cheat the agricultural labourer are in vogue to-day from Cape Comerin to the Himalayas, in every province. We have got measures varying from village to village and town to town and province to province. If the word 'commercial' is intended to be understood in its correct sense this transaction, namely, doling out of wages by the landlord

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to the agricultural labourer is not covered by this. You will have to find a more suitable term so as to avoid the continuation of this pernicious system. As early as 1937 when Mr. Muniswami Pillai, the then Minister for Forests visited Nellore we had then a big meeting of 10,000 labourers. To emphasize the point, I was trying to make out I got a false measure from a village and put in it an Address of 3 sentences, the first sentence being: 'I do not think your Government is capable of doing big things.' The second sentence was: 'It is a small matter which I would like to bring to your notice and that is the eradication of false measures'. The third was: 'If you could do this you can prove yourselves as having done something for the Harijans and the landless labourers.' The Minister was frank enough. He did not promise big things. He told us: 'Well, this is a matter which is very simple. No doubt, it is cheating the public. I know that these measures exist in my own village. But I cannot do it. It requires the permission of the India Government.' From 1937 till 1947 the Bill has been looming large but without becoming an Act to the chagrin of the discontented agricultural labourer who could not get summary justice. At last now the India Government have given permission to the Provincial Governments to make rules and bye-laws for controlling these measures. And even when we come to this stage it is a pity that the Hon. the Minister for Agriculture could not realize the needs of the poor agricultural labourers and introduce a measure which would do away with their difficulties. He seems to be more impressed by the needs of the townsmen and the weights and measures used in the towns rather than the weights and measures used in the villages. I wish to tell him for his information that in the villages every ryot has got a cane basket which he tries to fill from time to time with dung, mud and other things so as to reduce its content. Each house has got a measure of its own and it differs from street to street. The more enthusiastic and enterprising the old lady of the house is, who used to dole out the wages to the agricultural labourer, the smaller it becomes. There is no rule or law controlling or banning the use of such measures. If you go to the Police they will say that the agricultural labourer knows that these measures are smaller than the standard measures and when he knows that where is cheating? Unfortunately the Weights and Measures Act does not control these measures. So it is incumbent on the Government to come to the help of the agricultural labourer at least in the year of Grace 1948. The Weights and Measures Act should be more comprehensive. If the Hon. the Minister knows, I think he should have known by this time, that in the villages these measures do exist, I want to know, as to what is the remedy he proposes to control the use of such measures. The Bill he has framed now signally fails to come to the rescue of the field labourer because doling out wages does not come under 'commercial transaction'. It is a wage paid by the employer to the employee and it cannot be commercial transaction. I would therefore suggest that he might omit the words 'commercial transaction', and simply say 'Whoever, after the expiry of six months from the commencement of this Act, uses or possesses

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That would obviously remove the difficulty and inconvenience, and I do not think it would be difficult for the Government to accept this.

"I wish to mention another point, Sir. Why should they dump the committees with Ministers? Are not Ministers satisfied in having their own portfolios? Why should they get into these committees? We see that three Ministers are dumped into this committee. It is a very bad practice. The Government should not try to fill the committee with themselves to muzzle and control free discussion. There should be more non-officials in the committee. Why did not the concerned Minister think it necessary or worthwhile to take the advice of a man who is a labourer himself? There are Harijans who can advise him on this most important subject.

"They have committed a big blunder in confining the Bill to 'commercial transactions'. These country measures are used in 99 per cent of the villages. It was a signal failure on the part of the Minister's advisers not to have provided for some protection to the many millions of the people in the country who are being defrauded in this way. I therefore suggest to the Hon. Minister that he might accept my suggestion and put in the committee at least one who knows the question of the labourers. (Interruption.) I am not very much anxious about myself."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I am glad that the Bill is supported by all and even by Mr. Raghavayya who gave me very valuable suggestions. It shows that the Bill is necessary. I have only to answer Mr. Raghavayya. I have to reply to—I do not know what to say exactly—his absolutely irrelevant remarks made with regard to this Bill. I can quite understand my hon. Friend taking every opportunity to bring in the poor, the Harijans, landless cultivators, or other people for mere propaganda than for any other purpose. This Bill does not affect any of the

(Mr. V. Raghavayya rose in his seat.)

MR. SPEAKER:—"The Hon. Minister is not yielding."

SRI V. RAGHAVAYYA:—"On a point of order, Sir. Is it open to a Minister, however exalted he may be, to attribute motives to a member when he suggests an amendment?"

MR. SPEAKER:—"The Hon. Minister has not attributed any motive at all."

SRI V. RAGHAVAYYA:—"I accept your statement, Sir, given on behalf of the Minister."

* THE HON. SRI K. MADHAVA MENON:—"I have stated a question of fact, which I am going to prove. This Bill is only for standardization of weights and measures. What my friend was making out all through was that there was a large number of false measures used in the villages and that certain people used measures dumping cow dung or something else into them to cheat the poor

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villagers, and also that the villagers and poor men, who are the most concerned in the Bill, have been forgotten. Sir, this certainly shows that my hon. Friend has not understood the scope of the Bill. My friend, able lawyer as he is, even now knows that the remedy for using false weights and measures is not in the legislation for standardization of weights and measures. There is already a provision in the Penal Code for punishing persons who use false measures and weights. There is a chapter on this in the Indian Penal Code. Anybody, rich or poor, villager or townsman, if he uses false measures to cheat labourers, he will be punished under the provisions of the Indian Penal Code. My friend knows that this Bill has nothing to do with false weights and measures, but only deals with the standardization of weights and measures."

SRI V. RAGHAVAYYA:—"The Hon. Minister flared up and stated that he was going to prove that I was actuated by an evil motive. Whether he has succeeded in proving it or not, I am not concerned. My point is whether any member of the Treasury Bench is entitled to attribute a motive to another member."

MR. SPEAKER:—"He has not attributed any motive."

SRI V. RAGHAVAYYA:—"That is accepted. You have so graciously and generously come to his rescue stating that his

MR. SPEAKER:—"I have not come to his rescue."

SRI V. RAGHAVAYYA:—"Sir, the learned Minister said 'I can prove that he has got a motive'. I want to know whether it is in order for him to assert to prove that I was having a motive."

* THE HON. SRI K. MADHAVA MENON:—"Sir, I repeat that it is not a question of motive. My friend said that I have absolutely excluded the interests of the poor men and the villagers, and that this Bill is concerned only with the townsmen and rich men. He is so much concerned with the villagers that he went to the extent of saying that the Minister for Agriculture has failed the landless poor in the villages. He never attributed a motive to me! This Bill cannot contain any provision like that because all the provisions he requires are in the Indian Penal Code. My friend mentioned that I have forgotten the poor. I say that my friend wanted the poor to believe that there was nobody to support them. My proof is this, Sir. My friend said that under clause 7, it is mentioned 'whoever, after the expiry of six months from the commencement of this Act, uses in a commercial transaction'. He says that there are several transactions which are not commercial, where false weights and measures will be used, and that no provision has been made in the Bill to prevent the use of false weights and measures in transactions other than commercial transactions. Sir, this is not a Bill dealing with those things. Provision is made in another law for dealing with the use of false weights and measures. This Bill is only for standardization of weights and measures. My friend has forgotten that even possessing any weight or measure

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which is not a recognized weight or measure is an offence under this Bill. It is absolutely irrelevant to bring the use of weights and measures in this Bill to avoid cheating. There are special provisions in the Penal Code to meet cases of cheating. Knowing that, it would be absolutely irrelevant to provide for it in this Bill."

SRI V. RAGHAVAYYA:—"May I request a ruling to be given on the point?"

MR. SPEAKER:—"I have already told that he has not attributed any motive to the hon. Member."

* THE HON. SRI K. MADHAVA MENON:—"Then, Sir, about the Select Committee being dumped with Ministers. The rules for the Assembly say that the member in charge of law should necessarily be a member of any Select Committee. Dr. Subbarayan happens to be member in charge of Law."

SRI T. VISWANATHAM:—"May I know the rule to which the Hon. Minister is referring?"

* THE HON. SRI K. MADHAVA MENON:—"I am sorry, Sir. It is more or less a convention. I accept the correction of the hon. Member Mr. T. Viswanatham. I was speaking on the usual practice that the Minister in charge of Law is generally a member of the Select Committee. That is why Dr. Subbarayan is there. I have added the name of Mr. Sitarama Reddi, because he is the Minister for Industries, and also because stamping of weights and measures is done by the Industries Department. Moreover, he is also the Commerce Member and he knows much about business. If two Ministers out of a total number of 21 members is said to be 'dumping of Ministers in Select Committees', I do not know what is meant by the word 'dumping'. (Interruption.)

"My friend Mr. Raza Khan said that the purpose of the other House would be defeated if we go on constituting Joint Select Committees as if the business of the other House is to undo something which this House does. The business of the other House is not to undo the business of this House. It has been the perpetual cry of the other House that they are not taken in Select Committees. Apart from that, as the Hon. the Leader of the House said, this Bill, though it may appear to be non-controversial, is a very important Bill, and that is the reason why a Joint Select Committee has been constituted.

"I want to disabuse the idea that this Bill does not speak of the villagers or the labouring classes or the landless poor, or other people who are in towns. I repeat that it is only an attempt to bring in uniform weights and measures throughout the Province. In every nook and corner of the Province only standard weights should be used, and if anybody uses weights other than standard weights, this Bill makes it an offence. Even if we have standard weights, this cheating will go on so long as human nature continues

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to be what it is. People will put something into the standard measure and thus cheat the agricultural labourers. This Bill cannot help it. There is provision for that in the Penal Code."

MR. SPEAKER:—"The motion is—

that this House concurs in setting up a Joint Select Committee of both the Houses consisting of twenty-one members (fourteen members from the Assembly and seven members from the Council) to consider the Madras Weights and Measures Bill, 1947 (L.C. Bill No. 2 of 1948) and that the following members of this House be nominated to the said Joint Select Committee:—

- (1) *The Hon. Dr. P. Subbarayan.*
- (2) *Sri N. S. Varadachari.*
- (3) *„ Guntur Narasimha Rao.*
- (4) *„ C. M. Kothari.*
- (5) *M. S. Abdul Majid Sahib Bahadur.*
- (6) *Sinna Kaziar Haji Moulvi S. A. F. Ibrahim Sahib Bahadur.*
- (7) *Sri B. Parameswaran.*
- (8) *The Hon. Sri H. Sitarama Reddi.*
- (9) *Mr. B. W. Batchelor.*
- (10) *Sri N. M. R. Subbaraman.*
- (11) *Srimathi C. Ammannappa Raja.*
- (12) *Sri A. Subramanian.*
- (13) *A. K. Kader Kutty Sahib Bahadur.*
- (14) *Sri M. P. Damodaran.' "*

The motion was put and carried.

(4) THE MADRAS RE-ENACTING AND REPEALING (NO. 1) BILL, 1948.

* THE HON. DR. P. SUBBARAYAN:—"I now move, Sir—
that under rule 111 of the Madras Assembly Rules the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of eighteen members to consider the Bill, twelve members from the Assembly and six members from the Council.

Perhaps, the size of the Bill has made some people think that it is a very big measure. If really they would refer to the Bill, it will be seen that it is a small Bill, and what is being done is produced in the schedules which are divided into three parts. The first schedule consists of those Bills which are to be enacted as they were enacted by the Advisers' regime because the Government feel that they still have their use with regard to their work. The second schedule gives amendments that are needed to bring the Bills that were passed during the Advisers' regime for use

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under the present Government. They are measures which are necessary with regard to the various purposes which are set out in the schedule. The third schedule gives the Acts which are repealed. Strictly speaking that is not necessary because by the end of April 1948 these Bills will cease to have effect. But as I am introducing a comprehensive legislation, the Government are taking the opportunity to repeal them through an Act of the Legislature. The Bills are all found in the Appendix—those that are being retained, those to which amendments have been proposed, and those which are being repealed. That is why there is such a bulky volume placed before the members of this House. It is not anything peculiar, and I hope hon. Members will not run away with the idea that the Government, by this bulky volume, are trying to introduce something, a sort of getting from members sanction for things which are not necessary for administrative purposes. I, therefore, move."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, I rise on a point of order. The motion of my hon. Friend is not in order, because he has in one motion sought to introduce any number of Bills. After all, what is provided for in the rules governs the conduct of the House. A member can move one Bill at a time. He cannot move all Bills grouping them together. This may be one motion, but he has moved any number of Bills in one motion. The statement of objects and reasons of each one of these Bills differs from one another."

"Sir, so far as I can see this is not 'a Bill' although it is not specifically mentioned in the rules that the subject-matter of the Bill should relate to only one subject." (Interruption.)

MR. SPEAKER:—"Hon. Member may continue his speech."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Therefore, Sir, in my view, this measure is not in order. As I have already stated, this motion takes into consideration a number of Bills. Besides, it is stated in the rules that a member who is in charge of a particular portfolio or a subject should also be a member of the Select Committee. If you examine the various Bills that are clubbed together in this motion, you will find that they deal with various subjects pertaining to various portfolios and if a Select Committee should be constituted, members in charge of the several subjects should be on the Select Committee. If the Hon. Minister who moved the Bill believes that this is one Bill and that it relates to one matter only, I do not agree with him because it relates to various subjects and it becomes necessary, under rule 77 which says that 'The member of the Government in charge of the department to which the Bill relates and the member who introduced the Bill shall be members of the Select Committee', that all these members should be on the Select Committee. If that rule is to be taken into consideration, I believe that as the subject of each Bill differs from that of the

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other, it becomes necessary under rule 77 that the Select Committee should have amongst its members, members who are in charge of the departments to which the Bills relate. But, my hon. Friend, the Leader of the House, believes that the Bill relates to one subject only."

MR. SPEAKER:—"The hon. Member should speak about the Bill and not about the subjects."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, this is a Bill which relates to a number of subjects and therefore, if rule 77 is to be adhered to, my hon. Friend will have to include the names of members who are in charge of the Departments to which the Bills relate in the Select Committee. Therefore, the motion that he has made is not in consonance with that rule. It is the subject that the Hon. Minister seeks to re-introduce or re-enact and so, I am afraid, under rule 77 of the Assembly Rules, this Bill is not in order and I hope the Hon. Speaker will be able to satisfy me."

MR. SPEAKER:—"Certainly I am going to satisfy the hon. Member."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"If the Hon. Speaker can satisfy me with regard to rule 77, then I shall be satisfied. I do not think it will be possible for the Hon. Minister to satisfy me or the Hon. Speaker. In this Bill, Sir, certain measures are sought to be repealed, certain measures are sought to be re-enacted and certain other measures are sought to be amended."

MR. SPEAKER:—"The hon. Member has made his position clear. I will give the ruling straightaway. The name of the Bill is the Madras Re-enacting and Repealing Bill. Regarding the subject-matters, the rule the hon. Member has mentioned does not say about the subjects. For instance, in the Bill regarding weights and measures, standardisation is a subject which is in the hands of the Hon. Mr. Madhava Menon and the use of false weights and measures is a different subject in the hands of another Hon. Minister and therefore, I say that the rule pointed out by the hon. Member is not relevant and I rule the point out of order."

* SRI K. ANANDAN NAMBIYAR:—"Sir, I rise to oppose the Bill. To my mind, all the actions of the Governor during his autocratic regime in the section 93 period and all the sins of the six and a half years are sought to be washed out by the Hon. the Home Minister, who was then subjected to serious ill-treatment when these acts were passed. The Hon. the Home Minister might have escaped himself but there are other hon. Members of this House who were subjected to cruel ill-treatment when these Acts were passed. I do not want to go into the details of the various subjects in the Bill but we can classify the various subjects. Curtailment of civil liberties and democratic rights are the main features of some of these Bills that were passed during that period, and by one stroke of the pen and at one stretch, the

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Hon. the Home Minister wants to give new life to these enactments. There are something like 69 Acts which are to be re-enacted. The Hon. the Minister may say that these Acts are necessary even today. But, Mr. Speaker, I would draw the attention of the House to the period between 1939 and 1946, to the period of about seven years, when a peculiar situation was prevailing in the country. There was a War and there was no civil liberty and any member who was in association with the premier political organization of the country, the National Congress, was imprisoned and civil liberties were sought to be curtailed by these enactments. But the Hon. the Minister for Home may say that he thinks that these enactments are useful today because the condition prevailing in the country is more or less the same as was prevailing during those days. But I respectfully submit that there are no disturbances and no such clashes today, especially in this Province, as was prevailing in those days and so, there is no reason why those enactments should stand. On the other hand, those enactments are bound to lapse and the Hon. the Home Minister, instead of allowing them to lapse, thinks that there is a necessity for re-enacting them by this democratically elected body. Therefore, in my opinion, Sir, there is no necessity to give a life to these Acts which are going to lapse in a very short period and I submit that the very purpose of this Bill today is wrong because democracy does not allow such enactments to continue. The Hon. the Minister may say that he would give a chance for discussing about the merits of the Bill. But I may state Sir, that there are about 69 Acts embodied in this Bill. Therefore, Sir, in the name of democracy, any Government which calls itself a popular Government, deriving its right from the people, should not try to wash out the sins committed by the autocratic rule during those six and a half years. In all canons of history and in all canons of democracy, these acts are obnoxious acts and they should not be on the Statute Book. So, I submit to the Hon. the Home Minister that he should not try to give a new lease of life to such acts, and he should not say that because he has got the overwhelming majority which he commands, he could bring in any measure even though it is opposed to the very principle of democracy. I have no personal grievance against this Bill but I may state that during that period of clash, so many people fought and laid their lives for the sake of the country. The Hon. the Home Minister should not forget that after 1942, many of these enactments were passed. In fact, I can quote how these Acts are anti-people and anti-democratic. For instance, on page 13, there is the Act called the Prisons (Madras Amendment) Act, 1940 and in that Act, a new section has been added which runs as follows: 'If any prisoner dealt with under Section 39-A escapes or attempts to escape from the hospital or asylum to which he has been sent or when going thereto or returning therefrom, he shall be punished with imprisonment for a term which may extend to two years, or with fine, or with both.' This Act was passed in 1940 when democracy

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was suppressed and the elected representatives of the people were put in jail and the political tension was at its height. During those six years from 1940, many prisoners have escaped from the jails for various reasons and the then Government wanted to make it penal and they wanted to give two years imprisonment to such people. I can understand the then Government passing those Acts under their autocratic rule, but, I cannot understand the Hon. the Home Minister and the Party to which he belongs, asking the sanction of the Legislature to make those penal clauses to continue. Therefore, I respectfully submit that this is not a fair measure and I oppose it.

"Then, Sir, I wish to point out that in the first Schedule there are about twenty enactments referring to the municipalities and district boards. During those years the Assembly was suppressed by the Government and then the next target of the Government was to suppress the municipalities and district boards also. Thus, out of the 69 enactments, there are about twenty enactments which relate to the municipalities and district boards."

MR. SPEAKER:—"Today being Friday, the House will now adjourn and will meet again at 3 o'clock. The hon. Member may continue his speech after lunch."

The House then adjourned for lunch.

(After lunch - 3 p.m.)

MR. SPEAKER:—"The hon. Sri K. Anandan Nambiyar will continue his speech."

* SRI K. ANANDAN NAMBIYAR:—"Mr. Speaker, Sir, unfortunately the Leader of the House is not here."

MR. SPEAKER:—"Another Hon. Minister is deputising for him."

* SRI K. ANANDAN NAMBIYAR:—"I am glad that he is present here, Sir. I have already pointed out this morning that during the last six and a half years the Governor took the law into his hands and enacted several laws and the Government to-day is bringing this measure to re-enact all such measures and I may quote instances to show how particular measures will prove abnoxious. For instance, Sir, it is said that if a person attempts to escape while being taken to any asylum say to a hospital, he is to be given two years imprisonment. Sir, the point is that during those days when this Act was passed there were cases when some congress people escaped from prisons or attempted to escape and it may be that they were communist-minded congressmen and then the Governor took pains to see that such men were kept in jail for two years. But there is no justification for retaining such punishments even now. It has been provided that if a prisoner escapes he is to be given two more years for that reason. He may be in an insane state of mind. Such necessities did not arise till the year 1940 but the Government took the law into its own hands and enacted these measures in order to maintain law and order. The Governor was deadly opposed to the present Leader of the

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House and I do not see why the Home Minister should justify the existence of such acts on the Statute Book. It is not democratic. It is all wrong in principle. Without eliciting the public opinion in this matter he has acted in his own discretion. In those days people were sent to jail for their reading merely the statement of Pandit Nehru, the present Prime Minister of India, and I do not see any reason why all the acts of the Governor should be supported now. In 1940 the Governor found it necessary to enact them in order to arrest those that tried to escape. Now against whom is this Act to be applied? What is the necessity for this? Is it democracy to give such a heavy punishment of two years? Are they aiming this against the Communists saying that they are mischief-makers? The Home Minister may have ready answers. He may say that the Communists and Trade Unionists are mischief-makers and so they should be punished and dealt with harshly. But, Sir, I say it is against the democratic principles to have this enactment as it stands. That is what I object to. He cannot afford to forget democratic principles. When he uses a stick he must see that he uses it reasonably and he should also see that it does not militate against fundamental principles for which he and his organization stand, or profess to stand to-day. He should be very careful in doing this. I am sorry that the Ministry under the able guidance of the Hon. Home Minister should be ashamed to put this legislation on the Statute Book. The people of the country will laugh at this and will think that the Hon. Minister has done a bad bargain and a bad transaction. I say that this is not the correct procedure.

"Then coming to the Second Act on page 21, it is the Madras District Municipalities and Local Boards (Amendment) Act, 1940, and in the reasons it is stated. 'It was brought to the notice of the Government that many municipal councillors and members of local boards had fallen into arrears in respect of amounts due by them to the municipality or local board concerned, and that the executive heads of the local bodies were unable and sometimes even unwilling to take coercive steps to collect the dues in such cases.' It says that if a councillor has refused to pay and is in arrears for three months he should be removed from the rolls altogether. I may point out that this was intended for use against Congressmen. Many of them were then in jail and their families were unable to pay the arrears and the Governor wanted to remove all those people from the rolls for the reason of non-payment of arrears. This was a trick used by the Governor and to-day the same trick is sought to be played, I do not know against whom? The Home Minister wants to maintain this law on the Statute Book. It may be that many poor workers will come into the Council. I know that in the Madura elections people earning four annas and ten annas a day were elected. If they are in arrears for three months for that simple reason they may be struck off the rolls. Is this democracy, I ask? I do not thereby say that the councillors should be defaulters and that they should not show a good example to the others. But this simple reason

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should not be put as a bar. Till to-day many hon. Members and even many Hon. Ministers were debtors. Of course that has not stood against their becoming Ministers and their entering this House. I know of one Minister when he was in the office because he was a debtor the Government enacted a law whereby he was prevented from being arrested for civil court attachment. I do not want to refer to the name of that individual. When that is so, when a Municipal councillor is in arrears for three months he should not be removed from the Council. This is a very undemocratic procedure and the Hon. Minister should not allow this abnoxious clause to remain on the Statute Book. For a long time and for six and a half years no councils or district boards were functioning and the Governor wanted to remove the members wholesale and hence he adopted such tactics. Sir, in these days the Collectors are presiding over the district boards and also Special Officers have been appointed. Such being the case there cannot be any reason for such enactments to continue and they should have died their natural deaths. There are some 20 amendments to the Municipalities Act. I cannot understand why the Hon. Minister should not bring in a new legislation to enable us to discuss it in the present state of things, the present political and economic conditions, and then decide. This indirect means should not be adopted. That is why I object to this.

"The next Act is on page 37. That is the Madras City Municipal (Amendment) Act, 1941, wherein in the reasons it is stated 'that a person should be disqualified for election or appointment as a councillor or an alderman of the Corporation of Madras, if arrears of any kind up to and inclusive of the previous year and so on. It is provided that an alderman or a councillor after becoming such is in arrears for three months or in arrears for the previous year should be removed from his office. The Governor then was anxious that democratic elections should not take place and he was cunning enough to introduce such measures. Now a different state exists and elections to various municipalities are taking place. There may be persons who may not have paid their dues to the Corporation for three months. Then it means that they cannot stand for election for this simple reason. This Bill should not be there and it should be removed from the Statute Book. Sir, the Hon. Minister should not try to push through this Bill like this. Of course the point of order raised was not accepted by you and hence I should not refer to it but I may say that he is putting this in the Statute Book by a very cunning means, Sir.

"Again coming to the Act on page 53, the Madras Elementary Education (Amendment) Act, 1941, in the reasons it is stated 'Under section 34 of the Madras Elementary Education Act, 1920, as it stood originally, a municipality or district board had power, with the previous sanction of the Government to levy within its area, an education tax at a rate not exceeding 25 per cent of the tax levied under the heads' and so on. Sir, under the old Act it is provided that if a particular municipality should

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increase its tax so as to give better facilities for its children then there is an obligation on the part of the Government to give an equal amount to the municipality concerned. Supposing the Trichinopoly Municipality collects Rs. 10,000 it will have rupees 20,000 for its expenses the other Rs. 10,000 having come from Government."

MR. SPEAKER:—"The hon. Member has so far taken thirty 3-15 minutes." p.m.

SRI K. ANANDAN NAMBIYAR:—"I have asked for one hour, Sir."

MR. SPEAKER:—"The hon. Member will continue his speech. I will see. He has already taken thirty minutes."

SRI K. ANANDAN NAMBIYAR:—"I shall take another thirty minutes to finish, Sir. If all the 69 Acts had come in the form of Bills I would have engaged the House for three months, Sir, the House sitting continuously. There would have been 69 Bills, three readings for each Bill and amendments at every stage. Unfortunately now the position is not so. I would therefore request you to give me at least one hour.

"I now refer to the Elementary Education (Amendment) Act on page 54 of the Bill here. It is stated:

'Under section 37 of the Act, the Government were bound to contribute a sum which was not less than the proceeds of the tax levied by the municipality or the district board under section 34. The imposition of the education tax by a local body thus involved the payment of an equivalent contribution to it by the Government. The financial position of the Province did not always warrant the making of such contributions and the Government found it necessary in such cases to protect themselves from financial liability by withholding their sanction for the levy of the tax. It was therefore considered that local bodies might be left free to impose or raise the education taxes, even though an equivalent contribution was not paid to them by Government.' Sir, in 1941, whatever facilities education could get from the Provincial Government, the Governor wanted to take away. But now there has been a change of the Provincial Government and if the elected municipal councils want more money for education, the Provincial Government which is anxious to wipe out illiteracy must come forward and contribute its mite. The obligation of the Government to contribute an equal amount raised by the municipality must not be removed."

THE HON. DR. P. SUBBARAYAN:—"On a point of order, Mr. Speaker, I should like to draw the hon. Member's attention to Rule 64 which restricts the time to 30 minutes. The rule is mandatory."

SRI K. ANANDAN NAMBIYAR:—"I do not exactly know the rule."

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MR. SPEAKER:—"The rule restricts the time for which an hon. Member may speak, to thirty minutes."

SRI K. ANANDAN NAMBIYAR:—"But with the permission of the Chair I can speak for more."

THE HON. DR. P. SUBBARAYAN:—"I will read the rule to the hon. Member as he says he does not know it exactly:

'64. (1) *No member except a member of Government or the Leader of the Opposition or a member moving a Bill or a no-confidence motion in the Ministry or a particular Minister shall speak for more than 30 minutes.*

The word there is 'shall'."

SRI K. ANANDAN NAMBIYAR:—"Of course, the Hon. Speaker has immense powers. (Laughter.) On page 55 of this big Bill again, I shall point out another undemocratic act done by the Government. The Midwives and Nurses Association had power to elect two members to the Nurses and Widwives Council. That power was taken away. It is stated here:

'There was reason to believe that the Association had not been functioning properly. The provision for the election of a registered nurse by the Association was therefore omitted.'

This was an undemocratic step taken by the Governor then and the Hon. Minister wants to support it even now. Perhaps in 1941, when the Act was passed, the position might have been so. But to-day, why should the Hon. Minister debar the Association from sending its elected representatives to the Council. This may be a small matter, but as there is democratic sentiment behind this, the right of election should be extended to the Association. When we talk of people's Government and popular Government, it is necessary that the right of election should be extended to this Association. I say, Sir, that this small amending Act of two sections should not be in the first schedule of re-enacted Acts but should properly go to the third schedule of repealed Acts.

"I now come to page 61 of this Bill dealing with the Madras City Police and Towns Nuisances (Amendment) Act, 1941. The preamble to the Police Act (Act XXIII of 1888) says, that it is intended to consolidate the laws relating to the conduct of the police and so on. But in section 41 of the Act the police are given arbitrary powers to prohibit or cancel any meeting or procession. Even after the 15th August the Commissioner of Police has been saying that all meetings and processions should get the permission of the police under section 41 of the Madras City Police Act. Even to-day it is continuing in the City of Madras. For what reason, Sir? The police say that some trouble is apprehended. Any time any police officer can say that some trouble is apprehended. The Congress has been raising a hue and cry all these years about democracy and civil liberties. But to-day when

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the Congress is in power, in the City of Madras, where I can say there is no trouble whatsoever, we should get the permission of the police under section 41.

"Then Sir, additional power is given to the police under section 51-A. On page 61 it is stated:

'51-A (1) Whenever the Commissioner receives information received or otherwise—

(a) that the movements or acts of any person in the City of Madras who has not been born in the said City or in the district of Chingleput, North Arcot or Nellore, are causing or are calculated to cause, alarm, danger or harm to person or property or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of any offence involving force or violence or punishable, etc.'

The Commissioner of Police may extern him from Madras city. The Commissioner is given arbitrary powers. The main object of the Act was stated to be, in page 64 of this Book, to deal with the menace of Pathan money-lenders in the City of Madras. There is no appeal to a court of law against the action of the Commissioner of Police. There is only an appeal to the Government. Of course, the purpose of the Act; they say, is to chase out the Pathan money-lenders. But the curious thing is this. At the end of the statement of objects and reasons it is stated:

'Act XXIII of 1941 also amended the Madras City Police Act, 1888, and the Towns Nuisances Act, 1889, so as to take power to control the indiscriminate use of loud-speakers in public places in the City and in mufassal towns.'

Sir, loud-speakers are used by the citizens to inform the public about the holding of meetings and similar things. I wonder, Sir, what is the connexion between the Pathan money-lender and the use of loud-speakers. The Governor has cleverly brought the two together in one and the same Act. The result is that even to-day if we have to use a loud-speaker we have to get the permission of the police. I do not know why this provision has been copied from the old Act. It should be deleted. On page 63, in clause (xv), there is reference to use of sound amplifiers. In 1941, when this Act was passed, loud-speakers were used by the Congress people to announce meetings and so on. Meetings were held at street corners and other places and the police thought the loud-speakers were a nuisance. They wanted to suppress these things in 1941. But the same Act is in force to-day. Against whom is it intended, I ask, Sir? Against the people? See the connexion between the menace of the Pathan money-lenders and the indiscriminate use of loud-speakers! Both of them are put in one and the same Act.

"Sir, section 41 of the Madras Police Act is so mischievous and all-embracing. It should not be allowed to remain on the statute book.

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"Again Sir, on page 99 of this Bill, dealing with the Madras City Police (Amendment) Act, 1942, there is the same thing in another form. In the statement of objects and reasons it is stated:

'Deputy Commissioners are therefore competent now to remand accused persons to custody under section 167 of the Code of Criminal Procedure, 1898, without the necessity for a reference to a Presidency Magistrate, thus saving the time of the regular Magistracy and also effecting economies in police escort and transport.'

The Commissioner of Police has already got the power of the Magistrate. The same power is given to the Deputy Commissioner also. This Act was passed in 1942. The whole country then knew that the police were abusing the powers. I ask, Sir, 'Why should the executive authority be given the power of a magistrate?' He should only act on the instructions of Government. The executive authority should not be given the power of a magistrate. Even the Hon. Minister has said that the judiciary must be separated from the executive. Why then should he extend the powers of the executive in the matter of remand of accused persons? It is wrong on the part of the Congress Ministry to re-enact this Act.

"I now come to page 119 of the Bill dealing with the Madras City Municipal (Amendment) Act, 1943. In the reasons for re-enacting the Act it is stated:

'... the Standing Committee might recommend, or the Council might sanction, the grant of special pay or allowances to individual members of the establishment, although the Commissioner had made no recommendations in that behalf. Such powers are not possessed by municipal councils or local boards.'

Under this Act the power of the Corporation of Madras is restricted and the Council cannot sanction money for the establishment without the previous approval of the Commissioner. . . ."

MR. SPEAKER:—"The hon. Member has already taken 45 minutes. I will allow him five minutes more."

3-30 p.m. SRI K. ANANDAN NAMBIYAR:—"I adjusted my speech on the understanding that I can speak for one hour, that is my difficulty."

MR. SPEAKER:—"The hon. Member should try to finish his speech as early as possible; I shall allow him 5 minutes more and he may finish his speech."

SRI K. ANANDAN NAMBIYAR:—"The Congress Ministry says that elected panchayats should have more powers. But an elected body like the Corporation of Madras cannot have powers to spend money over its own staff. That power is curtailed and it is given to the Commissioner, the Executive Officer. It says: 'Without the previous sanction of the Commissioner, the Corporation has no power to spend money on certain purposes.' There

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again there is a curtailment of democratic powers. It is an elected body; it can take care of itself and it should be given more powers than an executive and a salaried officer, the latter has to accord sanction in some cases. The will of the people should prevail, to spend money for certain purposes. The Corporation must have that right; that right is curbed. It is proposed to retain such a provision.

"Coming to page 143, the Madras Local Boards Act, it is a small Act containing three sections. The object of the Act is to augment the resources of district boards by raising the rate of land-cess from 1½ annas in the rupee to 2 annas and giving the revenue to district boards. In 1945 the Governor thought it necessary that the land-cess should be increased from 1½ annas to 2 annas. Not a single local board was functioning then; even to-day many of these local boards are not functioning. I do not know why elections have not been held. All the same they want that the land-cess should be increased. They want more money; they would not allow people to elect their representatives. The Hon. Home Minister wants to have that money, of course it goes to the exchequer of the local boards. I do not know any reason why elections to local bodies have not been held. The talk now is about panchayat boards; nobody knows where they are located. I am pointing out that this is an Act passed by the Governor. I want to point out these facts.

"I come now to the Madras City Improvement Trust Act at page 153. This is a big Act running to several pages. It is stated in the Preamble that it is expedient to make provision for the improvement and expansion of the City of Madras by opening up congested areas, laying out or altering streets, etc. To improve the City of Madras they wanted a Trust to be formed in 1945. I submit to you, Sir, that 1945 was at the end of the War. There were the elected representatives. There was no necessity for the Governor to plan about the reconstruction of the City in 1945. The Act gives power to appoint a series of officers. The Governor gives powers to them. The Act provides for the appointment of trustees. It says that a person shall be disqualified for election as a trustee if he has been sentenced by a criminal court to transportation or to imprisonment for a period of more than six months. In 1945 the Governor did not want even Congressmen to be appointed as trustees. The Hon. Home Minister wants to continue to have that Act. Things have very much changed in 1948. There must be a better planning scheme for the City, prepared by the Government. They must have a good programme and must decide how much money they should spend on it. There must be a reorientation of the policy. The Government want to continue the bureaucratic trustee system, at the same time they want that the City of Madras should be improved . . ."

MR. SPEAKER:—"I ask the hon. Member to conclude his speech. I shall allow him two more minutes."

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SRI K. ANANDAN NAMBIYAR:—"I come now to the Malabar Tenancy Act—page 223. It applies to the Malabar district. It looks as if it is a very very small matter. Section 3 says: In section 23 in clause (5), for the words 'the landlord requires the holding for his own cultivation or for that of any member of his family or tarwad or tavazhi, the following words shall be substituted: 'the landlord needs the holding for the purpose of raising crops or other produce for his own maintenance or for that of any member of his family, etc.' One can understand the provision that if a landlord wants the land for his own cultivation, he can evict the tenant. In 1945 the Act was passed to the effect that if a landlord wants a land for raising crops or other produce for his own maintenance or for that of a member of this family, he can evict the tenant. Every tarwad property is for the maintenance of the landlord and the members of his family. Therefore he can evict any tenant. This clause may appear to be alright; in practice it will be against the interest of the ordinary man. That is why I have drawn attention to these points. I want to refer to some more Acts. As you, Sir, want me to finish my speech, I am not referring to them. I have pointed out certain obnoxious provisions. I have shown that some of the Acts passed by the Governor were against the interests of the people and against the Congress Party which is governing the Province to-day. I submit respectfully and appeal to the Hon. Leader of the House not to give effect to obnoxious provisions, let them die of their own accord; let us not enact them in the new legislation. Let the new legislation be in the interest of the people under the changed conditions. I am against the continuance of some of the provisions which I have pointed out."

* SRI T. VISWANATHAM:—"Mr. Speaker, Sir, I am sorry I cannot agree with the point of view put forward very seriously by my hon. Friend who preceded me just now. It is not as if this Government have been trying to simply follow the footsteps of the Advisers or the tricks or cunning of the Governor. It is not the way to look at the Bill of this sort. These Re-enacting and Repealing Bills are brought forward once in seven or eight years in order to ease the position of our statute book if I may say so. Therefore I cannot agree with the point of view of my hon. Friend Mr. Anandan Nambiyar. The Government are quite right in bringing forward a Bill of this type. In fact, I think in 1938 or 1939 a similar Bill was passed by the Government then also. This is a necessary measure for any Government to bring forward once during the course of certain years. The Government have been thinking for a long time about this Bill and I know it."

"However, I wish to point out that certain enactments which have been included in the schedule can very well be omitted from it. I want to point out some of these instances and I trust that the Hon. Home Minister will pay some attention to what I say in this regard. I know he has an open heart and not a closed one as some others. There are some Acts like Act XVI of 1940,

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V of 1941, XI of 1941 and XXIV of 1942. They relate to validation of certain marriages which were licensed by certain Registrars whose powers were afterwards revoked. In order to validate certain marriages certified during a period of doubt, certain validating Acts were passed, and they need not be repeated now. As the Hon. the Home Minister knows, under clause 8 of the Madras General Clauses Act, the rights or privileges acquired under these validating Acts are not affected by the repeal of the Acts themselves. Therefore they can very well be omitted. At page 73 there is Act XI of 1942. This Act was passed for validating certain acts of the Executive Officer of a municipality. In his official capacity he discharged certain duties; in order to validate them, this Act was passed. It may be omitted now. At page 113 we have got the Madras Court of Small Causes Act. The Act was passed because of the Japanese invasion. It was necessary to shift the Court from the Madras City. That Act has no application hereafter. That Act also may be altogether omitted."

"There is a second category, namely, those Acts which I do not consider to be worthy of being re-enacted. I do not agree with what all Mr. Anandan Nambiyar said about Act XV of 1941. But I myself wanted to draw the attention of the Government to that Act. In these days of expanding activities, the Government cannot absolve themselves of their responsibilities to help municipalities and local boards. In war time the officers of the Governor could say that local bodies can increase their taxes, but the Government shall not pay their contribution, which they were bound to pay prior to that time. I do not know whether the Hon. Home Minister's attention was drawn to this Act, I draw his attention now. The Government are now re-enacting Act XV of 1941; it should not be re-enacted. Likewise, Act XI of 1943 should not be re-enacted."

"Similarly there is the Act XXXI of 1942. It is very undesirable that we should re-enact this particular Act. Under the Act the power is given to Deputy Commissioners to remand accused persons to custody. I believe the Hon. Home Minister will not certainly like to retain this Act. It is quite enough for our purposes if the Commissioner of Police alone, by virtue of his office as a Presidency Magistrate could remand accused persons to custody. I would ask the Home Minister to drop this Act from the schedule."

"Take Act XV of 1943 which relates to the Agriculturists' Relief Act. We are already having on our agenda to-day another Bill dealing with it. The High Court doubted the validity of certain rules passed by the Government and to give effect to the decisions of the High Court the Advisers' regime passed this Act. It is unnecessary to re-enact it, but I would ask the Government to consider this Act along with the Bill which we have on the agenda paper."

"I would not have intervened had not Mr. Nambiyar spoken so vehemently saying that the Government were led into a trickery p.m

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on account of the Advisers' Act and the previous Governor, I presume he meant the previous Government. But at the same time, I have suggested that the schedule should be very carefully looked into and Acts found unnecessary or undesirable, should not be re-enacted."

* **BEGUM SULTAN MIR AMIRUDDIN:**—"Mr. Speaker, Sir, I am sorry to find that the Government have brought in such a heterogeneous measure comprehending innumerable Bills on a variety of subjects under the portfolio of different Ministers. The very size of the volume alarmed me when I found it placed on the table of the House. This is after all is not such a small measure as the Hon. Home Minister seeks to make out for it deals with a large number of important subjects which require careful attention and examination. I am afraid it will not be possible to give due consideration to those matters since the Bill is to be rushed through. Sir, we are living in an age of democracy; this Government has also been constituted on democratic principles but a Bill such as this seems counter to the very principles of democracy inasmuch as the opportunity of giving our considered opinion on the various matters with which it deals is not made available. The Hon. Minister is well aware that public opinion has expressed itself in this country that Bills should not be rushed through in the Legislature; this has been stated on various platforms; it was recently reiterated by the advocates at the Lawyers' Conference which I believe the Hon. Minister for Law attended. If the Government wanted to re-enact the Bills they could have divided this volume into 13 books to conform to the portfolios held by each Minister. This would have afforded us greater opportunity of scrutinising various Bills.

"I felt there was considerable weight in the point of order that was raised this morning by Mr. Hameed Khan, but as you, Mr. Speaker, have ruled it out, we shall submit to your decision. Mr. Viswanatham just now mentioned that during the last Congress Ministry a similar legislation had been brought forward; it may be so but I wish to be enlightened by you, Mr. Speaker, or by the Leader of the House as to whether any precedent can be quoted in this regard to this matter from the proceedings of the House of Commons or the Central Legislature. Even if this can be done I feel that the Government could have clubbed together at least a smaller number of Bills instead of so many. My objection is that we have 69 Bills to study and we shall not be in a position to do justice to them. I do not think it is desirable to club together as many as 69 Bills and pass them as one Bill. Since I am afraid it is too late for the Government to go back on what they have decided, I appeal to the Hon. the Minister at least to allow sufficient time to the Select Committee to examine the various Bills in all their details and scrutinize them in the best manner possible."

SRI V. RAGHAVAYYA:—"Mr. Speaker, my object in intervening in this debate is to draw the attention of the

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Hon. Minister to one important point and that pertains to the Pawnbrokers' Act. I do not really think that anybody has gone through the volume and it has been the experience of almost all members of the House. My complaint refers to the definition of the word 'pawnbroker.' It reads: 'a person who carries on the business of taking goods and chattels in pawn for a loan' and there are provisions in the Bill for saving the public at large from the clutches of the pawnbroker. They never used to keep any account till now and they were asked to keep accounts in English or in any language known to the people with whom they were having dealings, and the rate of interest has been controlled which is 9-3/8 per cent in the case of loans of Rs. 25 and below and 6 1/4 per cent per annum simple interest in other cases and further pawn tickets have to be given to the pawner and so on. These are all very good provisions. But my complaint is that these provisions can be extended to the thousands of Pathans and Kabulwallas who are doing havoc in this province. These people take to all sorts of questionable tactics in collecting moneys due to them; they do nothing short of violence. Why not Government extend the provisions of the Bill to the Pathans by a suitable modification of the definition. The peculiarity with these people is that they do not take anything on pawn; they do not take any burden upon their body or on their souls; they do not take chattels or think of attaching the buffalo. He is a free man going about the country using his baton for collecting his money. He was encouraged by a benign Government which was friendly to Afghanistan and is still trying to feed the renegades at the cost of the Indian tax-payer. It would have been very well if the present Government, a self-Government, had seen its way to control their activities. They have spread their tentacles throughout the province, both in the Andhra areas and Tamilnad. They give small loans of ten and five rupees or a cloth or a saree in times of need and collect the cost or the money three or four fold. My information is that even Government officials to use a popular word the Non-Gazetted Officers are also victims and even Police Sergeants and Magistrates have been victims. There is a curious system of calculation among them; a certain amount of money say Rs. 300 is advanced and a date is fixed; if any part payment is not made in time all the previous instalments that have been paid vanish and the whole amount falls due once more afresh. Such atrocities are committed by them against poor illiterate villagers and labourers and landless labourers like the Erukulas/Yenadhis and Harijans and it is cruelty to allow their transactions to continue. Now that the Hon. Minister has taken the trouble to re-enact so many old measures and to repeal some of them, I suggest that he extend the application of this Act to the Pathan moneylenders. He can suitably name the Act as the Usurious Moneylenders' Act and the pawnbroker may also include such people; just as in law man includes women and a bond also includes an oral bond, in this case also the provisions may be made applicable to persons who lend money without taking promissory note or mortgage. The Hon. Minister may tell me that he is going to bring another Bill. Such

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promises of late I am not prepared to take at sixteen annas value. When the Agriculturists Debt Relief Act was passed, I wrote to Mr. C. Rajagopalachariyar requesting that it may also be made applicable to land-less labourers who had no saleable interest in land. While the man who owns lands get the benefit in respect of his debts to others, why not his own men get some relief in respect of amounts they own to him? Mr. C. Rajagopalachariyar told me that he was getting a separate Act for that purpose. The Minister for Agriculture who was very solicitous about such debtors in this province failed to extend it to them and he again promised that he would bring another Act for the purpose. I am not blaming them; their time is precious and the weight of their business makes them forget small things, though they affect the multi-millions. Therefore, I am not taking such promises at their face value and I suggest that this act may be extended the money-lending transactions of Pathans and Kabulwallas."

4 p.m. * M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—" Mr. Speaker, I rise to get the explanation of the Hon. Minister concerned in relation to Act mentioned in the third schedule. If you scrutinise the whole range of Acts there, you will find that none of them are operative at present. These Acts were promulgated for a specific purpose and they have at present become exhausted and inoperative. Therefore there is no necessity for the repealing of these Acts. For instance, the Financial Acts of 1940, 1941, 1942, 1943 and 1944, all these Acts are intended only for the particular year, and by mere efflux of time they become inoperative. The same also is the case with the Reduction or Increase of Sales Tax for a specific period. Then, another class of Acts is with regard to the Local and Municipal Boards Election Postponement Acts. When these Acts cease to be operative by efflux of time, where is the necessity for repealing them. My point in raising this is by repealing you are introducing a doubtful point from the legal aspect, for by repealing, is it not open to the interpretation, that all actions and transactions purported to be done so far under these Acts are rendered invalid or null and void. If really that interpretation is not to be given I want an assurance for safeguarding that position by introducing some explanatory note appended to the Acts themselves. Further I hope no retrospective effect is to be given to the repealing Acts."

* SRI A. KALESWARA RAO:—" Mr. Speaker, Sir, it is true that we have got freedom and we are under a democratic government. But democracy does not mean anarchy. (Laughter.) It means a disciplined and orderly government. Therefore a Government should do everything carefully or rather in a cautious manner. But the irony of fate is the Devil quotes the Scripture. (Hear, hear.) A totalitarian and a supporter of totalitarian Government elsewhere is the greatest champion and most enthusiastic champion of democracy in this country. So, in this manner my predecessor spoke about certain Police Acts and said that they were all done by the Governor, that this Government should not touch them and that they should not have anything to do with

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them. If confusion, anarchy, destruction of property, agrarian and labour troubles are to be prevented some Acts have to be repeated. Merely because independence has been attained it does not mean that we are at an end of all troubles and that we are in completely settled and peaceful conditions. I do not want to say anything more about them.

"The general principle of this Bill introduced by the Government is to re-enact certain Acts and to repeal certain other Acts, to keep some of the useful Acts passed by the Governor to continue to go on as they are until the Government has time to study each Act and introduce modifications if necessary. Therefore, Mr. Speaker, Sir, whenever a new Government comes they have to see what Acts should be retained safely without infringing the rights of the subjects. This Government have chosen several Acts; they are all useful Acts in their own opinion, and I see, most of them are really useful. The Government must go on. We all know we are running the administration with the help of officials. Whenever we hear complaints against them we appoint enquiry committees. The legislators are there to watch the interests of the people and to recommend to Government to appoint committees of inquiry. Therefore old order of things has completely gone, and it is time we should not mistrust our officers; we should trust them and at the same time watch them, and if they misbehave we must punish them. Therefore while I agree with certain speakers that in the select committee each Act has to be carefully scrutinised and every provision has to be examined in detail, on general principle we have to accept the Bill brought by Government. Of course certain defects were pointed out in certain Acts, and they can be examined in the select committee stage. With these words I support the Bill."

SRI K. ANANDAN NAMBIYAR:—" On a matter of personal explanation, Sir. I did not say 'let anarchy prevail'. What I said was, let each one of these Acts have its fate; in the meanwhile prepare new Bills and let us discuss them. That is not anarchy."

SRI R. RAGHAVA MENON:—" Mr. Speaker, Sir, I find some of these Acts have to be re-enacted, and some of the amendments are also necessary. Apart from that, I wish to correct my hon. Friend, Mr. Anandan Nambiyar, when he said that the amendment that was proposed and passed in 1945 regarding the Malabar Tenancy Act was wrong. He has committed a serious mistake; if I understood him aright, his contention was to condemn that amendment and as such it ought not to be enacted. It is a great mistake. Of course, he is out on his own admission to help the people. If that is so, the amendment of 1945 was absolutely necessary for the tenants. Because landlords on the plea that they wanted lands for *bona fide* cultivation were filing suits, and even the High Court found it impossible to help tenants because under the Act as it stood the landlord had only to

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say that he wanted the land for *bona fide* cultivation to oust the tenant. The wording of the Act was as follows: 'the landlord requires the holding *bona fide* for his own cultivation or for that of any member of his family or *tarwad* or *tavazhi* who has a proprietary and beneficial interest therein'. Now the tenants of Malabar were suffering under such a thing. What the real intention of the landlord the court need not ascertain. On the mere declaration by the landlord the court had to give the decree. So the High Court itself recommended that legislation was defective and hence this amendment of 1945 was brought in. The amendment ran thus: 'the landlord needs the holding *bona fide* for the purpose of raising crops or other produce for his own maintenance or for that of any member of his family or *tarwad* or *tavazhi* who has a proprietary and beneficial interest in the holding'. So the amendment provided that the landlord had to say that he needs the land for *bona fide* cultivation for his own maintenance, etc."

SRI K. ANANDAN NAMBIYAR:—"The amendment is not clear."

SRI R. RAGHAVA MENON:—"No, it was clear to Government and the courts. Because I remember, as a result of this amendment, many suits, which courts would have otherwise decreed for eviction, were dismissed. Again this amendment made it clear that the landlord should raise crops for his maintenance on the land which he wants, which, if he were not given, he would have to starve. He should prove that. So this amendment is absolutely clear."

"Similarly, in the same way, with regard to the construction of buildings on land, what the Act originally said was that the 'landlord should say that he requires the holding or part thereof *bona fide* for building purposes for himself or any member of his family or *tarwad* or *tavazhi* who has a proprietary and beneficial interest therein'. That was amended into 'the landlord needs the holding or part thereof *bona fide* for the purpose of constructing a building for his own use or occupation or for that of any member of his family or *tarwad* or *tavazhi* who has a proprietary and beneficial interest in the holding'. Thus the landlord has to prove that he needs the holding. So also it has been provided in section 20 with regard to the *verumpattandar* and *kanomdar*. So if these amendments are not carried out then in all suits which have been dismissed there will be a fresh cause of action, as a result of which the tenants will be literally at the bottom of the sea."

"Then, Sir, I agree with Mr. Anandan Nambiyar in the matter of the amendment of the Madras City Police Act, where the Deputy Commissioners are given the power to remand. The fact that the Police people have to take suspects before the magistrate to keep them under remand and also to renew the remand period is a wholesome check on their investigation power. Otherwise there will be no end to the remand period. In some cases

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after a certain period the suspects may be enlarged on bail. So for the renewal period of remand the Deputy Commissioner of Police should not be given the power to sanction. The Commissioner alone should be given that power."

"Then, as regards the Madras Sales of Motor Spirit Taxation (Amendment) Act (Act I of 1943), I find District Commercial Tax Officers are given the right to try appeals. I would prefer Collectors are given such power. Of course, there is the Board of Revenue, to hear the appeal. Yet I would prefer Collectors should be the lower appellate court."

* THE HON. DR. P. SUBBARAYAN:—"I am indeed obliged 4-45
to most of the members who have spoken on this measure especially p.m.
from this side of the House, who understood the reason for enacting a measure of this kind."

"The hon. Lady Member representing Madras City, Women, Muhammadan constituency objected to so many Bills being clubbed together. This is almost an usual procedure in most of the legislatures. As legislation grows up, a Bill of this kind to repeal or re-enact certain measures becomes necessary. I would only quote a precedent from the Central Provinces where as many as 47 Bills were re-enacted only recently. Most of the Bills so re-enacted were passed during the Governor's regime under section 93 of the Government of India Act."

MR. SPEAKER:—"May I inform the Leader of the House that such a procedure is followed in the Central Assembly also and that Bill No. XXXIV of 1947 to repeal or amend certain Acts is an instance?"

THE HON. DR. P. SUBBARAYAN:—"That is true but I did not want to refer to the Central Assembly because the members may say that the Acts to be repealed or re-enacted were not passed during the Advisers' regime. Mr. Anandan Nambiyar waxed eloquent on various matters. I am glad that I have given him at least this occupation of studying a Bill of nearly 280 pages and I hope that this will help to keep peace in some place." (Laughter.)

SRI K. ANANDAN NAMBIYAR:—"On a point of order. By his statement that this will help to keep peace in some place, the Hon. Minister is casting aspersions on me."

MR. SPEAKER:—"The Hon. Minister is not casting any aspersions."

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was to the advantage of the tenants. The Advisers enacted that measure because the High Court pointed out that under the law as it then was, it was not possible to question the bona fides of any landholder who wanted to take back his land for the purpose of cultivation or homestead, etc. In order to make the landholder to prove his bona fides and thus save the tenant from arbitrary eviction the amendment was passed. The measure is re-enacted now because the Government feel that the tenants should be helped.

"With regard to the need for re-enacting certain Acts, which was questioned by my Friend representing Vizagapatam Urban and also the Member representing Palghat, I feel that we might perhaps consider in the Select Committee what measures might be left out, because certain measures may not be necessary in the present set-up. Necessary consideration would be devoted in the Select Committee."

"The hon. Lady Member representing Madras City, Women, Muhammadan constituency also referred to the fact that we are trying to rush legislation through. This is not at all a fact. The fact that we are committing the Bill to a Select Committee for a detailed consideration of the whole matter will prove that the Government do want to take the opinion of the members of this House and not rush this legislation through. Therefore I feel that it is not at all a matter of trickery as my hon. Friend representing Railway Trade Union Labour wanted to make out. He always seems to think that other people also follow the methods which his party follows. (Sri K. Anandan Nambiyar: 'My party never follows such methods.') Only a person who practises trickery suspects trickery in others. As my hon. Friend representing Vizagapatam, Urban, pointed out, people who have known me for a considerable period will testify that I would not be party to such methods."

"This is a plain and simple measure. We have taken the trouble to reproduce all the Acts and to state the reasons for repeal or re-enactment. There is no question of trying to throw dust in any one's eyes with regard to this measure, we have followed a procedure which is accepted in most of the other legislatures, as you, Mr. Speaker, were good enough to point out. I can assure hon. Members that every Bill will be gone through in the Select Committee, and all the suggestions made and objections raised, including those emanating from the hon. Member representing Railway Trade Union, Labour, though I am always suspicious of what he puts forward, will be duly considered. I hope the House will adopt my motion."

SRI K. ANANDAN NAMBIYAR:—"I rise on a point of personal explanation. Two speakers referred to what I said regarding the Malabar Tenancy (Second Amendment) Act, 1945. What I said was that that Act gave room for misinterpretation by courts and that instead of re-enacting such a measure, fresh legislation

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should be brought forward. I did not want that any one should be given the right of arbitrary eviction. The speakers misquoted me and that is why I offer this explanation."

The motion was put and carried.

(5) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1947.

* THE HON. SRI K. MADHAVA MENON:—"I beg leave to introduce the Madras Agriculturists' Relief (Amendment) Bill, 1947 and move under rule III of the Madras Assembly Rules that the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of eighteen members to consider the Bill, twelve members from the Assembly and six members from the Council."

"Sir, the welfare of the country depends upon the wellbeing of the agriculturists of the country at large. It is no doubt true that every country carries a heavy load of agricultural indebtedness and this Province is no exception. Mr. W. R. S. Sathianathan in his report on Rural Indebtedness, 1935, estimated the total agricultural indebtedness of the Province at Rs. 200 crores. Dr. B. V. Narayanaswami Nayudu, who was Economic Adviser to this Government for some time, after a thorough enquiry into rural indebtedness, has estimated the total agricultural debt of the Province in 1939 at 272 crores and in 1945 at 218 crores. It will be seen therefore that, while the agricultural indebtedness of this Province was 200 crores in 1935, it rose to 272 crores in 1939. But in spite of increased prices and a general rise in the standard of living owing to conditions created by the war, the agriculturists were not able materially to wipe off their indebtedness with the result that in 1945 their agricultural indebtedness was actually 18 crores more than what it was in 1935. It would appear, therefore, that if we have no rehabilitate agriculture in the country, it is absolutely necessary to tackle this problem of rural indebtedness boldly and in such a way that, while the agriculturist must be ensured a fair deal with regard to the money he owes his creditors, it is necessary at the same time that the sources of lending should not be dried up by unfairness to the creditor, provided that he does not indulge either in usury or in any malpractices calculated to extort money from the agriculturist."

"It is well known that agriculture, the major industry in this Province, is more a means of livelihood rather than a source of profit so far as food crops are concerned. The agriculturist is compelled owing to his meagre resources to borrow not only for long term purposes for the permanent improvement of lands, but also for his current needs and for his normal agricultural operations. While, no doubt, Government and co-operative societies are to a small extent providing him with the means of cheap credit, he is still compelled to go for the bulk of his needs to money-lenders and it is necessary that the law relating to borrowing and lending between the agriculturist and his creditor should be so

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regulated that he will be able to get his requirements in the form of credit as easily as possible, as cheaply as possible and as fairly as possible. This was the object of the Madras Agriculturists' Relief Act, 1938, which came into force on 22nd March 1938.

"The main object of the Act was to rehabilitate agriculture which is the basic industry of this Province. The Act was passed to give relief to indebted agriculturists by providing machinery for compulsorily scaling down the debts, reducing the rate of interest on their future debts, and writing off in full or in part the arrears of rent due to zamindars, jenmis and other landholders. To-day we are in the midst of a food crisis. We are straining every nerve to make the Province self-sufficient in the matter of food crops. It becomes necessary therefore to have an Agriculturist Debt Relief Act which is smooth and easy of working and in which all ambiguities and lacunae are eliminated. Certain practical difficulties were felt in the working of the Act and some defects in the provisions were also noticed. An amendment of the Act was found necessary for the purpose of removing these difficulties and defects. The most urgent of these were embodied into the Madras Act XV of 1943 passed during the section 93 regime. The rest were postponed until the termination of the war. Several representations have also been since received by the Government pointing out that in certain cases the judicial decisions have not been in accordance with the intention underlying the Act and that the amendment of the Act was therefore necessary and urgent. These representations have been carefully considered by the Government and the amendments proposed have been incorporated in the Bill published in Part IV-a of the *Fort St. George Gazette*, dated 30th September 1947. I shall now briefly indicate the nature of the amendments proposed and the reasons for their introduction.

(1) Under the existing Act, persons who have been assessed to profession tax on a half-yearly income of more than Rs. 300 are not entitled to the benefits conferred on an 'agriculturist'. In order to extend the benefit of the Act to agriculturists who earn a larger income by other professions, it is proposed to raise the limit from Rs. 300 to Rs. 600.

(2) Existing proviso (D) to section 3 of the Act lent itself to the interpretation that in order to make a landholder owing a share or portion of an estate ineligible for the benefits conferred on an agriculturist by the Act, the share or portion should have been separately registered. The intention, however, was that such a landholder should not be treated as an agriculturist. It is therefore proposed to make this clear in the Bill.

Again, proviso (D) requires that the landholder or jenmi should have paid more than Rs. 500 by way of peshkash or land revenue, if he is not to be treated as an agriculturist. The intention, however, was that the landholder or jenmi should be liable to pay more than Rs. 500 and not that he should have actually paid more than that amount. So it is proposed to amend the proviso to conform to the intention of the Act. It

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should be brought forward. I did not want that any one should be given the right of arbitrary eviction. The speakers misquoted me and that is why I offer this explanation."

The motion was put and carried.

(5) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1947.

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"Sir, the welfare of the country depends upon the wellbeing of the agriculturists of the country at large. It is no doubt true that every country carries a heavy load of agricultural indebtedness and this Province is no exception. Mr. W. R. S. Sathianathan in his report on Rural Indebtedness, 1935, estimated the total agricultural indebtedness of the Province at Rs. 200 crores. Dr. B. V. Narayanaswami Nayudu, who was Economic Adviser to this Government for some time, after a thorough enquiry into rural indebtedness, has estimated the total agricultural debt of the Province in 1939 at 272 crores and in 1945 at 218 crores. It will be seen therefore that, while the agricultural indebtedness of this Province was 200 crores in 1935, it rose to 272 crores in 1939. But in spite of increased prices and a general rise in the standard of living owing to conditions created by the war, the agriculturists were not able materially to wipe off their indebtedness with the result that in 1945 their agricultural indebtedness was actually 18 crores more than what it was in 1935. It would appear, therefore, that if we have no rehabilitate agriculture in the country, it is absolutely necessary to tackle this problem of rural indebtedness boldly and in such a way that, while the agriculturist must be ensured a fair deal with regard to the money he owes his creditors, it is necessary at the same time that the sources of lending should not be dried up by unfairness to the creditor, provided that he does not indulge either in usury or in any malpractices calculated to extort money from the agriculturist.

"It is well known that agriculture, the major industry in this Province, is more a means of livelihood rather than a source of profit so far as food crops are concerned. The agriculturist is compelled owing to his meagre resources to borrow not only for long term purposes for the permanent improvement of lands, but also for his current needs and for his normal agricultural operations. While, no doubt, Government and co-operative societies are to a small extent providing him with the means of cheap credit, he is still compelled to go for the bulk of his needs to money-lenders and it is necessary that the law relating to borrowing and lending between the agriculturist and his creditor should be so

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possession of the property mortgaged to him for a period of 25 consecutive years, the debt due to him should be deemed to have been fully discharged. Where this period has expired before this Bill becomes law, the discharge would be deemed to have taken place when this Bill becomes law.

(8) It has been held by the High Court that section 19, which provides for the amendment of decrees, does not apply where the decree was passed after the commencement of the Act. The intention, however, was that decrees passed after the commencement of the Act in respect of the debts payable at the commencement of the Act should also be scaled down. It is therefore considered necessary to make specific provision in this respect.

(9) Section 21 of the Act contains a provision regarding scaling down of the debts of insolvents. It is considered necessary to lay down the procedure to be followed in respect of the reduction of debts proved in insolvency proceedings, where the insolvent is an agriculturist.

(10) In order to give the full benefit of the amendments made in favour of agriculturist debtors by this Bill, it is considered necessary to have a provision on the lines of section 23 of the existing Act for the setting aside of sales or foreclosures of immovable property ordered shortly before the Bill becomes law. An application for that purpose may be made by the judgment-debtor, where the sale is not confirmed before the date on which the Bill becomes law or where 90 days have not elapsed on that date from the foreclosure or confirmation of sale; and the period of limitation prescribed for such application is 90 days after the Bill becomes law or after the confirmation of sale, whichever is later.

(11) It has been represented that specific provision should be made in the Act making the persons practising fraud penally liable. Provision has now been made to enable the Court to reject *in toto* claims based on documents executed for purposes of evasion of the Act. Where two or more distinct claims are made, only those claims which are made for purposes of evading the provisions of the Act will be rejected.

(12) There is at present no provision for an appeal in cases where a person is held to be not an agriculturist. As this will place the debtor in a disadvantageous position, it is considered that an appeal should lie in such cases.

The Act as it stands provides that when a person is declared to be an agriculturist, the creditor is given the right of appeal to get the decree reversed. When a person is not declared to be an agriculturist, the debtor is not given the right of appeal. That is unfair to the debtor and we want that he should also benefit under the proposed Bill.

(13) Provision has also been made for the retrospective application of the amendments proposed subject to the safeguards (i) that decrees and orders which have become final or have been

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fully executed before the legislation comes into force should not be re-opened, and (ii) that no creditors should be required to refund any sum received by him before the Bill becomes law.

"Sir, these are the main provisions of the amending Bill. I have received notice of an amendment given by Mr. Ansari Sahib that the Bill be circulated for eliciting public opinion. As I told you, Sir, this Bill was published on 30-9-1947, that is four months ago. It should have become law by now, but for some reason or other, perhaps on account of some other more pressing measures which have been before this House, this Bill could not be taken up earlier. These four months during which this Bill has been before the public ought to have been sufficient for public opinion to express itself on it. In fact, Sir, within these four months the Government have received various suggestions from a number of sources, some urging to increase the scope of the Bill and others to reduce its scope and all these suggestions have been noted upon sectionally and kept ready for the use of the Select Committee. Therefore if these four months are not sufficient, I do not think that any more time is going to be of any use.

"Secondly, Sir, it is rather unfortunate that this Bill has not been passed into law earlier because the Act, as it stands, does not have retrospective effect in respect of decrees completely satisfied or where properties have been passed over. Within the last three or four months, there have been such a rush of petitions for execution of decrees in courts by creditors for realising their debts before this Bill becomes law, that I feel that I have done some harm in some cases by not getting this measure through earlier. It will therefore be unwise and unfair to delay this Bill any further and I cannot agree to circulate it for public opinion, which means some further delay.

"Then, Sir, as I said just now, subsequent to the publication of this Bill many suggestions have been received by the Government and in particular suggestions have been received from South Kanara stating that the clause relating to the condition of usufructuary mortgage is likely to work hardship even in respect of mortgages where the rate of interest is only 4 per cent. The Select Committee will go into these suggestions and see how far these hardships can be remedied.

"Sir, my hon. Friend Sri V. Raghavayya has already anticipated me when he spoke in connection with the other Bill about the question of giving relief to landless labour, that it is not possible for me to amend the Agriculturists' Relief Act so as to include persons who have no interest in the land for being brought within the scope of the definition of the term 'Agriculturist', although I promised him at that time that I shall consider this point. Sir, this point was thoroughly discussed by the Government and it was considered that it was not possible to include landless labour within the scope of this Bill. My hon. Friend knows very well that this is a Bill which is intended mainly to give relief to agricultural debtors and I cannot see how agriculturists who have no interest in the land could be brought within the scope of this Bill."

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MOHAMED RAFAEUDIN AHMAD ANSARI SAHIB BAHADUR:—"Mr. Speaker, Sir, while I move that this Bill be circulated for eliciting public opinion, I wish to clear a possible misconception. It is usual, Sir, that when any member of the Opposition moves for the circulation of a Bill for eliciting public opinion, it is considered that he is resorting to obstructive or dilatory tactics, or that he is opposing the principle of the Bill. I wish to make it perfectly clear that it is not my object either to delay the passing of this measure or oppose the principle of the Bill. In fact I admit that this Bill is important and the amendments which it seeks to introduce to the existing Act are very important and necessary and it is for that very reason that I beg leave of the House to circulate it for eliciting public opinion. Sir, in 1937 when this Act was brought into force, it was acclaimed with great enthusiasm. It was thought that it afforded a great measure of relief to the indebted agriculturists. Subsequently ten years have elapsed and many loopholes have been discovered in that Act, by which the relief that was sought to be given to the indebted agriculturists was made a farce. It is therefore felt that the enactment of 1937 was drafted more by a politician than by a lawyer and that is why amendments to that have become necessary."

"Sir, the Hon. Minister for Agriculture said that this Bill was before the public for nearly four months. But I may submit that though it might have been published in the Gazette or in the newspapers four months ago, it is a matter of common knowledge that unless particular organisations representing such interests are specially invited to offer their opinions on this Bill by sending them copies of it, nobody would take any interest on it. As a matter of fact, Sir, I may tell the House that in Nellore many agriculturists came to me and represented that the Bill which is now sought to be passed into law has not been given due publicity and that copies of the Bill had not been sent to representative organisations like the Bar Associations or the Agriculturists Associations and therefore they did not know what are the amendments that are going to be made to the Act and what their effect is going to be."

"Sir, this is a very important measure because it affects every agriculturist in the Province which is especially an agricultural province. It is therefore necessary that, even if a little more time is lost, real relief should be given to them and that all the agriculturists should know the real implications of this Amending Bill. After all, Sir, the very idea of this Amending Bill is that the loopholes found in the existing Act should be set right, that the irregularities, anomalies and defects which have come to notice in the working of this Act during the last ten years should be corrected and that the various decisions given by the High Court in connection with cases that have come before it during these years should be incorporated, with a view to see that similar things do not recur in the future. I therefore submit, Sir, that it is very necessary that these things should be gone into in more detail and that unless representative organisations are specifically invited to express their

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[Mohamed Rafeudin Ahmad Ansari Sahib Bahadur]

opinions of this Amending Bill, it would defeat its very purpose, if it were rushed through in a hurry. What will happen otherwise is this. This Amending Bill will become law and if it does not satisfy any section of the agriculturists, further litigations will arise and further amendments to the Act will become necessary in the light of those judgments. Therefore in order to see that this Amending Bill is made as comprehensive as possible and that further amendments to the Act is avoided, I move that the Bill be circulated for eliciting public opinion. While doing so, I wish to make it clear that I do not want a long delay. I also want to make clear that I am not moving this motion in order to help anybody or to obstruct the Government. I am not interested in those who are beneficially affected by this measure or in those who are adversely affected by this measure. My only concern is that this Amending Bill should receive the considered attention that it deserves from those who are really entitled to give it. Therefore, Sir, I move that the Bill be circulated for public opinion."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Mr. Speaker, I am glad that the measure has been brought forward at least now

Mr. SPEAKER:—"Is the hon. Member seconding the amendment?"

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"No, Sir, I am speaking on the Bill."

Mr. SPEAKER:—"Then the hon. Member may resume his seat."

* M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR:—"Mr. Speaker, Sir, in seconding the motion moved by my hon. Friend Mr. Rafeudin Ahmad Ansari I want to make an explanation. We are no doubt in general agreement with the principles of the Bill and that it is in furtherance of the interests of agriculture and agriculturists their indebtedness should be reduced. But in bringing the Bill of this sort which is really affecting so many interests in the agricultural economy it is very essential to know how far this Bill is going to benefit the persons whom it is intended to benefit."

"As an illustration, I can point out one anomalous feature in this proposed legislation. There is a new element introduced in this Bill, namely, the applicability of the principle of scaling down in respect of debts under usufructuary mortgages also. Under the original Act Othi, i.e., usufructuary mortgage, it was stated, was more or less transfer of proprietary interests in the property and therefore 'complete and absolute alienation' and on that score that transaction was altogether exempted. Now it is stated that the benefit should also apply to Othi. I am not saying that it should not be applied. I am in favour of application of this. But I want to know how it will work. On the assurance found in the original Act there have been a large number of Othi transactions entered into in our parts and investors have invested money on Othi. I want to know what would be their

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fate. That is one aspect of the problem which I want to bring to the notice of the House and particularly the Hon. Minister concerned.

"The second aspect of the question is with regard to 25 years enjoyment discharging the mortgage debt. Let us suppose that the right of redemption is not enjoyed by the original owners and the owners have sold their right of redemption for a song or for a low consideration. We know that there are any number of court-auction sales like this. Therefore a proposal of this character will not certainly help the original owners. Therefore a thorough investigation should be made as to how far this will really benefit the agricultural classes and not the rich people who have taken property in Court-auctions. Therefore some time would certainly be necessary for the public to digest all these aspects and come to a certain decision and wherever possible some amendments should also be made.

"Then it is stated that if a property has been in the enjoyment of a mortgage for 25 years the whole Othi or usufructuary mortgage is to be wiped off. I want to know where is the necessity for enacting this 25 years rule. If sections 8 and 9 of the original Act are made to apply to usufructuary mortgages also, then interest would be calculated and the principal would be wiped out in lesser time. Where is the necessity for the 25 years rule? In most case the whole principal may be wiped out in less than 25 years. If the mortgage is for a lower rate of interest or with a very low rate of interest then it may take even 50 or 65 years to wipe out twice amount of the principle. If the interest is stated as 3 per cent it would take 66 years. I want to know whether you are really doing anything beneficial to the agricultural classes who have invested money in these transactions or whether you are divesting them of certain interests they have in their agricultural property, by conferring a similar benefit to other classes. Therefore, Sir, these things would require thorough investigation. For this purpose I second the motion of my hon. Friend that the Bill be circulated for public opinion."

* P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Mr. Speaker, Sir, I welcome the measure that has been brought forward by the Hon. the Minister for Agriculture. In fact, as he stated, this ought to have been passed at least four months ago. My point in rising today is to just draw the attention of the Government to one or two points which are very important. I beg to submit at the outset that there is a very serious lacuna in this measure. I refer to the omission of a provision for wiping out arrears of rent. From what the Hon. the Minister said to-day we can more or less understand that the debt of the agriculturist has been rising even through the war years and simply because during the war there has been some increase in price it cannot be said that it has benefited the agriculturists, at least that section of the agriculturists who are tillers of the soil and whose produce has not brought forth the

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price that would be adequate for cultivation expenses. That very reason should have induced the Government to make provision to wipe off the arrears of rent as we did in the last legislation. I am really surprised how a serious omission as that has come about, because the Hon. Minister was pleading very solicitously, he being a popular Minister, for the poor agriculturist. People are expecting that legislation is going to be passed providing for wiping off of the arrears of rent due by the agriculturists. I strongly appeal to the Government to include such a provision in this Bill.

"Another point which I want to deal with is with regard to the 25 years rule. On reading that section I find that simply when a creditor has been in possession of a land for 25 years the debtor would be able to get back the land. I want the Government to make it clear that mere possession of the property will not do. Actual payment of the rent for 25 years should be provided for.

"Another matter which I want to touch upon is with regard to certain kinds of tenures, in the Malabar district especially in the Ponnani and part of the Valluvanad taluks. The Hon. Minister is also aware of it. I refer to what are called Panaya kachits where the agriculturist gets possession of a land from a landlord by paying certain small sums which are generally called Panai-yams. In fact he will really be a loser. I want to make it clear that this provision regarding usufructuary mortgages do not apply to these cases. This is all I have to say."

MAHIN SCHAMNAD SAHIB BAHADUR:—"Mr. Speaker, Sir, I fully approve of the Bill that has been introduced by the Hon. the Minister for Agriculture. According to the Bill the creditor gets double the principal which he advanced within 25 years. According to Muhammadan Law, according to Quoran, we can recover only the amount advanced by us, not a single pie more can we get as interest or any other consideration. This Bill really gives much relief to the poor. Therefore the Muslims cannot have any objection to the provisions in this Bill. Especially poor people in the South Kanara district, in the Kasaragode taluk are very much interested in the Bill. Of course a few rich people may lose on account of this Bill. The mortgagor is always rich and the mortgagor is always poor. When hard pressed for money he mortgages his land to the rich people."

MR. SPEAKER:—"The hon. Member can continue his speech tomorrow. I now adjourn the house to meet tomorrow at 11 o'clock."

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APPENDIX.

[Vide item IV on page 267 supra.]

[Subject.—The Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947.]

In pursuance of the undertaking given by the Hon'ble Sri Kala Venkata Rao, Minister for Revenue, in the Legislative Assembly on 22nd January 1948 in connexion with the Madras Estates (Repeal of the Permanent Settlement and Conversion into Ryotwari) Bill, 1947, the following correspondence is placed on the table of the House:—

(1)
ALL-INDIA CONGRESS COMMITTEE,
6, JANTAR MANTAR ROAD,
NEW DELHI,
29th May 1947.

Dear Friend,

You have asked for consent for the introduction of the Bill 'for abolition of Zamindaries'. In this matter it is our opinion that all such Bills may be introduced if they have been thoroughly discussed in the Province and the Congress Legislature Party and the Cabinet as a whole have given their consent to the measure introduced. If you have the consent you are free to proceed with the Bill in your legislature.

Yours sincerely,
(Sd.) J. B. KRIBALANI.

Sri Kala Venkatarao,
Minister for Revenue,
Government of Madras,
Fort St. George, Madras.

(2)
ALL-INDIA CONGRESS COMMITTEE,
6, JANTAR MANTAR ROAD,
NEW DELHI,
3rd October 1947.

Sri Kala Venkatarao,
Revenue Minister,
Government of Madras,
Fort St. George, Madras.

Dear Friend,

I learn that you are introducing Madras Estates Act, 1947, on the 9th October for the first reading. As for the principles of the Bill there is no disagreement even with the zamindars. But for some details which are very important and will affect the other

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side very much they want some few days to put their case before us. I think they should be given one opportunity at least. Therefore, I would advise you to introduce the Bill on the 9th as per schedule and then give a few days before you take it for consideration and then we can meet here for a day and finally decide about it. This is only what they want. Between 10th and 15th would suit.

You can have talks with the representatives of the other party and decide how to do this. You can manage it in the best way possible without giving unnecessary publicity.

I have consulted the President about this.

I am going to Bombay and will return on the 10th.

Yours sincerely,
(Sd.) SHANKERRAO DEO,
General Secretary.

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practicable chalk out a co-ordinated line of action. I shall be glad to know your reactions to this proposal and the stage reached in your province in connexion with this question before arranging such a meeting.

Yours sincerely,
(Sd.) SHANKERRAO DEO,
General Secretary.

Copy to the Premier, Government of Madras.
,, the Revenue Minister, Government of Madras.

This is a copy of a letter sent to the Premiers and Revenue Ministers of the Provinces. You may proceed with the legislation in the matter.

(Sd.) SHANKERRAO DEO.

(4)

Extracts from Summary of Proceedings of Revenue Ministers' Conference, dated 17th December 1947.

"Paragraph 4.—The next question taken up was the post-abolition land reforms. Views were exchanged on this subject and it was eventually decided that the Congress President should appoint a small committee of experts to examine and make recommendations by the 31st March 1948 regarding schemes of agrarian reforms which should follow in the wake of the abolition of zamindari system. To enable the President to choose the personnel of the Committee each province will recommend one or more names within a week but it must be clearly understood that the Committee will not be constituted on the basis of provincial representation."

(5)

ALL-INDIA CONGRESS COMMITTEE,
6, JANT R MANTAR ROAD,
NEW DELHI,
16th January, 1948.

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the Committee and that his experience and advice to the Committee as a member would be an asset to the Committee.

The terms of reference of the Committee are :

"The Committee will have to examine and make recommendations about agrarian reforms arising out of the abolition of zamindari system in the light of conditions prevailing in different provinces. The Committee will consider and report on co-operative farming and methods of improving agricultural production, the position of small holdings, sub-tenants, landless agricultural labourers and generally on improving the condition of agricultural rural population. The Committee will have to submit its report within three months from the date of its first sitting."

In your note submitted in the Revenue Ministers' Conference there is mention about the Special Officer's report on Ryotwari areas. This report along with notes prepared by your department on the basis of the terms of reference of the Agrarian Reforms Committee will be of real use to the Committee when it meets to decide the preliminaries about the procedure of the Committee. So please direct your department to send us as early as possible a copy of the Special Officer's report and the notes suggested above.

We shall be glad to have a full statement of the financial requirements of your government to implement the measure of abolition of zamindaris. As by the decision of the Revenue Ministers' Conference we shall have to address the Government of India on the basis of the notes on financial requirements of the Provincial Governments, please direct your department to expedite the despatch of such a note.

Thanking you,

Yours sincerely,
(Sd.) K. MITRA,
Secretary,
Economic and Political
Research Department.

(6)

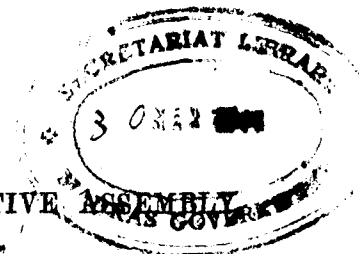
ANDHRA PROVINCIAL CONGRESS COMMITTEE,
ENTRAIN NAGPUR,
13th October 1947.

My dear Venkataraojee,

Our Working Committee has resolved at its meeting of the 9th and 10th instant to congratulate you and the Congress Party upon their decision to support your Bills for the abolition of the zamindari and inamdari systems. I request you to inform your party on the relevant occasion of this resolution of our Provincial Congress Committee.

I wish to congratulate you in my personal capacity also upon this signal triumph you have secured for the cause of zamindari and inamdari peasants.

Yours sincerely,
(Sd.) N. G. RANGA.



THE MADRAS LEGISLATIVE ASSEMBLY

Monday, the 2nd February 1948.

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

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

CONDOLENCE RESOLUTION ON THE DEATH OF MAHATMA GANDHI.

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

'This Assembly is deeply grieved at the assassination of Mahatma Gandhi, the Father of our Nation and the Architect of our Freedom, and expresses its profound sorrow at the irreparable loss the nation has sustained. The only way in which we can pay our homage to our Great Leader is to follow the principles of Truth, Service and Ahimsa that he enunciated and practised in his exemplary life.'

Mr. Speaker, Sir, words fail me at this time as I feel an immense void has been caused in our lives to-day. Bapu as he has been and as we call him has gone at the hands of a dastardly assassin who knew not what he was doing. Even as Bapu collapsed he could only bow to God. There is no instance in history of a Leader who achieved the freedom of his country through no fight but through the suffering of his own self. The whole struggle that he made for over a quarter of a century was on the basis of love and trying to achieve a change of heart in the rulers. That success came to him, though not in the way he expected, was due to the great moral force that he exercised right through his life. He was sick at heart over the Partition and had to undertake two fasts to set things right and get the communities to see that in love, not hatred, lay the future of the country. He will go down in history with Socrates and Jesus Christ as those whose lives had to be sacrificed for their noble principles. In the political field my mind goes back to the days of Abraham Lincoln who was assassinated in as dastardly a manner as Bapu has been. Not only we in this country mourn the loss of our Leader, but we have the sympathy of the whole world in the moment of our affliction. Messages have poured in from all over the world expressing their sense of sorrow at the loss of one who was not merely our own leader but a Teacher of mankind.

"As Pandit Jawaharlal has said 'The light has gone out, but the light that shone in this country was no ordinary light. The light that has illumined this country for these many years will illumine this country for many more years and a thousand years later that Light will still be seen all over the country, and the world will see it and it will give solace to innumerable hearts. For that Light represents something more than the immediate present. It represents the living, the eternal Truth, reminding

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[Dr. P. Subbarayan]

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us of a right path, drawing us from error, taking this ancient country to freedom.' How we ran to Bapu when we had any affliction! Though he is no more, let us always think of what he could have wished us to do and act in a way which will bring about concord and amity in this afflicted land of ours. He has also given us strength to show the world that his teachings have so influenced us as to make us an example to the rest of the world, and also show how to keep peace and create goodwill among nations.

"As the President of the Security Council has said: 'Gandhiji gave to the whole world a great lesson. Few people have shown such absolute devotion to the generous ideas to which he had bowed himself. On many occasions he offered the sacrifice of his life so that these ideas might triumph. From the distance he appeared to us to be already above this world as a great symbol. He represented in the highest degree and in its most influenced aspect the spirit of the independence of his people. He lived long enough to see India become fully sovereign. He represented something more, the idea of non-violence which is the very principle which inspires our organization. Somehow we felt that in our efforts for peace and mutual understanding we had in him a great ally.' He was not merely the leader of the struggle for our country's freedom, but he was more than that. He was a Teacher among men and is the heir of our heritage which began with Buddha. In his life he practised what he preached, and if there was any deviation from the path he set for himself, it was the weakness of the flesh of his own people and not of himself as he never faltered for one moment. Let us, in this hour of grief, think of communal harmony and concord so that there will be no hatred against man and man. We shall inspire love in each other. We in the South who have kept peace all these months, let us keep it, and let us be an example, and let us be the heirs of the great heritage he has left behind for us. Like Jesus Christ before him he has paid with his life for the principles which he held so dear to him. Like Abraham Lincoln he has been assassinated by the hand of one who mistakenly thought that with the end of his life the principles for which he stood may disappear. But how wrong the assassin is can be seen from the world-wide sympathy which has come to our nation at the grievous loss we have suffered. Let us prove ourselves worthy of this great leader and Teacher of men and follow his precepts so that we can establish through our and other nations' efforts the principle for which he stood—Peace on earth and goodwill among men. May his Noble Spirit continue to guide us in striving for the great ideals for which he lived and which he taught us. Though he is dead, he lives in spirit because he is Immortal."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, Sir, it is with a heart laden with grief that I have risen to second the resolution proposed by the Leader of the House. The great and unique son, the beloved son of the Motherland and the great unique Leader of men and women is no more with

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us. The country, nay the world, is plunged in gloom and sorrow at the terrible thing which has happened in this suffering country. Sir, though the great Soul has been taken away from the physical environments, that life, the noble example which it showed and the high actions which that life performed are before us. The unyielding determination tempered with accommodation, the championship of justice, at the same time the special friendship of the poor, the oppressed and the suffering, and the great love that inspired that life for humanity, these are only a few of the high virtues that have endeared the Great Leader to the people of not only this country but of the world. He was, Sir, a King among men. Though uncrowned, yet more than Crowned Kings and born Kings, he was the ruler of the hearts of men. Such a person and his example and life cannot be forgotten, and cannot go away from the world. It is a high principle that relationship between man and man should not in any way bring about violence. It should not be guided by recrimination, but if any violence or force was needed, it must be left to the State and State alone. If only we follow this high principle as a result of the lifelong teaching of the Great Teacher, we would be remembering him in the right spirit. Let us all strive to achieve harmony in this unhappy land, and I hope that as a result of this supreme sacrifice that has taken place, the hope for harmony will not only remain a hope, but will be achieved, and I think it has already been achieved. At such a time as this, let us not even think of the assassin and his universally condemned action when we are thinking of this Great personality. Let us rather pity him and leave it at that, Sir. We shall strive and remember the harmony, the love and the goodwill for which that Great Soul worked, and we shall try to achieve that, and thereby enhance the glory of this dear Motherland of ours for which he was striving all along and for the happiness of which he was striving all along. Mahatma Gandhi, Sir, has been living a long life of suffering, striving and battling for the freedom of the country. It is a matter for poignant anguish and pain that he, the Architect and builder of the freedom of this country, was not given to be with us when this freedom and independence is going to blossom forth into peace, plenty and prosperity, for which he has been battling so long. We have all been hoping that he will be with us and that after all his life of toil and hardships, he will have the satisfaction of seeing this country happy and prosperous. We must all put our shoulders together and strive for that consummation so that his Soul may be satisfied that we have achieved after his death what we were not able to achieve before his death. I am sure of that, Sir. We are going to achieve that. We are going to get that consummation of communal amity, harmony, and goodwill in this country. Every one must strive for it. Every one must scrutinize his heart, and remove from there whatever is against such consummation. Let Almighty help our country and its people for whom Mahatmaji has given his life."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"Mr. Speaker, Sir, in associating myself with the resolution

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[Kumararaja Sir Muthiah Chettiyar of Chettinad]

which it is our most melancholy duty to-day to pass, I shall be brief. There are some occasions on which silence is more eloquent than words. Moreover words cannot adequately express the saddest event, the biggest disaster that has overtaken our country and the world.

Within less than six months of our achieving independence, the great Architect of our freedom has lost his life at the hands of an Indian. That is a very distressing thought. The passing away of our beloved leader when India is encompassed by perils is a tragedy of the deepest intensity for our country. Mahatmaji was India, and India was Mahatmaji. His word was law to us. We were an unarmed people and without one blow being struck from our side, he put India on the map of the world. Who was not stirred by events like the historic Dandi March of 1931, by the Gandhi-Irwin pact, and by the Quit India resolution of August 1942? That is why the endearing title—Father of the Nation—has become a household expression regarding Mahatmaji.

“The secret of Mahatmaji’s hold on all people was his strict adherence to truth and non-violence and the convincing power of his personality. He lived a common man and for the common man. He fought against all forms of tyranny, injustice and oppression. He worked incessantly for communal harmony, peace and goodwill. In fact, he was the living embodiment of all the higher values of life. He did not hesitate even to risk his life when he considered that would better serve the cause which he wanted to promote. The epic fast connected with the Poona Pact and his recent fasts to break the communal storm within our breasts are instances.

“None in modern times has more profoundly influenced world thought than Mahatmaji. He has been aptly described as ‘Christ returned to Earth’. He was one of the dearest servants of humanity that has ever lived. He has won the love, the respect and the admiration of the entire world. The voice of the world in many languages has already paid tributes to the greatest man of the age, who died a martyr for a great cause.

“‘Mahatma Gandhi Amar Ho Gae’—the Mahatma has become immortal’ was the cry that was raised in one voice by the record gathering of mourners when his frail body was committed to flames on Saturday evening. Mahatmaji though dead, lives for all the time to come. He has left us, but his influence will live on, undying, to inspire, future generations of mankind, to lead them to mutual tolerance and in the way of peace.

“The inheritance that Mahatma Gandhi has left us is the privilege of completing his mission of peace on earth and goodwill among mankind. Perhaps his martyrdom may hasten the accomplishment of the sacred task he left unfinished. But that thought alone will not do. If we are to prove ourselves worthy of the Father of the Nation, then we must take up to heart his

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priceless teachings and earnestly endeavour so to propagate his gospel that the whole world will catch his spirit and move towards the concord and the amity which Mahatmaji prized so much for the peace and the good of mankind.”

* MR. B. W. BATCHELOR:—“Mr. Speaker, Sir, the tragedy which has robbed India of her greatest citizen has overwhelmed us all with great sorrow. Sir, sorrow is perhaps the greatest leveller of the human race and brings us all to the same common ground. The tragedy which has choked and stunned the whole world has brought sympathy and has brought messages from far and wide. The British community here, Sir, in Madras are at one with you to-day mourning the loss of the great Mahatma whose place in the hearts of so many millions of the human race is in itself the highest and only possible tribute. No words can express or retrieve that loss. We mourn with you the loss of a statesman and saint, cut off by the hand of an assassin, at the summit of his career, at the summit of his influence, an influence which has extended over a long life far beyond the confines of this vast sub-continent and peoples. Sir, his was a moral courage of a higher order than that which prompts men to physical acts of daring. It was a courage which led him unflinchingly along the path dictated by conscience and along that path he took with him many millions who placed their hand unquestioningly in his. The death at the hands of an assassin of the apostle of non-violence is a challenge to the human race. It comes at a time of crisis in human affairs, when we all recognize the utter futility of the law of the jungle if mankind is to progress from servitude and tyranny to freedom. To some of us, it may seem that this is the eleventh hour for the human race. Let us therefore take stock of ourselves at this solemn moment. For only as we apply to our own lives that self-discipline and those spiritual truths for which Gandhiji stood, can we arm ourselves with weapons effective to oppose evil. His power was the power of the spirit; his leadership was the leadership so greatly needed to-day throughout the world. His leadership is needed in India. It therefore remains for those who are left to seize the torch from his grasp and hold it steadfastly aloft. Though his body is no longer with us, his spirit is still alive. Sir, I have the privilege to support this motion.”

SRI K. ANANDAN NAMBIYAR:—“Mr. Speaker, Sir, with a heavy heart, I support the motion on behalf of the Communists and the peasantry whom I have the honour to represent here. The loss of Mahatmaji is a loss for all. We all know that it is Mahatmaji who made the poor and the working classes understand their own sufferings; it is Mahatmaji who roused them to action and it is the actions of Mahatmaji that led to the great achievement of this country. Whatever Mahatmaji taught us and for what principles Mahatmaji lived, we should cherish and follow. Communal unity for which he has laid down his life, we must try

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to achieve and we must bring about the unity of the masses irrespective of caste or creed. Though the previous speakers refrained from referring to the assassin, I want to speak a word on the ideology behind the assassin. My point is that that ideology should not be allowed to continue in this country. That ideology must be rooted out so that there may not be any future occasion to mourn for any more martyrs. I have to say this and I hope the whole country will do it. With these words, I support the motion."

MR. SPEAKER:—"I wish to associate the Chair with the sentiments expressed by the Leader of the House, the Leader of the Opposition and other Group Leaders. In the death of Mahatmaji, we have lost our great leader. He was, so to say, the friend of the Scheduled Classes and other minorities. I need not tell you that the change of heart among the Caste-Hindus towards the Scheduled Classes was entirely due to his influence. He has undergone all the four stages of life mentioned in the Vedas, viz., 'Bramacharya', 'Grahasta', 'Vanaprasta' and 'Sanyasa', in this world. He was a true Sanyasin. He sought peace not in the heights of the Himalayas but in the midst of his people and in the turmoil of the world. The people of India cannot ever forget his teaching and message. I do not wish to say anything more and I am going to read the resolution that is before the House—

'This Assembly is deeply grieved at the assassination of Mahatma Gandhi, the Father of our Nation and the Architect of our Freedom, and expresses its profound sorrow at the irreparable loss the nation has sustained. The only way in which we can pay our homage to our Great Leader is to follow the principles of Truth, Service and Ahimsa that he enunciated and practised in his exemplary life.'

I request all hon. Members to stand for a minute as a mark of respect to the great Leader."

The resolution was passed unanimously, all the members standing for a minute.

(Then Sri B. S. Murthi called out "Mahatma Gandhi-ki-jai" three times to which the members responded.)

MR. SPEAKER:—"The House will now adjourn and will meet on the 17th February at 11 o'clock."

THE MADRAS LEGISLATIVE ASSEMBLY.

Tuesday, the 17th February 1948.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Konda Venkatappaya Garu's letter to Mahatmaji.

[* 8 Q.—

MR. SPEAKER:—"Mr. Salam is not in his place. The answer to the question will be printed in the proceedings."

MOHAMED ABDUL SALAM SAHIB BAHADUR: Will the Hon. Premier be pleased to state—

(a) whether his attention has been drawn to a news item that appeared in all papers and specially in the *Indian Express*, dated 14th January 1948, regarding Konda Venkatappaya Garu's letter to Mahatmaji about M.L.As. and Mahatmaji's comment at prayer meeting; and

(b) if so, whether the Government propose to hold an enquiry into the allegations contained in this letter?

THE HON. SRI O. P. RAMASWAMY REDDIYAR:—" (a) Yes.

" (b) No."

Alleged ill-treatment of a student by the Inspector of Police at Guntur.

* 9 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that the Inspector of Police at Guntur kicked a student of the Andhra Christian College with his booted leg and used abusive language on the occasion of the recent strike; and

(b) if so, what steps the Government propose to take to punish the Inspector?

THE HON. DR. T. S. S. RAJAN (on behalf of Hon. Dr. P. Subbarayan:—" (a) The allegation is false.

" (b) Does not arise."

SRI V. RAGHAVAYYA:—"Are the Government aware that despite the change in the times and dawn of freedom, the policeman has not forgotten the language of the baton and the mailed fist in his dealings with the people of the Province?"

THE HON. DR. T. S. S. RAJAN:—"I do not know what the hon. Member wants."

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

SRI V. RAGHAVAYYA:—"Are the Government aware that the police, despite the change in times, have not forgotten the language of the baton and mailed first in their dealings with the people of the Province?"

THE HON. DR. T. S. S. RAJAN:—"The Government do not think so."

SRI K. R. KARANTH:—"In view of the fact that an Inspector of Police is involved in the matter, may I know, who actually conducted the investigation and came to the conclusion that there is no basis for the allegation?"

THE HON. DR. T. S. S. RAJAN:—"The answer shows that the whole allegation is false." (At this stage Hon. Dr. P. Subbarayan entered the House.)

SRI K. R. KARANTH:—"Before saying it is false, somebody must have conducted the investigation. May I know, who it is that has done it?"

THE HON. DR. P. SUBBARAYAN:—"The Government have their own persons for conducting investigation, and the proper investigation through usual channels has been made, and we have been told that the facts as alleged are not true."

SRI K. R. KARANTH:—"As the Hon. Minister says, it is true, they have the usual channels of investigation. But when a more serious allegation is made against a responsible Police officer, some more responsible investigation is necessary, and so will the Hon. Minister say who conducted the investigation?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member knows as well as I do, what instruments of investigation there are with the Government. All that has been used, and as a result of that, the Government are convinced that the allegations made out are not true."

SRI K. R. KARANTH:—"May I know who actually conducted the investigation? The term 'usual channels' used by the Minister is too broad."

THE HON. DR. P. SUBBARAYAN:—"By 'usual channels' the hon. Member knows as well as I do, is meant the District Superintendent of Police."

SRI V. RAGHAVAYYA:—"May I know whether the Principal of the Andhra Christian College, in whose precincts the incident has taken place, has been consulted in the matter?"

THE HON. DR. P. SUBBARAYAN:—"Naturally, I am sure, the District Superintendent of Police, who inquired into the matter, would have asked the Principal what exactly had happened."

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SRI V. RAGHAVAYYA:—"My question has not been answered. I want to know, if the Principal has been consulted by the officer who enquired into the matter?"

THE HON. DR. P. SUBBARAYAN:—"I can only say, what is commonly and humanly possible in the matter has been done. I cannot take the matter any further."

Hon. the Food Minister's message to the Conference of Hindu Mahasabha at Coimbatore.

[* 10 Q.—

MR. SPEAKER:—"Mr. Moideen Kutty is not in his place. the answer to the question will be printed in the proceedings."

P. K. MOIDEEN KUTTY SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state whether it is a fact that he sent a message to the Conference of the Coimbatore Hindu Mahasabha held on 3rd January?

THE HON. DR. T. S. S. RAJAN:—"As far as I can remember no message was sent by me to the Conference of the Coimbatore Hindu Mahasabha held on 3rd January 1948."

Employment of convicts to work in project areas.

* 11 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether there is any proposal to employ convicts in prohibition and other criminal cases undergoing rigorous imprisonment to work in the project areas for digging canals, etc.; and

(b) whether it is a fact that there is dearth of labour for project work, and if so, when the proposal referred to in (a) will be given effect to?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) Yes, so far as Tungabhadra Project is concerned.

" (b) Yes, the proposal referred to in clause (a) above is under consideration and a decision will be reached as soon as possible."

SRI N. VENKATA SUBBAYYA:—"May I ask the Minister how many such labourers have been diverted for the Tungabhadra Project?"

THE HON. SRI M. BHAKTAVATSALAM:—"I would suggest to the hon. Member to put a separate question."

SRI KALLUR SUBBA RAO:—"May I know whether these prisoners who are now given labour in the project area will be given the same wages as other labourers and the money they earn will be given when they are released?"

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SRI KALLUR SUBBA RAO:—"May I know, whether the prohibition prisoners who are now used as labourers in the project work are given daily labour even as other labourers?"

THE HON. SRI M. BHAKTAVATSALAM:—"We are considering the whole matter and have not yet come to a decision on it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask, whether there is not enough local labour available in the area concerned, and is it that that has necessitated Government to employ prohibition prisoners?"

THE HON. SRI M. BHAKTAVATSALAM:—"No, Sir, we are not able to get local labour."

SRI A. KALESWARA RAO:—"May I know whether the Government really believe that these convicts, who are angry with the Government for putting them in prison, would do their work satisfactorily?"

MR. SPEAKER:—"It is a statement; it is not a question."

SRI V. RAGHAVAYYA:—"What is the exact wage paid to them daily? Is it in kind or in cash?"

THE HON. SRI M. BHAKTAVATSALAM:—"The hon. Member may put a separate question."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"If sufficient number of labour is not available in a particular locality, will Government think it advisable to take imported labour from other localities of the province, even as labourers are taken to other provinces and countries?"

THE HON. SRI M. BHAKTAVATSALAM:—"We have taken labour to Tungabhadra Project from Vizagapatam district."

SRI A. KALESWARA RAO:—"May I inquire whether the work done by convicts has been satisfactory?"

THE HON. SRI M. BHAKTAVATSALAM:—"That question must be put to the Minister for Prisons."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Will the Government explore other districts also to find labour for these projects?"

THE HON. SRI M. BHAKTAVATSALAM:—"We have been doing that."

Retrenchment of staff in Government Departments.

[* 12 Q.—

MR. SPEAKER:—"Mr. Moideen Kutty is not in his place. The answer to the question will be printed in the proceedings."

P. K. MOIDEEN KUTTY SAHIB BAHADUR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether the Government contemplate any retrenchment of staff in the various departments of the Government;

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(b) whether any posts have so far been abolished; and
(c) if so, the number of such posts?

THE HON. SRI B. GOPALA REDDI:—" (a) The Government have appointed a Retrenchment and Reorganization Committee, among others, for effecting economies in expenditure on new departments and appointments brought into existence during the war and after, and for reorganizing departments with a view to reducing cost and increasing efficiency. The Committee has not completed its work. The Committee has so far examined in general the organization of the following departments:—

Civil Supplies, Agriculture, Medical, Public Health, Education, Forest, Police, etc.

The Committee has made recommendations for the retrenchment of some posts and the recommendations have been communicated to the departments of Secretariat concerned. These recommendations are being considered by the departments.

"(b) None so far.

"(c) Does not arise."

Legislation for appointing wages boards.

* 13 Q.—SRI K. SHANMUGAM: Will the Hon. the Minister for Industries be pleased to state whether the Government have any proposal to bring forward legislation appointing wages boards in every district to fix the wages of agricultural labourers and to fix the working hours also of the agricultural labourers in the field?

THE HON. SRI H. SITARAMA REDDI:—"No, Sir. But this Government are awaiting the enactment of the Minimum Wages Bill which is under the consideration of the Central Government for setting up wages boards both for agricultural and industrial labour. Pending this, provision is made for fixation of agricultural wages, where there is a dispute, in the 'Settlement of Agricultural Disputes Bill' which is now under consideration of this Government."

SRI K. SHANMUGAM:—"Have the Government got any data about wages conditions prevailing in the province at present?"

THE HON. SRI H. SITARAMA REDDI:—"Notice."

SRI V. RAGHAVAYYA:—"Do the Government contemplate to take any action in anticipation of what the Central Government proposes to do? May I know whether they propose to study labour conditions in the province and whether they are aware that even to-day semi-slavish conditions prevail in certain parts of the Presidency?"

THE HON. SRI H. SITARAMA REDDI:—"Naturally so."

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Have the Government of this province been invited to help the Government of India with regard to the fixation of wages so far as agricultural and industrial labour in this province is concerned?"

THE HON. SRI H. SITARAMA REDDI:—"As I have already said, there is a Bill pending with the Government of India; or I believe it has been passed recently; when the provisions come to be enforced, various aspects of the question will be gone into."

SRI P. NATESAN:—"Does the Hon. Minister think he can effectively fix labour wages in the various districts?"

THE HON. SRI H. SITARAMA REDDI:—"In the interests of peace it is necessary to take some steps to fix minimum wages. Every attempt will be made to see that the conditions in various places are studied and proper wages fixed."

SRI M. S. PATTABHIRAMIAH:—"In view of the rapid and revolutionary changes that are taking place in the agrarian situation in our province now, will the Government consider the urgency and desirability of fixing the minimum wages of agricultural labourers who are generally Harijans, in whose cases, wages have not risen in the last six months?"

THE HON. SRI H. SITARAMA REDDI:—"I have no more information than has already been furnished."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"May I ask the approximate time by which the Minister expects the machinery in the province will begin to function, as a result of the Government of India measure?"

THE HON. SRI H. SITARAMA REDDI:—"As early as possible."

SRI P. NATESAN:—"What is the type of wages contemplated, money or kind?"

THE HON. SRI H. SITARAMA REDDI:—"It may be both."
(Laughter.)

SRI M. S. PATTABHIRAMIAH:—"Sir, it is only the landowner and the bigger tenants that have been benefitted by the rise in price of agricultural produce; the actual agricultural labourer has not been benefitted at all."

MR. SPEAKER:—"The hon. Member is making a speech. He is not putting a supplementary question."

SRI M. S. PATTABHIRAMIAH:—"I want to ask, are Government aware that only landlords and bigger tenants have been considerably benefitted by the rise in price of agricultural produce, but the agricultural labourer, who is the landless labourer, has not at all been benefitted, whereas he has been getting wages which he has been getting two years back? Are Government aware of that?"

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THE HON. SRI H. SITARAMA REDDI:—"I take the information from the hon. Member."

SRI V. RAGHAVAYYA:—"Arising out of the answer that Government are anxious to study labour conditions in the province, may I ask, whether the Government will appoint a committee to tour the province and find out the conditions?"

THE HON. SRI H. SITARAMA REDDI:—"That is one of the aspects that might be considered after the Bill is passed by the Central Government."

Season tickets in State buses.

* 14 Q.—SRI R. V. SWAMINATHAN: Will the Hon. the Minister for Prohibition be pleased to state whether there is any proposal before the Government to introduce the system of season tickets in State buses?

THE HON. MR. DANIEL THOMAS:—"No such proposal is under contemplation."

SRI R. V. SWAMINATHAN:—"May I request the Hon. Minister to consider this question now, because it will help the student population in the City?" 11:15 a.m.

THE HON. MR. DANIEL THOMAS:—"The financial implications will have to be considered before any such proposal is seriously considered."

SRI C. M. KOTHARI:—"Will the Hon. Minister be pleased to lay on the table of the House a complete financial statement about the working of the buses taking into account income-tax and other charges which the other bus companies pay?"

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

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the finances of the State buses will permit the consideration of a proposal of the nature contemplated in the question?"

THE HON. MR. DANIEL THOMAS:—"If the proposal for the issue of season tickets is taken up, the financial aspect also will be considered."

SRI P. NATESAN:—"May I know whether the fares charged in State buses are the same as, or higher than, the fares charged in private buses?"

THE HON. MR. DANIEL THOMAS:—"I believe it is the same fare."

SRI GUNTUR NARASIMHA RAO:—"Is it a fact that the Government are contemplating to drop the nationalization of buses and give the right to ply buses in the City to the highest bidder?"

THE HON. MR. DANIEL THOMAS:—"The hon. Member may put a separate question."

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Protest against construction of a bridge over the Cauvery at Kadiramangalam.

[* 15 Q.—

MR. SPEAKER:—"The hon. Member who gave notice of the question is not in his place. The answer will be printed in the proceedings."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether the Government have received representations from Mirasidars of Thiruvallangadu, Narasingampet, Kumbakonam taluk, protesting against the proposed construction of a bridge over the Cauvery at Kadiramangalam in Mayavaram taluk;

(b) whether it is a fact that the Government have completely abandoned the idea of the widening of the regulator at Thiruvallangadu in Kumbakonam so as to serve as a bridge over the Cauvery; and

(c) if so, what are the reasons for such a course of action?

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

" (b) No. The matter is under correspondence with the Special Officer, Tanjore District Board.

" (c) The question does not arise."

The Queen Mary's College Hostel.

* 16 Q.—SRI P. KANDASWAMY PILLAI: Will the Hon. the Minister for Education be pleased to state—

(a) whether there is any hostel for girls who are studying in the Queen Mary's College and if there is one, by whom is it conducted;

(b) whether the Government received any complaints alleging mismanagement; and

(c) if so, what action have the Government taken or propose to take in the matter?

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

" (a) Yes. Hostel is conducted by the Government.

" (b) No.

" (c) Does not arise."

SRI P. KANDASWAMY PILLAI:—"Are the Government aware that no proper arrangements have been made to wash the clothing of the inmates of the hostel, because I have received numerous complaints that the dhobi loses the clothing of the children in the hostel?"

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

"I am unable to follow the hon. Member's question. What does he expect me to do?"

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SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government are aware of the inadequacy of hostel accommodation for the students of the Queen Mary's College and whether there is any proposal for increasing the accommodation?"

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

"That is true not only for the inmates of the Queen Mary's College; there has been a general shortage of accommodation for students, boys as well as girls, in the City. The Government are doing all they can and they are also contemplating to build a separate women's hostel in the City."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know whether the Hon. Minister has visited this hostel and whether he is aware that the girls there are suffering considerable inconvenience for want of a suitable dining room for the vegetarian section?"

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

"I am glad that the hon. Member this time does not refer to the Muslim section. I understand that there is shortage of accommodation and the Government are looking into the matter."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is it a fact that the boarding arrangements in the hostel have been entrusted to a contractor?"

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

"I am not aware. I think it is run on the division system."

SRI P. KANDASWAMY PILLAI:—"Will the Government be pleased to enquire whether the hostel is conducted properly or not, whether the food supplied to each inmate is adequate or not, and whether the conveniences of the inmates are properly attended to or not?"

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

"About the adequacy or inadequacy of food, the hon. Member must put the question to the Hon. Minister for Food. If he has anything specific about other matters the Government will be glad to look into the matter."

SRI P. NATESAN:—"May I know whether this hostel is self-supporting and whether accounts are maintained and, if so, whether they are subject to audit?"

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

"I am not sure about audit, but I believe it is run on the division system. If the hon. Member wants more specific information, he may put a separate question."

SRI KALLUR SUBBA RAO:—"Arising out of the question of Sri P. Kandaswami Pillai, may I know whether the washing of dirty clothes is within the portfolio of the Education Minister?"

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THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“It seems to be the concern of everybody who has it.”

BEGUM SULTAN MIR AMIRUDDIN:—“Since the construction of a dining block and a kitchen for the Queen Mary's College has been pending for a number of years, will the Government expedite the matter and provide the hostel with a new kitchen and a new dining room before the next academic year?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am unable to make any promise, but I will certainly look into the matter.”

SRI P. KANDASWAMY PILLAI:—“May I know whether the Government will enquire into the management of the hostel at least in future?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member must be more specific and say what aspects of the hostel management he wants me to enquire into.”

SRI P. KANDASWAMY PILLAI:—“I have already pointed out two aspects: the proper washing of the clothes of the inmates and children and their safe return to the owners, and the supply of adequate food for those messing in the hostel?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I have not received any complaint to that effect till now. I will forward the questions put by the hon. Member to the Principal of the College for enquiry.”

SRI A. KALESWARA RAO:—“May I know whether the Government have appointed any Board of Visitors consisting of ladies, and if so, whether any complaint has been received from such Board?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I believe there is a Board, but I have not received any complaint from it.”

SRI P. NATESAN:—“Arising out of the question put by Sri P. Kandaswamy Pillai, may I know whether there are any girls missing from the hostel?”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“In view of the revealing statement of the hon. Member that there are children messing in the hostel, may I request the Hon. Minister to conduct a serious enquiry as to wherefrom these children come inside the girls hostel?” (Laughter.)

Waste lands for assignment in Kurnool district.

* 17 Q.—SRI N. VENKATA SUBBAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) whether extensive waste lands are available for assignment under the Siddapuram tank in Nandikotkur taluk of Kurnool district, and if so, how many acres;

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(b) whether any petitions from Harijans and others have been received for assignment and, if so, what action has been taken thereon;

(c) whether it is a fact that this year the tank has received an unusually large supply and, if so, for how many months is supply likely to last and for how many acres;

(d) whether in spite of such plentiful supply large extents are lying waste; and

(e) whether in view of food shortage, there is any proposal to assign the lands under the tank at least on temporary patta for definite number of years pending final decision on the question of assignment?

THE HON. SRI KALA VENKATA RAO:—“(a) to (e) The information is not available with the Government. It has been called for.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Sir, I wish to make a submission. When the hon. Member Begum Sultan Mir Amiruddin put a question, my Friend, the Hon. Minister for Education, said that he was glad that this time the question did not refer to the Muslim section of the hostel. I know my hon. Friend does not mean to injure the sentiments of anybody and he might have said it in a humorous vein. But still, such references are unnecessary. So, I appeal to him through you to avoid them in future.”

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

II.—ADJOURNMENT MOTION *RE* ALLEGED ARREST OF COMMUNISTS AT BEZWADA.

MR. SPEAKER:—“The hon. Member Sri Pillalamarri Venkateswarlu has given notice of the following under rule 36 of the Madras Assembly Rules:—

‘I wish to move a motion for the adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance, namely, in spite of the ban on all public meetings and demonstrations imposed by the District Magistrate, Kistna at Bezwada, permission is given to Rashtriya Swayam Sevak men to hold meetings and demonstrations with the result that there was the unnecessary arrest of 51 Congressmen and Communists and other non-party men on the day of Gandhiji's demise.’

So far as the Chair is concerned, the motion is in order and I allow it. I wish to know from the Hon. Leader of the House whether he opposes it.”

THE HON. DR. P. SUBBARAYAN:—“First I would like to appeal to the hon. Gentleman not to press this motion, as the situation is very delicate because of the wholesale arrests that we have had to make owing to the unfortunate incident that happened. The Government are carefully going into the matter. The hon. Gentleman will forgive me if I tell him that the party to which he has

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the honour to belong, taking advantage of the situation, resorted to violence. ('Hear, hear.') Naturally the Government have had to put down the violence. I have said time and again on the floor of this Assembly that I have no objection to any one propagating the creed that he believes in, though I do believe that nothing can be achieved through violence. But it is not right for any one in this country to take advantage of particular circumstances and—if I may use a well-known English expression—fish in troubled waters. Therefore, I ask the hon. Gentleman not to press this motion. But if he presses this motion even after my appeal, I would be constrained to oppose it."

SRI PILLALAMARRI VENKATESWARLU:—"The Hon. Leader of the House has cast certain aspersions on my party. Apart from my withdrawing the adjournment motion, I wish to say a few words."

MR. SPEAKER:—"If the hon. Member is prepared to withdraw, I will allow him to say a few words. If he is not prepared to withdraw, I have to ask the House whether it grants leave for the motion to be made."

SRI PILLALAMARRI VENKATESWARLU:—"After the statement made by the Hon. Home Minister against which I strongly protest, I do not propose to withdraw."

The House refused leave for moving the motion, as the hon. Member Sri Pillalamarri Venkateswarlu alone stood in support of the motion.

SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, I request you to allow an half-an-hour debate on this."

MR. SPEAKER:—"I am not going to allow an half-hour debate."

SRI M. BAPINEEDU:—"May I know the programme of this House in this sitting?"

MR. SPEAKER:—"It is too early for me to say anything."

III. MESSAGES FROM HIS EXCELLENCY THE GOVERNOR.

11-30 a.m. MR. SPEAKER:—"I have to announce to the House the following messages from His Excellency the Governor:—

(1) *In pursuance of section 82, sub-sections (1) and (3) of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Madras Public Libraries Bill, 1947.*

(2) *In pursuance of section 82, sub-section (3) of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby recommend to the Madras Legislative Assembly the consideration of the Motor Vehicles (Madras Amendments) Bill, 1948."*

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IV.—GOVERNMENT BILLS.

(1) THE MADRAS AGRICULTURISTS' RELIEF (AMENDMENT) BILL, 1947—*cont.*

MR. SPEAKER:—"Mr. Schamnad will now continue his speech on the above Bill."

* MAHIN SCHAMNAD SAHIB BAHADUR:—"Mr. Speaker, Sir, I have already said that the amendment in clause 6 to section 10, sub-section (3) of the Madras Agriculturists' Relief Act is a welcome thing as it gives a just advantage to the usufructuary mortgagor and Muslims will have no grievance over that amendment. This Bill, as I have already said, is favourable to all poor ryots and therefore there is general sympathy with this measure. I can say that in my own district of South Kanara and especially in the Kasargod taluk where usufructuary mortgages are very common, this Bill is specially welcome and it will benefit a number of poor ryots who have mortgaged their properties. Under this clause, where a usufructuary mortgagee has been in possession of the property mortgaged to him for a period of twenty-five consecutive years, the debt due under the usufructuary mortgage shall be deemed to have been wholly discharged. Now usually the mortgagee is always rich and the mortgagor is always poor. In our district, the usufructuary mortgagor is not able to redeem the property mortgaged even by paying twice the amount received, because very often the mortgagee claims unreasonable compensation for improvements he has made on the land and he will thus make it impossible for the mortgagor to regain his property. The mortgagor who is generally a poor ryot, will not be able to satisfy the mortgagee, nor will he be able to go to a court of law to regain his land. Therefore if this Bill is passed, it will really give much relief to the poor janmi who has mortgaged his property. But I submit that there are certain real difficulties and defects even under this Bill which require to be removed and rectified, before it becomes law. According to section 10 (3) a debt is to be considered to have been discharged if the property mortgaged has been in the possession of the mortgagee for a period of twenty-five years consecutively. Suppose the mortgagee after enjoying the property for 23 years and after realizing the full principal amount and sometimes even double the principal, transfers his right to a third person, then what would happen to the third person who has genuinely bought the property only a year ago? He has realized only one-twenty-fifth part of the amount. According to this Bill, this third person has got to lose; on the other hand the first mortgagee who has already got double the amount goes scotfree. This Bill is not clear whether the third person should lose the money; it should make his position clear. I submit that it will be an injustice if he is made to lose his entire amount. Similarly the mortgagor sometimes transfers his janmam rights to a third person for a small sum for paying off some other small debt.

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The third person thereby gets a big property for a small sum. What I therefore suggest is that such transfers should be made null and void. To this effect, I would suggest the following amendment:—

'In clause 6, section 10, after new sub-section (3) the following may be added:—

(i) *Provided that the benefits of this section shall not be available to persons who are transferees for consideration from the original usufructuary mortgagors or usufructuary mortgagees after the commencement of the Madras Agriculturists' Relief Act, 1938;*

(ii) *Provided also that such transfers for consideration after the commencement of the Madras Agriculturists Relief Act, 1938, shall be deemed to be null and void for the purposes of this Act only and the transferees for consideration shall be entitled to recover from the transferors the consideration amount of this transfer with interest thereon allowable under this Act.'*

"Sir, my next suggestion is this. The new section 23-A reads as follows:—

'Where in execution of any decree any immovable property, in which any person entitled to the benefits of this Act had an interest, has been sold or foreclosed before the commencement of the Madras Agriculturists' Relief (Amendment) Act, 1947, and the sale has not been confirmed before such commencement, or ninety days have not elapsed from the commencement of the sale or from the foreclosure at such commencement, then notwithstanding anything contained in the Indian Limitation Act, 1908, or in the Code of Civil Procedure, 1908, and notwithstanding that the sale has been confirmed, any judgment-debtor claiming to be entitled to the benefits of this Act, may apply to the court within ninety days of such commencement or of the confirmation of the sale whichever is later, to set aside the sale or foreclosure of the property, etc.,

Sir, this ninety days fixed in this amendment seems to me to be a too small period, because after this Bill had been published in the Gazette, the creditors have set in motion their machinery for collecting their dues from the debtors and in several cases executions and attachments have already taken place for the recovery of dues. I may state, Sir, most of the debts have been collected. I therefore suggest that this clause must be modified still further to meet such cases, and I suggest the following amendment:—

'In clause 10, new section 23-A for the words "Before the commencement of the Madras Agriculturists' Relief (Amendment) Act, 1947," I suggest that the following words, namely, "Before the publication of the Bill further to amend the Madras Agriculturists' Relief Act, in the Fort St. George Gazette" may be substituted. Also in other places for the word "commencement", the word "publication" may be substituted.'

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"Sir, another suggestion I want to make is this. The proviso under clause 14 of this Bill runs as follows:—

'Provided that no creditor shall be required to refund any sum which has been paid to or realized by him, before the commencement of this Act.'

"This proviso will work very hard on the debtors, because the creditors had taken all means of realizing the amount, by threatening the debtors that they would send them to jail and by using all other methods. In some cases, amounts have been realized without taking any execution proceedings and without attaching any property. As soon as the decree was passed, they used all the means at their disposal to recover the debts without execution. I therefore suggest the following amendment:—

'In clause 10, after new section 23-A, the following may be added as a further proviso:—

"Provided also that in cases where the creditor has realized the money due to him in execution of a decree against a person entitled to the benefit of this Act within ninety days before the publication of this Bill further to amend the Madras Agriculturists' Relief Act, 1938, in the Fort St. George Gazette, the creditor shall be required to refund the said amount realized by him, deducting therefrom the costs of the suit, and proceedings in execution or otherwise allowed to the creditor."

"Lastly, Sir, I request the Select Committee to kindly consider my suggestions during their discussions of this Bill and see what they can do to help the poor agriculturists."

* SRI V. RAGHAVAYYA:—"Mr. Speaker, it may be said 11-4 a.m. that ever since the Madras Agriculturists' Relief Act was passed into law long long ago, it has been the cause more of litigation than of settlement. It was looked for that this Bill would solve all the problems of the debtors once and for all, particularly when a previous Congress Government took up the matter and wanted to get it through. I don't blame anybody for the defective legislation, because even eminent lawyers are liable to err. But when things have been brought to the notice of the Government there cannot be any justification on their part to ignore or belittle the importance of the complaint. For instance, the tenacity with which the Minister concerned has treated the problem of the agricultural labourers in this connection is worthy of a better cause. It has been brought to his notice time and again that this country has got nearly 10 crores of agricultural landless labourers and that their number has been increasing daily and yearly. In 1921 for every thousand people dependent upon agriculture the number of landless labourers was in the proportion of 264. In 1931, barely ten years after their proportion rose to 460 for every thousand. Now, even at a very modest estimate, the Madras Province has got a crore of people who are landless and who depend for their maintenance solely upon agricultural labour. The Government should have known that this number of the agricultural labourers has been

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swelling on account of the fact that human wolves in the shape of money-lenders have been let loose upon society by a Government which has not cared for the interests of the underdog.

"This Act has absolutely no brief to offer to the agricultural labourers, for, clause (A) of section 2 says while defining who is an agriculturist that it means 'a person who has a saleable interest in any agricultural or horticultural land in the Province of Madras'. It really requires a lot of courage on the part of anybody, especially a civilized Government, to say that it could not approve of landless man being called an agriculturist. If the man who tills the soil, who sweats on the field and who helps in the raising of the crop—call him a kisan, or ryot or anything you like—has not got to-day any relief to receive at the hands of this Government, my suggestion is that this Government does not deserve to exist for a minute longer. Because you are safe by being in office, because you are safe, for, the revolutionary forces have not risen up everywhere, are you to twit and scorn at the legitimate demands of the underdog? But the finger of warning is there. You ought not to brush aside the writing on the wall so easily. Any Government which has a sense of responsibility should look around and find out what is happening everywhere, whether in the Tamilnad villages or the Andhra villages. There is serious discontent. They come and ask: 'Well, Sir, we have been toiling all these years, we have been enabling you to enrich yourself. We have been producing the paddy which you are selling at a huge price. Why don't you give us the same relief which the landlord gets?' I ask, what is the fun of the Government telling them: 'You have no saleable interest and you cannot get relief.' After all what the agriculturist asks is this: 'You are prepared to wipe away most of the interests of my landlord who has 1,000, 2,000 or 3,000 acres. He is called a poor kisan for whom from the Premier downwards to the chaprasi shed a lot of tears in season and out of season; if for that gentleman you are prepared to shed so much tears, why don't you spare a portion for us?' Sir, the law says that they won't get any relief because they have no saleable interest in the land. The law says in clause (D), if any person has got a lease of such land from any other person specified in sub-clauses (A), (B) and (C) he is entitled to relief. So the position of the Government is that they are prepared to recognize saleable interest, leasehold, or ownership in the land or the position of a tenure holder under the Estates Land Act or an under-tenure holder, etc. But they fail to recognize the right of the person who sweats on the land day in and day out, the person who is a farm servant or agricultural labourer and who is really responsible for producing the paddy.

"I wish to bring to the notice of the House, Sir, the various systems prevailing in the land under which the agricultural labourer is ground down to poverty from day to day. You should have been aware that in the Tamilnad there are the systems known as the 'Murai Cheeti' and the 'Pannaial Pathiram'. These

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documents are executed in favour of the landlords and the law of limitation has absolutely no power to touch them. For the debt created by the grandfather—it may be a few rupees—the grandson goes on paying the debt. You know that the money-lenders and the landlords particularly keep on the debt alive even though they would have realized ten times or twelve times over and above the actual debts because they want to enslave the man and keep him tied to the land. I cannot conceive of any agricultural labourer in any village who has not got debts of this type owing to the landlord. In a season when the landlord wants to raise the food-crops he likes he must have tied to this land at least 20 or 30 families of agricultural labourers who would not have the freedom to choose and sell their labour to whomsoever they like. These debt bonds enable the landlords to keep these people under subjection for years and years together. We feel eloquent over the freedom we have achieved but we deny this freedom to the landless labourer.

"Sir, the Kabuliwallah is there. The other day when the Pawn-brokers' Act was passed in this House I said that it did not apply to the landless labourer in regard to his relation with the Kabuliwallah because under the Pawn-brokers' Act there must be a bond or a pledge. The landless labourer does not need to give any pledge or bond because the Kabuliwallah knows the strength of his baton and the whip which even to-day he carries insultingly in a land which is not his own and he carries it brandishing against any man who is a labourer and who owes some money to him. If the Government do not provide relief to such a labourer and if the Government do not see its way, even when it is brought to their notice, to redress the injustice which has been caused, my only suggestion is that they should abdicate and should not continue a second longer. I know that no threat or suggestion of mine would induce the Government to do so because they are sure that they will continue for some more months or years. I am not concerned with that. They ought to see at least at this stage as to what pitch they are carrying on matters.

"I know that several riots are going on in the villages between the agricultural labourers and the landlords. I have now come from a village where a riot was going on between the Reddis and the agricultural labourers. There were many clashes. They settled the dispute between them. Some 100 or 200 people have been injured in the scuffle. There the matter should have rested but the Police, for whom so many kind words are being said even to-day on the floor of the House, went there and added their quota. They arrested some 100 labourers and they began to beat them. If this Government think that they can keep themselves in saddle—what kind of saddle I do not know—by such means, they are mistaken. There is a scape goat, a solitary one on the benches opposite. Whenever anything happens poor Mr. Venkateswarlu or his adjutant is being blamed. They say that everything is going wrong because these Communists are creating trouble for

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them. It would be but proper if we say that the Government are creating all the trouble for themselves because they are blind and they are deaf and they ignore the writing on the wall.

"I wish to warn them that they can no longer play with this problem of the landless labourers. It is no use postponing the issue to any future day. When somebody raised the question of the fixation of the minimum wages it was said that we should await the legislation by the India Government. You can await the India Government's legislation. But in the meanwhile you must know that the Government is being undermined every day and no vote will be cast for you because the labourer knows that you have not been doing anything for him. Here is an instance where, without losing much of your strength or power or force or your compromising nature with the capitalists in the country, you can do bare justice to the labourer.

"Our Province is the only Province which has not brought in a legislation for these people. In Bihar there was a legislation in 1924 which took care of these money-lenders with a view to give relief to the landless men. But that legislation has been circumvented and the landlords used another name for the document they were taking from the people. In 1930 another law was brought into force in order to put an end to this pernicious system. I suggest that the Madras Government would do well to take note of this and extend some relief to the landless labourers even at this late stage.

"Another thing which I want to refer to is this. There is no point in creating artificial limit in the matter of giving relief. The Bill that was introduced in 1937 was faulty. It was unjust. It was inelastic and so it has resulted in a crop of unnecessary litigation. The decisions of the High Court were reversed by the courts above on account of the ill-worded Act. The amendment under this Bill says that anybody who is getting more than Rs. 100 monthly income will not be entitled to relief under the Act. A man may have 10,000 acres, like many ryots, and the money-lender will lose his interest in spite of the ability of the man to pay the interest, because he is a gentleman who calls himself a kisan, a landlord or a ryot. My point is, why should a man simply because he is in a town and he follows a profession and pays a profession tax to the municipality or a panchayat and is getting only Rs. 100 per month as his bare income—for keeping a petty shop and earning some income—be denied the relief under this Act. Why should you limit your relief as not to apply to even such poor men by saying that these people who get more than Rs. 100 per month as income shall not have the advantage of the Act. The injustice done in 1937 can be set right at least at this stage. It is meaningless and it is absurd to think that petty shopkeepers, simply because they are living in towns and are earning a few hundred rupees, should be deprived of the relief which this Bill so bombastically promises. No doubt, all that can be said in favour of this legislation is that substantial relief

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has been given for relieving indebtedness. For this credit must be given to the framers of the Debt Relief Act. As my learned friend Mr. Viswanatham pointed out the other day there are so many Acts dealing with indebtedness; you have the Debt Relief Act, then you have got the Debtors' Protection Act, the Pawn-brokers' Act and the Usurious Loans Act, and so many other Acts. Why don't you repeal all these Acts and bring out one Act which will say that nobody who lends money shall take more than so much interest, and in the case of decrees it should not be more than so much of interest, etc.? Some such comprehensive Act which will apply to all the sections of the people—landless or landed, whether he has any saleable interest or not—should be brought forward. Why don't you bring an Act which will cover all that, because a bond is a bond and enslavement is enslavement, in spite of the soft words we may be accustomed to hear about them? While congratulating the Government on bringing this amendment, which has been overlooked all these years, I would urge the Minister to extend his vision a little further and not stick to his guns."

* SRI K. R. KARANTH:—"Sir, I am afraid I have to differ from the views given by my hon. Friend Mr. Raghavayya just now. He seems to think that the Bill does not go far enough. My own view is, except to the limited extent, which I shall mention at a later stage, many of the amendments are quite unnecessary. As you are aware, Sir, the last Agriculturists' Relief Act was passed in 1937-38 under very different conditions. This country passed through a long period of depression then. There were any number of court sales with which I was familiar. People could not pay their debts. They had sold their properties to money-lenders. So, on account of very low prices which commodities fetched in those days, to meet a very difficult and very hard situation, that Act was passed, and, as was said just now by the previous speaker, there were some defects in that Act. I do not wish to exaggerate on those defects. In any Bill, which is brought in to meet a grave situation, there are bound to be defects. In about ten years' time, every section and every clause of that Act went up to the High Court. There were decisions and a number of Full Bench decisions also. In view of certain statements or positions held under that Act and by the decisions of the High Court, people have been conducting themselves and regulating their transactions. To-day, just opposite conditions obtain in the country. There are no large court sales so far as I know. There are no insolvencies either. Prices of properties have gone up by 3 or 4 times, because prices of commodities also have risen up. Many a debtor of the past has paid back his money. Though the prices are high still it cannot be said that the conditions are anything like what they obtained in the year 1937-38. I can understand Government bringing in a comprehensive measure with a view to deal with all defects of agriculture or the general hardships of agriculturists. But, to tinker with this Act—which was passed to meet a definite and a particular situation—now, when conditions are just the reverse of what obtained in 1937-38, seems

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to me, Sir, to bring in a spate of litigation, which is absolutely unnecessary and which will lead to a great deal of injustice. Take for instance the first amendment. What is now sought to be done is that while those who are assessed to profession tax on a half-yearly income of more than three hundred rupees were considered non-agriculturists and were denied relief in the Act, this Bill now brings in a class of applicants before the courts if their income is between Rs. 300 and Rs. 600. These would have been denied relief already. Decisions would have taken place. Transactions would have been entered into. But to-day this clause is giving a right to him to come up and make an application. It is not correct to say that this will not have retrospective effect, because clause 14 (iii) says that 'all suits and proceedings in which the decree or order passed has not been executed in full before the commencement of this Act, this amendment will apply. Even though matters have gone to the courts and to the High Court and even to Full Bench rulings, this would still open up all these cases, because we are going to amend the definition in the Act. This would therefore interfere unnecessarily with those transactions. This is with regard to that particular amendment, dealing with profession tax. Similar in nature is the amendment to proviso (D) under clause 2.

"Another important matter is the amendment which is to be seen in clause 4 of this Bill. Explanation I to this clause says 'in determining the amount repayable by a debtor under this section every payment made by him shall be credited towards the principal unless he has expressly stated in writing that such payment shall be in a reduction of interest.' I know Full Bench rulings have been given on the authority of the decisions of the Privy Council that where the parties have not expressed definitely whether the payment should be for reduction of principal or interest, the payments shall be towards interest and not principal. Now, if this definition is to be amended, it means that we are ripping open all transactions which have been set at rest even by decisions of courts. Then, Sir, there is Explanation III to clause 4 of the Bill. It is one of the strangest things that I have ever heard. It says, 'Where a debt has been renewed or included in a fresh document executed before or after the commencement of this Act, whether by the same or a different debtor and whether in favour of the same or a different creditor, the principal originally advanced together with such sums, if any, as have been subsequently advanced as principal shall alone be treated as the principal sum repayable under this section.' There must be some very serious defect in this Explanation. The intention of this Explanation has not been exactly brought out. As it stands to-day, it would mean that if a debt which a man has borrowed from A has been wiped off altogether by taking it from another person, then this clause of renewal will apply. Whether the debtors are the same or the creditors are the same, still the principle should apply, is not only strange; it will work the utmost mischief. In several cases, the debt of one man has been paid off

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by taking a loan from another man. I know there were cases, especially when the Act was passed, when people tried to defraud the debtors by bringing pressure to bear upon them so that the debt due to the father was renewed by a pro-note executed in favour of the son. To apply this generally to all cases, however, whether before the Act or after and whether the debtors are the same or the creditors are the same or not, is to bring in any amount of mischief and uncertainty which has not been thought of by the framers of the Bill.

"Then, Sir, take clause 5 of the Bill. It says 'In section 3 of the said Act, in the proviso to clause (1), after the words "renewal of a prior debt," the words "whether by the same or a different debtor and whether in favour of the same or a different creditor," shall be inserted.' Sir, this goes far beyond anything that any one can contemplate, and this should not be encouraged. Then, Sir, there is the question of usufructuary mortgages mentioned in clause 6 of the Bill, that is, after 25 consecutive years, notwithstanding anything contained in the previous Act, the mortgage should be deemed to be wiped off. It is with respect to these two classes that some consideration is necessary. My own feeling is that at the time the last Act was passed, these usufructuary mortgages were kept quite distinct and intact and separate from other transactions. In regard to them what has now happened is that wherever the period has expired, people have redeemed. Money has been available and redemption has taken place. But where the periods have not expired, the creditors have been able to realize large sums by way of interest. To go and open up all transactions in the manner indicated would be a great hardship. On the face of it, this 25 years' rule seems to be very unjust because there were times when a mortgage could hardly get 3 or 4 per cent. By 4 per cent, in 25 years, all that he would have got would be Rs. 100 which is just the amount of interest and nothing to cover his principal. So, in the case of usufructuary mortgages, what I would suggest is that irrespective of the periods fixed for mortgages, one should say that the period could stand cancelled—particularly in respect of transactions before 1937—and the party should be in a position to redeem without waiting for a further or future period. That much of relief should be given. Going back and taking account of the past, I submit, Sir, might lead to a great deal of hardship, because it is known that the agriculturists, as such, do not keep accounts, and they do not realize full rents. Therefore, to open up transactions for periods of 15, 20 or 30 years, seems to me to be going a little too far. The point should be well considered.

"There are certain provisions about relief mentioned in section 13 of the Act. That section made a provision which should govern future transactions. It said a definite rate of 6½ per cent alone should be charged. People would have entered into transactions with agriculturists stipulating a rate of 6½ per cent. Now, with retrospective effect, the definition of an agriculturist is

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going to be changed. Certain people, who were agriculturists when they entered into transactions after 1937, and who agreed to give a stipulated rate, are now by reason of the amendments to the definition, are deemed as non-agriculturists. And those who were not agriculturists are converted into agriculturists. All such transactions have to be opened up again. It seems to be a bit unthinkable when there was a clear section which held out, 'these are the classes of agriculturists with whom you may deal with; this will be the percentage you may charge.' To-day, after ten years, you say, 'No, no; our intention was not only to include people who are agriculturists but also other classes of people who are getting between Rs. 300 and Rs. 600. Sir, whatever may be done with respect to the future to reduce the rate of interest from 5½ per cent to 5 or 4 or even less, do not tamper with the definition of agriculturists of the past, in order to enter into transactions of a past period.'

12.15 p.m. "Then, Sir, there is another amendment also which seems to me to be something which one can hardly imagine, I mean clause 12 of the present Bill which introduces a new section, namely, section 24-A which runs as follows:—

'If in any suit or proceeding for the recovery of a debt, the court is satisfied that the claim therein is made in evasion of the provisions of this Act and that the document upon which the claim is based, although purporting to be executed by a different debtor or in favour of a different creditor, was in fact in renewal or part renewal of a prior debt to which the provisions of this Act would have applied, the Court shall reject the claim in its entirety.'

It means that in a case where in 1937 or 1938 money would have been paid and there may also be cases where a father who was the creditor might have taken a new document in favour of his son. In the latter class of cases, I can understand your penalizing him to some extent but the whole debt should not be wiped out.

"I do not wish to take more of the time of the House. But, I wish to say this thing. It is most unthinkable that a Government by a Bill like this, would interfere with private transactions in this manner after 1937 with regard to usufructuary mortgages. Particularly in my district, there are many such cases in respect of which depositions have waited on the Hon. the Minister and what happened was that rightly or wrongly, those cases were exempted by the Legislature and it was held that the Act would not apply to them. During the last ten years, a vast number of transactions has taken place. In a family under partition one brother has taken a right of the usufructuary mortgage; another brother has taken property with absolute right and another brother might have taken hard cash. If we apply this Act to-day, one loses his share altogether. I know of a case in which an usufructuary mortgage was transferred for consideration and Rs. 9,000 was deposited into Court and to-day if this provision is to be applied,

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he stands to lose the whole thing. I know that this Act was passed in the year 1937 because a strange and very difficult set of circumstances existed at that time and people in the rural areas were hard up for money. But to-day, I know definitely that in spite of the high prices prevailing, the agriculturists in the rural parts are very much better off. There are no court-sales and there are no insolvencies. Many agriculturists have settled their debts after so many years, and therefore there is no necessity at all for these provisions and we need not bother about amending so many sections of the Act. I can understand a perfect State of Communism, but I cannot understand Government interfering from moment to moment with private transactions. That is very unfair, and nobody's property seems to be safe. Again and what is also important is that it should not be thought that in the whole countryside, the creditors are all money-lenders or that they are all persons who have made large sums of money by black-marketing. If you take into consideration a hundred usufructuary mortgages in the countryside where the people are living, you will find that the creditors are themselves agriculturists who through self-denial and thrift have put by something and which they have lent to their neighbours in times of difficulty. Very often the debtors are richer agriculturists. They will not be hit by this clause but it is the deserving small creditors who depend on the money which they invested for their livelihood. While relief is to be given to a deserving agriculturist, it should not be converted into a penalty on thrift. So, in cases of usufructuary mortgages of this type, Government may find out whether the creditors are not also agriculturists who would not be hit hard by this provision. So, do not go on interfering from year to year with private transactions of this kind. I have already stated how in the last ten years people have entered into many transactions with agriculturists and non-agriculturists. Under section 13 the rate of interest is 6½ per cent per annum subject to being modified by a notification. Six months ago, it was modified and reduced to 5½ per cent. Reduce it to 4 per cent if you like, but do not say that from 1937, it will have retrospective effect.

"Again by an amendment to section 3, you are including in the definition of agriculturist any person who pays a profession tax more than Rs. 600 derived from a profession other than agriculture, instead of Rs. 300. It means inclusion of a number of persons in the definition whom the Legislature did not want to benefit at all. So, by such a Bill, you cannot go on tinkering with transactions after ten years. In fact, more money is spent on litigations and more benefit is given to the lawyers to which profession I have the honour to belong. So, what I submit is that by this Bill, you should not open up transactions and give room for all kinds of litigations in courts. I believe that is not the intention of this Government. I therefore hope that all these matters will be very carefully scrutinized when the Bill goes before the Select Committee."

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* SRI K. BHASHYAM:—“ Mr. Speaker, Sir, the question of the amendment of the Agriculturists' Relief Act was one which was before the Government for some time past. Suggestions have been made from time to time as regards these amendments and the amendments related only to small improvements.

“ As regards the present amendments to particular sections, what is now attempted is to thoroughly overhaul the Agricultural Relief Act. We do not know the exact scope of the Bill to interfere with private transactions and also to interfere with the proceedings in courts now going on, on the basis of the old Act. I should like to point out very seriously that by the old Agricultural Relief Act, we have been able to eliminate professional money-lenders from the various villages. In fact, the Marwaris have gone out; persons who have been lending money at a very high rate of interest and making money have gone out. (Interruption by Sri K. R. Karanth.) Whatever it may be in his district, what is happening now is, so far as I know, that the professional money-lenders are not there. So, if the villager must get credit, he must get the money only by means of inter-lending between the villager and villager for the purpose of meeting his urgent needs. Therefore, if you further interfere with the village credit—not only in the South Kanara district but also in other districts—you will be disturbing that village credit altogether. Are you going to do it? That is the question. The villagers will be requiring help for various purposes such as marriage and other emergencies. Therefore, Sir, if you are going to interfere with transactions of over ten years, you will be disturbing the village credit and the villagers will be left with no resources for the purpose of meeting their urgent needs. That thing must be considered. It is not proper if you widen the scope of the Act by bringing in more persons under the definition of agriculturist. I do want to point out the general effect of such legislations interfering with ordinary transactions. I hope Government have got some reports about it even before they launched upon this Bill.

“ Sir, apart from the minor changes which are dealt with Mr. Karanth, the question of widening the scope of the Bill and defining the word agriculturist so as to bring in more number of persons under the definition is not justified. That fact as also the fact about giving retrospective effect have been dealt with by Mr. Karanth and I do not propose to go into the question in detail. But the clause relating to usufructuary mortgages is more or less revolutionary. Apart from the fact that it affects a number of usufructuary mortgages in South Kanara and to some degree in other districts, it affects a large number of persons who have been content to lending money and making a living out of usufruct. The persons who have invested that money in a fund for the purpose of their livelihood or other persons who have lent money to their neighbours on usufructuary mortgages for getting a settled income. You will be hitting these persons by

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this amendment. It does not affect the money-lender, the Marwari, because, he does not lend money on usufructuary mortgage and therefore he is not hard hit but persons who depend for their living on monies which they have invested on usufructuary mortgages will be hit hard. Again, there may be cases of usufructuary mortgages executed for the benefit of certain schools and colleges and these will also be affected. Therefore, so far as usufructuary mortgages are concerned, I should like the Government to consider very deeply before they interfere with these. If they are really anxious to do anything in the matter, they should enact that this Bill will not affect a mortgage in which time expires prior to the Bill. I think, the amendment as it stands, is of a confiscatory nature and it will work a great hardship to the people. Therefore in the case of a usufructuary mortgagee in possession for over twenty-five years, Government should give sufficient notice so that people affected may make up their minds whether to continue the mortgages or not and call in the money if they do not wish to continue and invest them in other places. Therefore, I submit that the amendments to various sections require drastic alterations and they should be considered by the Select Committee.

“ Again, there is a curious thing about section 24-A, and it is going to lead to a lot of perjury in the courts. Suppose a person is guilty of the evasion of the Act, no evidence will be forthcoming and it will put a lot of difficulty to the courts to decide the question. There were evasions even previous to the Act but what is the penalty provided for persons guilty of evasion; the penalty is very heavy. For the enforcement of the provisions of this Act, I think some other device must be made for the purpose of preventing evasion of the provisions of this Act.

“ As regards the question of the same debtor or the same creditor, the question has been raised before the courts and particularly in the High Court I think much legal argument has been wasted and much time has been spent on deciding whether one is the same debtor or the same creditor and to explain the definition and will lead to a good deal of litigation. I may suggest that it is safe that the renewals must be made much wider in order to benefit the litigation in the matter. Otherwise, the judges will be very seriously troubled. Therefore it is much better to leave the question there. As a matter of fact in a case where a person opposes it—it may be due to different interests—there is no commonsense rule to decide the question. If you want to reverse the process, you must not take the interest of the creditor alone into consideration. This provision I think, will have to undergo serious modification in the Select Committee's stage of the Bill.

“ Sir, one other matter which requires consideration by the Government is the case of sale that has taken place but not confirmed at the commencement of the Act. It is stated that it will be re-opened once again so as to give a chance to the debtor to

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have his debt scaled down still further. Of course this sort of action was contemplated in the legislation of 1938. It was because there was a critical stage and the Government wanted to put as much money as possible in the agricultural industry and in the hands of the agriculturists. They wanted to relieve the agriculturists of their debts as much as possible so that they could put what they could spare in the improvement of the industry and grow more food.

"The hon. Member Sri Raghavayya pleaded that agricultural labourers and persons who have no lands should be included in the scope of the Bill and their debts also scaled down. I thoroughly sympathise with his object, but I think a separate Bill should be brought forward for that purpose. This Bill is intended to deal with the debts of agriculturists only. If you want to include agricultural labourers, why not include industrial labourers as well, why not the clerks in the offices and others who are indebted to the Kabulis? They also deserve some relief. There should be a general Bill dealing with all classes of debtors who are harassed by creditors. It should be a separate piece of legislation and not included in this Bill. This Bill is intended to relieve the agriculturists of their heavy debts so that as much money as possible may be put into the agricultural industry, the industry improved and more food grown for the consumption of the people. Sir, I support the motion that the Bill be referred to a select committee and request the Government to consider all the points raised in the House so that they may concede them in full or in part."

* SRI A. KALESWARA RAO:—"Mr. Speaker, Sir, it is true that a Bill to give relief to agricultural labourers, to the landless people and labourers of all kinds with regard to their debts is quite necessary. Even during the last Congress regime, that question was considered and it was thought and thought correctly that that legislation could not be clubbed with a legislation for the wiping off or reduction of the debts of agriculturists, people whose profession is agriculture and upon whose properties the creditor could proceed for the recovery of his debts. Sir, landless labourers and other people without property have to be dealt with separately in another Bill. That was the opinion of the last Congress Government and that is the opinion of the present Congress Government. I think it is quite correct. The agricultural labourers are in many cases living a life of serfdom under other ryots. The latter keep on some imaginary debt, without any account and without the labourer knowing what he has to pay. There should be a revolutionary Act completely wiping off all these debts and I hope the Government will do the needful very soon."

"Sir, with regard to this Act in 1937 the Government wanted to give relief to the profession of agriculture. Then agriculture was depressed and became a profitless occupation. There was a

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depression from 1931 and the prices of foodstuffs and other agricultural products fell considerably. When the agriculturists repaid their debts they had to sell much more land and give much more grain than ever. Many families became ruined. The creditors got court decrees and the lands were sold for a song. If the Agricultural Relief Act had been passed in 1932, the agricultural population would have been saved. The report of Mr. Sathianathan showed that there was as much as 200 crores of rupees of debt hanging like a Damocles' sword over the head of the agriculturists. The first Congress Government, as soon as it took office, declared a moratorium for a few days, introduced the Agriculturists' Relief Act in 1937 and had it passed in 1938. But unfortunately the courts did not act in the spirit of the Government. The Government thought that the District Judges, the Munsifs and the High Court would sympathise with the debtors and give a liberal construction to the Act, but unfortunately two particular judges who were very much in favour of the creditors were appointed to decide the cases in batches. The result was they scrutinised every clause and every word of the Act and gave an interpretation favourable to the creditors. The agriculturists did not receive as much benefit out of the Act as the Congress Government expected. All the same there was much relief given to the agriculturists under that Act. When the Congress Government was in office for 2 years and 3 months, many complaints were received and many suggestions were made for amendments and improvements in the Act. As the Chief Parliamentary Secretary to Sri C. Rajagopalachariar, I know that an attempt was made to bring in an amending Bill. Many suggestions came from legislators, lawyers and the members of the public. A skeleton draft Bill also was prepared. The hon. Mr. Madhava Menon was one of the important Members of the Legislature then. He took a lot of interest in that Act and in suggesting amendments to that Act later on. The draft amending Bill was sent to the High Court and the Board of Revenue for their remarks, but before their remarks were received, the Congress Government resigned owing to political conditions created by the War. Now, it is felt that a lot of amending is necessary if real relief is to be given to the agriculturists.

"My hon. Friend Mr. Raghavayya asked why relief was given to agriculturists owning thousand acres and more. That question was considered. It was found that the profession of agriculture was depressed. A man owning more lands was more indebted than one owning less. He had greater difficulty in cultivating his lands and so on. So it was thought that relief should be given to agriculturists of every sort."

SRI V. RAGHAVAYYA:—"Were not the labourers depressed then?"

* SRI A. KALESWARA RAO:—"The labourers were considered to belong to a different category and that their question could not be clubbed with this question. Of course the Hon. Minister for Labour, Mr. Giri, was trying to tackle labour problems

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and he was preparing Bills both for agricultural labour and industrial labour. But before he could bring forward those Bills, the Government went out of office. That was not the fault of the Government. The present Government are trying to tackle the problem in the Labour Department or the Agricultural Department.

"Then Sir, with regard to giving relief to agriculturists those who were living in towns, those who had other professions and were much better off, those who paid income-tax and profession tax beyond a certain limit, that is to say, on incomes beyond Rs. 50, those who got rents on houses up to Rs. 50 a month—all these were excluded from the benefits of the Act though they had lands in the villages. Then the aghaharamdars, the inamdars and mokhasadars, the bigger landlords and janmis who paid more than Rs. 500 by way of tax on land to the Government were also not given the benefit of the Bill. Only the small inamdars and landlords were given the benefit of the Bill.

"The question is whether the Act should be kept alive with some salutary and useful amendments. There has no doubt been a lot of litigation. The courts were generally unsympathetic. There are still hard cases of debts. These are proposed to be dealt with by the present Ministry under this amending Bill.

"This Bill does not apply to original debts contracted after the commencement of that Act. That Act as well as this Act only apply to debts existing on the date of the passing of the previous Bill, namely, the 23rd March 1938. If people after that date enter into contract, the Bill does not propose to deal with them; only one provision is made to apply to such cases and that is section 13 of the Act which prescribes the rate of interest at 6½ per cent. The present amendment seeks to apply this rate to transactions of people even though they have houses in towns or have some profession there and lays down that such people should enjoy the benefit of the Act in respect of all transactions that have taken place from 22nd March 1938 and that they should not be compelled to pay more than that rate. I think that it is a correct thing and is a good provision and there is no hardship to any one. The present Government want to give the benefit of the Act to persons who have an income of Rs. 200 per month instead of Rs. 100 as previously obtaining. If people have an income of Rs. 200 a month from any profession and are living in town, they also should be treated as agriculturists for the purpose of scaling down their debts. In respect of clause (d) which deals with inamdars, aghaharamdars and small janmis or small landholders, no change is made except a small verbal change in order to make the section clearer. We must realize that their transactions are still there and have not been closed. Why should not those people who have cases of complaint not be given some benefit under the Act simply because some people lost the benefit. Sections 8 and 9 relate to 'debts coming from a long time'. The fact is that by way of renewals every time, a debt is actually

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running for forty years and my question is that: 'Should not the debtors get the benefit under section 8?' Section 9 says that five per cent interest should be paid. But section 8 applies the principle of the debt being wiped out by payment of double the principal, such debts have to be wiped out; I do not see any hardship in such cases? Regarding renewals, the framers of the last Act, thought that the courts would interpret the provisions liberally. Creditor means really the creditors and the legal representatives of the creditors and debtors mean legal representatives of debtors. But the courts did not do justice to the debtors. The creditors were merely deceiving the debtors; they did not get the document in their own favour but got it executed in the name of somebody else and the same debt is there. So long as the same debt is there whether in the name of the original creditor or anybody else and the burden is all the same on the shoulder of the debtor, he should be given the benefit of the Act. It must not be lost sight of that the execution of documents have not all been done fairly. Documents have been taken from debtors by fraud and duress. With regard to women creditors the old Act made provision for their being paid their whole amount due under the contract but the wording used did not help them much and the courts interpreted against them and the present Bill wants to liberalise the position so that women creditors get real benefit. With regard to usufructuary mortgages I support the Bill for the person who has taken the mortgage has been enjoying the usufructs, the produce from the lands for several years especially at a time when the price of foodgrains has shot up. It is no doubt true that the interest is not stipulated but the usufruct he has enjoyed for several years in lieu of interest has been very much. So, is it not right that if he had been enjoying them for say 25 years, the whole mortgage should be wiped out. In this way we have to protect the agriculturist debtors in respect of debts which have been coming for a long time. We are not dealing with transactions that have been entered into afresh.

"I have one particular doubt with regard to section 24-A. It will perhaps cause some hardship. If a man goes to court with a bad cause, he should not be penalised, sometimes his actions are bona fide. I hope that during the Select Committee stage, this will either be removed or improved upon. I think it would be better to remove it altogether as it is not necessary. With these words, I support the Bill."

* SRI N. S. VARADACHARI:—"Mr. Speaker, the Bill seeks to amend the old Agriculturists' Relief Act and if it merely confined itself to removing legal difficulties and anomalies felt in the working of the Act, even a reference to Select Committee would probably have not been necessary. But as it stands the Bill seems much more comprehensive and in part seems *ex post facto* legislation against which I have sounded a note of warning very often in this House. The old Agriculturists' Relief Act was passed just

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after the period of depression when it could be said that the depression had not passed off. It was made to deal with a particular situation and whatever may be the extent of the holding if the agriculturist did not possess any valuable city property, or derive income otherwise by way of money-lending or other profession, he was to be given relief and others who derived incomes other than from agriculture were intended to be kept out of the benefits of the Act. It was intended to meet a particular crisis and it served its purpose quite amply as could be seen from the frequent publication of figures by the then Government and even by the succeeding Government, namely, the Advisers' Government. I remember that debts to the tune of more than five crores of rupees were scaled down in a short time to less than 50 per cent of their total. That was the extent of relief afforded in the first two years of the passing of that Act. There were private settlements of debt accounts of which are difficult to gauge. But soon the war changed the entire situation. I am glad that Government have appended notes on clauses and I wish notes had not been written in the manner in which they have been presented to us but contained some information, some kind of indication as to the general situation that this Bill is intended to meet. It is not as if usufructuary mortgages could be treated differently from the footing on which the old Bill treated them because incomes from such mortgages had doubled; it is not as if prices having risen, cases where agriculturists were prevented from taking benefit of the old Act could be pushed in taking the differences in prices into account. That is not the way to look at the situation. I wish Government had taken a more comprehensive view of the whole business and had given us an idea of the relief that is intended to be given under the Act, as to the position of the agriculturist as it is to-day in comparison with his position in 1937 and the relative facts with regard to the creditor too; if all that had been given, there would not have been any cause for dissatisfaction. Whatever is done in the present situation should be such as would not freeze credit which is very essential for agriculture. We are just getting back from the prosperous days in which we were in a few months ago and are actually entering on a period in which money conditions cannot be said to be very easy. This is a fact which can easily be verified from bankers, industrialists and even from larger landlords. Now if this is true we should be very careful not to upset the credit machinery of the country specially at a time when we are faced with a serious situation in regard to our food position and when all our energies ought to be concentrated on raising the maximum food from the land to meet the deficit in food, if we are to survive the next two or three years.

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"Now, Sir, I want to urge only one or two more points. The old Act exempted usufructuary mortgages from the ambit of the measure; because it was said that an usufructuary mortgage is in effect a lease on a fairly low rate of interest. Sir, agricultural incomes are known never to exceed three to four per cent interest on the capital outlay. If such a mortgagee had advanced money on

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land, the old Act said, he had taken much less than the rate of interest which Government had prescribed to be proper and just (i.e., 6½ per cent) and so usufructuary mortgages should be outside the scope of the Bill. That was a very just and reasonable view of the situation. But, to-day, it is said, income from usufructuary mortgages has increased and so we should apply the provisions of the Act to them also. It is not correct to say so. If the income has increased, the cost of living has increased very much, the cost of agricultural implements has also increased very considerably and whatever is got out of the usufructuary mortgage has got to be applied to that land itself or spent towards meeting the increased cost of living. If that is the proper study of the situation I see no reason why this provision which is now sought to be amended by the inclusion of the usufructuary mortgage should not be omitted altogether. That is my case, Sir, and I put it forward with all the earnestness at my command. I hope the Select Committee will look into it more closely and decide in such manner that their decision will correspond to the facts of the situation and not merely suit the mathematics of prices.

"My Friend, Mr. Kaleswara Rao, is still in the old world (laughter) where classes existed as debtors and creditors. I would beg of him to forget all this. Among the agriculturists there is no such hard and fast division as debtors and creditors. These are not classes at all. Please do not entertain the psychology of class warfare and divide communities into money-lenders and non money lenders, agriculturists and non-agriculturists and all that and make confusion worse confounded. Women creditors may be gentle and men creditors may be avaricious. But it must be remembered, we are made of the same stuff, and there will be many ungentle women creditors and many gentle men creditors (laughter) Do not attempt to create any division in these matters specially affecting agricultural credit, and for Heaven's sake avoid this ruinous psychology of class distinction in regard to agricultural credit.

"Now, Sir, after having said this, I hope the Hon. Minister will really ask for detailed information from the Government department, even before the select committee meet and find out whether relief is needed by certain classes for whom relief is now sought to be provided for. One word more about *ex post facto* legislation. It is wrong in principle and specially at this moment when there appears the risk of freezing credit in the country. I hope this very friendly note of criticism will not go in vain, and the Bill will be suitably amended so as to remove cases of hardship which may lie in clauses which aim at opening up old transactions."

SHRI K. KOTI REDDI:—"Mr. Speaker, Sir, we no doubt feel sympathy for the poor debtor; but in actual working of the Agricultural Debt Relief Act, I am afraid, those who have some

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acquaintance with rural conditions, are bound to agree with me that though it has helped to a certain extent it has also suggested good deal of harm. It is said that a creditor ought not to collect more than 6½ per cent interest. But to my knowledge not one in thousand in the rural areas is satisfied with it. Sir, it is only a few days ago I had to borrow. Though I am an agriculturist I had to borrow at 9 per cent. I am glad of it because the rate of interest in the villages is more than 12 per cent. It is not only this, Sir. It is working in a very dangerous way too. You remember, Sir, at the time when the original Act was passed many of the debtors, though they knew they could get their debts scaled down, did not do it; they preferred to wait for some time more, for they thought, if a Government cancelled their interest, some other Government might come and wipe off their principal too. (Laughter.) Unfortunately the Congress Government had to resign, and under the Advisers' regime, Government did not think it worth while to wipe off the principal. Further, Sir, to-day what is happening is something more. The transaction is not a mere creation of an ordinary debt. People refuse to give money on loan because they fear something may turn up tomorrow and wipe off their debt. So actually out-and-out sales are taking place. I know several such transactions myself. The only way the ryot can be helped is to create institutions by Government, by which he can get credit he wants immediately, and not the credit he can get six months after applying! He must be able to get the credit in a moment's notice. A ryot loses his bull. Nowadays a bull cost Rs. 300 or Rs. 400. He may not have enough money at hand. Unless he is able to get the necessary money in a day or two, he will be at the mercy of the money-lender. For this there should be small village banks. Ordinary co-operative societies are not in a position to help him. The Imperial Bank and the Indian Bank are not in a position to help him. So Government should start small village banks to help him. I know of the case of a man who wanted to borrow Rs. 2,000. He could not get it as a loan. He had to sell his property worth seven to eight thousand rupees to secure the money; in this way several out-and-out sales take place almost every day. In my opinion it is better the particular section regarding rate of interest is omitted. As it is, to-day money market is tight, in the rural areas, the prevailing rate of interest is not even 12 per cent; sometimes it is much more than that. I only want to point out that the mere passing of legislation will not help the ryots. As has been pointed out by several hon. Members, it is neither safe nor desirable to affect credit institutions in the rural areas. At any rate, transactions which have already taken place and which are valid under the law as it then existed should not at all be affected. When the original Agriculturists' Debt Relief Act was passed, I know that a number of creditors evaded the law by getting pronotes executed in their favour for the interest due to them. If a pronote executed in favour of a

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creditor for cash, which was perfectly legal under the law as it existed at the time, is transferred to, or endorsed in favour of, some other gentleman for actual consideration, the transferree or endorsee should not at all be affected. Safeguarding the interest of a bona fide purchaser for value is a principle in the English Law of Equity which has been developed for centuries. Explanation III under section 4 should not affect the bona fide purchasers for value, and I hope the Hon. Minister for Agriculture will look into the question.

"In a matter affecting rural parts, the Government have got to be very careful. I only wish that the Minister had also brought an amendment to the section dealing with interest because, as I have already pointed out, that section is working much havoc. Conditions may be different in other parts, but I can claim to have some intimate knowledge of rural life in at least three or four districts. Personally I know a number of transactions in which outright sales have taken place. The poor ryots are driven to the money-lenders because money is not available anywhere else. The ryot needs money and he must have it on whatever terms. Either the creditor deducts two or three years' interest in advance at the time of lending, or forces actual sale transaction which means that the whole life of debtor is in the hands of the creditor. I want the Government to find out through their own officers whether what I am saying is true or not. Most of us have sympathy for the poor ryots and I ask whether it is desirable that this state of affairs should continue any longer. Unless the Government are in a position to create sufficient credit institutions to help the ryot with credit for his agricultural needs, dilly-dallying with the existing credit system in the rural parts will do no good either to the country or the poor ryot for whom we have sympathy.

"With these words, I support the Bill."

SRI M. P. PERIYASWAMI:—“கனம் தலைவர் அவர்களே, இந்த விவசாய நிவாரண திருத்தச் சட்டத்தை ஆரித்து நான் பேசுகிறேன். பெரும்பான்மையான ஹரிஜனங்கள் தான் இந்த விவசாயத்தில் ஈடுபட்டுக் கொண்டும் நன்றாக கஷ்டப்பட்டுக்கொண்டுமிருக்கிறார்கள். அவர்கள் பெரும் மிராசுதார்களிடத்தில் நிலங்களை குத்தகைக்கு வாங்கி உழுது வருகிறார்கள். அப்படி வாங்கி அவர்கள் உழும் காலத்தில் நன்றாக விளைவு இல்லாவிட்டால் அந்த குத்தகைக்கு நஷ்டம் ஏற்படுகிறது. அதற்காக அந்த குத்தகை பாக்கிக் காக Bond எழுதி விடுகிறார்கள். Bond எழுதி அதை கடனாக பாலிக்கின்றார்கள். இன்னும் அந்தக் கடனுக்காக வட்டி போட்டும் எழுதி விடுகிறார்கள். அந்தமாதிரி போடப்பட்ட வட்டியை முதலுக்கு மேல் எவ்வளவுதூரம் கொடுத்துக்கொண்டு வந்தபோதிலும் இன்னும் compound வட்டியாகிய வட்டிக்கு வட்டி போட்டு சேர்த்து விடுகிறார்கள். அந்த முதலுக்கும் வட்டிக்கும் ஒரு ஷரத்து போட்டுக்கொண்டு ஏழை ஹரிஜனங்களிடம் திரும்பவும் அதிகம் பணத்தை வாங்கிக்கொண்டு வருகிறார்கள். அதனால் கடன் நிவர்த்தி யாவதே இல்லை. அவர்களுக்கு மூன்று தலைமுறையானாலும் அந்தக் கடனுக்கு வட்டி செலுத்திக்கொண்டே வருகிறார்கள். அதனால் விவசாயிகள் அந்த மிராசுதார்களிடத்தில் அதிகமாக கஷ்டப்பட்டுக்கொண்டு அவர்களை விட்டு மீள முடியாமல் அவர்கள் பெரும் கஷ்டப்பட்டுக்கொண்டு வருகிறார்கள். ஆகையால் இந்த சட்டத்தில் குத்தகைக்கு உழுது

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கொண்டு வரக்கூடிய ஹரிஜன விவசாயிகளை இந்த சட்டத்தில் சேர்த்துக் கொள்ளவேண்டும். இந்த விதமாக compound வட்டி போடுவதை எடுத்து விட்டு அவர்களுக்கு வட்டி இல்லாமலேயே கொடுத்த வட்டியை முதலிலேயே கழித்து விடுப்படி அவர்களுக்கு ஒரு நிவர்த்து செய்தால் ஏழை ஹரிஜனங்கள் விவசாயம் செய்து முன்னேற்றம் அடைவார்கள் என்பதை தெரிவித்துக் கொண்டு அந்த மாதிரியாக இந்த சட்டத்தை நிறைவேற்றவேண்டுமென்று கேட்டுக்கொள்கிறேன்.”

* SRI PILLALAMARRI VENKATESWARLU:—“ Mr. Speaker, Sir, almost all our legal friends on the Congress benches have expressed the view that indebtedness of agricultural labourers cannot be brought within the scope of this Bill. That is the view expressed by our hon. Friends Messrs. Kaleswara Rao, and K. Bashyam. I always used to complain against these legal friends. They pose the question as though they are sitting in the High Court and think that it is for the Judge to decide what legislation we should pass here. I am sure that even the indebtedness of agricultural labourers can be brought within the scope of this Bill. The Legal Department must be asked to draft the Bill accordingly provided all of us are agreed on the need for including the indebtedness of agricultural labourers also. Almost every member on the Congress bench expressed sympathy for the agricultural and industrial labourer. But till to-day they have not brought forward any legislation to remove the indebtedness of agricultural labourers. The report submitted by Dr. B. V. Narayanaswami Nayudu clearly pointed out that the indebtedness of agricultural labourers was increasing day by day. He made his report on the basis of official figures. But the agricultural labourer is indebted to his creditor in so many other ways. As the hon. Member who preceded me pointed out, there is compound interest. If a landholder lends Rs. 100, he deducts Rs. 25 or 30 and gives only the balance. But he gets a deed executed for Rs. 100 so that he can legally claim the full amount. Thus the rate of interest charged is not 5 or even 6½ per cent, but 25 to 30 per cent. Besides, the landholder gets a written undertaking from the agricultural labourer that he would serve his master until the debt is cleared. This is nothing short of serfdom. It is unfortunate that the Congress Ministry till to-day has not done anything to abolish this serfdom, even though it has been abolished long ago in other countries. Our friend Mr. Kaleswara Rao was telling us that in 1939 the then Minister for Labour, Mr. V. V. Giri, prepared a Bill to deal with both agricultural and industrial labour indebtedness. What has become of that Bill? Why was it not introduced in the House in 1939 or even in 1946 when Mr. V. V. Giri became the Minister for Labour once again? Is it because the Congress Party consists of landholders and vested interests? I think this Bill would have been discussed in the Congress Party. I do not know why Mr. V. Raghavayya raised this point on the floor of this House. If he is really serious, even now he can raise the question in the party meeting and see that the Bill is introduced

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and thus he can do some service to the agricultural labourers. The case of the agricultural labourer is left in the lurch. That must receive the first priority before we take up the case of others.

“ Mr. Varadachari was telling us that we should not talk in terms of class versus class. In other words it means: let us forget the agricultural classes, let us neglect them. If he seriously means to do away with the class system in our society as it had been done in Soviet Russia where there is no distinction between class and class, the only way he can do it is by adopting the doctrine of Communism and the policy of the Communist Party and thus joining hands with me. But we cannot expect anything of that kind under the Congress regime so long as the Congress Party is ruled by Mr. Vallabhai Patel. (Sri N. S. Varadachari rose in his seat, but Sri P. Venkateswarlu did not yield.) To-day we find that the cause of the agricultural labourer is not taken into consideration and member after member was going into the legal aspect of the problem.”

The House adjourned for lunch.

(After lunch -2-30 p.m.)

* SRI PILLALAMARRI VENKATESWARLU:—“ Speaker, Sir, I was referring how these amendments to the Agriculturists' Relief Act of 1938 were not going to improve the lot of the agricultural labourers. It is rather unfortunate that there is no reference to agricultural labourers at all in this Bill. Sir, just now our friend Mr. Kaleswara Rao has pointed out under what circumstances the previous Congress Ministry was forced to bring forward the Agriculturists' Relief Act in 1938 and what were the reasons that weighed with it for doing so. He stated that the prices were falling considerably in those days and that the peasantry was forced to sell away their lands and that was why the Congress Ministry came forward to give protection to ryots, both rich and poor. Unfortunately it did not include agricultural labourers in that Act, but said that since the Act was an extreme measure designed to help all agriculturists and hence there was not any scope to make any special provision for agricultural labourers. Sir, I wish to bring to the notice of the House that even that great politician and administrator Mr. C. Rajagopalachariar had failed to introduce any provision for agricultural labourers in that Act. The old tradition is still being continued by the present Congress Ministry also. You know, Sir, that the position of the agricultural labourers is becoming worse day by day, but still no action has been taken to improve their lot. If you just go through the daily papers, you will find what is going on in the rural parts of this Province. You will find a lot of agitation going on for agrarian reforms; you will see lot of troubles between agricultural labourers and landlords everywhere, particularly in Nellore and certain other districts of the Andhra area where we have got very big

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landlords. There they tease the labourers on some pretext or other and the relations between the landlords and tenants are getting worse day by day. Previously these agricultural labourers were looked upon as serfs and slaves of these landlords. But now-a-days these people have opened their eyes and have realized their position and they are now revolting. They have now organized themselves and are agitating for their due rights. This movement and this agitation is regarded by the Congress Ministry as creating disorders and disturbing public peace. But the Government forget that it is only the big landlords that are creating such troubles. The main cause for the discontent among the landless labourers is their indebtedness apart from the question of owning land. The only way by which these agricultural labourers could be made to live in peace and to carry on their work is to remove the debts from off their heads. Any agrarian legislation which is aimed at giving relief to agriculturists should wipe off these debts; till then these agitations will go on. That is the real position Sir.

"To-day the agricultural labourer has got to pay about 50 per cent of the produce to the landlord. The landlord extracts the maximum amount of work from him, but pays only very little. These agricultural labourers do all the work and produce the food, but they get little or nothing. They could not obtain any help or protection from the Congress Ministry. That is why they are discontent and are agitating.

"Mr. Speaker, I shall just quote an extract from the report of enquiry by Rao Bahadur Dr. B. V. Narayanaswami Naidu into rural indebtedness in this Province to show how the indebtedness among our rural population is growing and particularly among agricultural labourers. He states in his report: *"It will be useful to examine the per capita debt of the five classes into which the agricultural population has been divided. The fall in the per capita debt of the first class of big landholders from Rs. 188.5 in 1939 to Rs. 113.3 in 1945 is marked, registering a percentage fall of 39.9. The second and third classes come next with a reduction of 24.6 per cent and 12.3 per cent, respectively. The debt per head of the fourth class of tenants has risen by about 4 per cent clearly showing that war years have hit relatively hard the tenants, as against the registered landholders. The case of landless labourers is even worse with a rise of 45.6 per cent."*

"Sir, this is what the Enquiry Committee appointed by the Madras Government have observed in regard to the position of landless labourers. To-day their indebtedness has gone up by 45.6 per cent as compared to what it was in the year 1939. In 1939 the debt of the agricultural labourers was Rs. 5.7 crores. It has risen to Rs. 8.3 crores in 1945 when the enquiry was held and now it must have been more. It is evident that the agricultural labourers are very hard hit to-day in our Province and any Government or Minister responsible to the people must immediately tackle

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this question of indebtedness among agricultural labourers and see that it is brought down by introducing measures designed to relieve them of their burden. Sir, whatever measures are brought forward by the Hon. Minister for Agriculture in this respect are only piecemeal. They cannot solve the real problem. The whole trouble with the Congress Ministry is that it refuses to pay and heed to the advice given by other party members. If you just carefully observe the facts and figures given in the very same report itself, you will find, Sir, that in spite of the fact that the previous Congress Ministry has passed this legislation in 1938 designed to do away with rural indebtedness, to-day the total indebtedness among the rural population is still over Rs. 150 crores. What are the measures you are going to take to reduce this debt? Merely passing piecemeal measures like these is not going to solve the problem. You must bring forward radical measures doing away with agricultural indebtedness altogether immediately.

"Sir, I may just throw out a suggestion to the Hon. Minister for Agriculture how to do away with indebtedness among the landless labourers. I know the position of agricultural labourers intimately and as I said just now, their total debt to-day may not exceed Rs. 5 crores and that is nothing for the Government, if they really want to do something for them. Sir, our friends, the Members on the Treasury Benches are prepared to give about Rs. 10 to 20 crores to zamindars and big landlords by the contemplated Zamindari Abolition Bill. Then why not Rs. 5 crores also be expended for these poor agricultural labourers? They can easily do it, provided they have got the will. They have also got the Revenue Reserve Fund. If you take away Rs. 5 crores from the Revenue Reserve Fund and give it to these agricultural labourers, you can easily wipe off their debts.

"Then, Sir, let me come to the question of under-tenants. These under-tenants have to pay rent to the landlords to the extent of three-fourths of their entire produce. It is because of the indebtedness among agricultural labourers that this problem of under-tenants is increasing day by day. They cannot get even one meal a day by the wages they are paid. The price of foodstuffs are rising day by day because of decontrol. Under these circumstances, this reform now contemplated by this amending Bill cannot solve the problem which they are facing to-day. Unless therefore the under-tenants are given some protection by way of reduction of rent, you cannot solve the problem of rural indebtedness. For that purpose you must bring forward a radical land-reform measure tackling all aspects of our rural economy.

"Sir, I do not propose to go into the legalistic aspects of this Bill. I shall leave it to be dealt with by my hon. Friends like Mr. Bhashyam and others who are lawyers.

"Sir, I know that almost all the agricultural labourers belong to the Harijan community and most of their representatives are sitting here on the Congress Benches opposite. If this Bill

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which is intended to give relief to the agriculturists is not really going to help the agricultural labourers and landless labourers who are mostly Harijans, I do not know what for they have come here and with what face they can go back to their constituencies. All these Harijans, and particularly Harijans in my part of the country have not given their support to the Congress Party. They are with my party. Here the Harijans are elected by the majority of Caste-Hindu votes. These representatives here are to look after their interests and it is their duty to see that the Harijan interests are safeguarded. With these words, Sir, I support the motion for referring this Bill to the Select Committee.

"Sir, One word I should like to say with regard to the constitution of the Select Committee. I submit that there should be proper representation of agriculturists' interests in the Select Committee and that the number of Harijans should be in proportion to their representation in this House and that Zamindars should be excluded from it altogether. That is my submission, Sir."

* THE HON. SRI K. MADHAVA MENON:—"Mr. Speaker, Sir, apart from the criticisms of the last speaker, various other criticisms have been made in regard to this Bill and they can be classed under two sections. One section of criticism was that this Bill does not go far enough, that it must go a little further and one hon. Member even went to the extent of saying that the definition of the term 'agriculturist' should be taken away from the Bill altogether and that everybody should be given relief apart from the question of giving relief to agricultural and landless labour. Sir, I shall deal with these in a moment.

"Then, Sir, the other section of criticism against the Bill was that there is no necessity for amending the Agriculturists Relief Act at all, and that these amendments, even if at all they are required, are going too far.

"Sir, I shall deal briefly with the criticisms which have been helpful so far as discussions on this Bill have gone on.

"Sir, my hon. Friend, Mr. Rafeeuddin Ahmad Ansari has moved an amendment that the Bill be circulated for eliciting public opinion. As I have already said, I cannot agree to this amendment, because this Bill was first published five months ago; it was on the agenda during all these four months and the public had ample time to express their opinions on it and if this is not sufficient time, I do not think that any further time is going to do any good.

"My hon. Friend, Mr. Ibrahim, made certain suggestions with regard to usufructuary mortgages on which certain other hon. Members also have spoken and I shall deal with them separately just now.

"Then Sir, my hon. Friend, Moideen Kutty Sahib, made certain suggestions with special reference to the conditions prevailing in Malabar and also in respect of tenants in zamindari

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areas. He stated that we must add a provision in this Bill to wipe off certain arrears of rent from certain dates, which are not contained in the Bill. Sir, the question of wiping out arrears of rent, especially with regard to those in Malabar, must appropriately come, not in this Bill, but in the amendment to the Malabar Tenancy Act, which the Government are proposing to bring forward and his suggestions with regard to tenants in zamindari areas should be considered in connexion with the Zamindari Abolition Bill. It is not possible for us to bring out those suggestions in this amending Bill which is now before the House.

"Mr. Schamnad, coming from the South Kanara, has supported the Bill. Mr. Karanth has said in the first place that this Bill is not as necessary now as it was in 1937, because those were years just after a severe depression when debtors required some relief and now there is no depression, but on the other hand, there is plenty of money. May I ask my hon. Friend why he brought the Act for the protection of the rights of the tenants giving two years' relief for all sorts of eviction or sale, decrees, etc? That was also a time when there was no depression and when every ryot had ample money. But my hon. Friend then thought, in spite of the increased yield that people were getting and the increased prices, which my hon. Friend said, the agriculturists were getting, that there was necessity for staying all suits for eviction or for suits for rent. This my hon. Friend did while he was in office. That is the answer, Sir, which I shall give to the statement that there is no necessity for giving relief under the Agriculturists Debt Relief Act. Regarding the extent of the debts of the agriculturists, the latest figures are that the debts have been reduced to the extent of Rs. 4,71,15,642 on account of scaling down. In spite of that the debt of the agriculturists, according to Mr. Narayanaswami Nayudu's report, still remains as it was when we began legislation in 1937. And so, Sir, there is necessity. From our experience we find that we have not been able to give as much relief to the genuine agriculturist as we wanted and we feel that there is further scope for increasing the scope of the original Act and give more relief. Sir, Mr. Karanth has been saying that this would bring in a spate of litigation, particularly the proposed amendment to section 3, namely, of increasing the tax qualification from Rs. 300 to Rs. 600. He said that particularly the provision for giving retrospective effect was improper.

"Sir, Mr. Karanth, as also Mr. Varadachari stated that they were against this *ex-post facto* legislation and that the provision for giving retrospective effect would create great hardships in view of the changed definition of 'agriculturist'. I may say that I am as much against *ex-post facto* legislation as they are. The more so is the Hon. the Leader of the House, Dr. Subbarayan, who has always insisted that there should not be *ex-post facto* legislation and it is not very easy to get him to allow *ex-post facto* legislation. What is the *ex-post facto* legislation that

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we have undertaken in this case? Sub-clause (i) of clause 14 states that this Act shall apply to all suits and proceedings instituted after the commencement of this Act. That is not *ex-post facto*. Sub-clause (ii) says 'all suits and proceedings instituted before the commencement of this Act, in which no decree or order has been passed, or in which the decree or order passed has not become final, before such commencement.' It may be said that to some extent this is *ex-post facto*. But really it is not so, because the Act applies only to cases where no decree or order has been passed. That is, the suit is pending. Further this Act will apply to cases where the decree has not become final. It is only natural that if you really want to give relief to the agriculturist by increasing the scope of the Act such of the suits in which decrees had not been passed or such of the decrees which had not been executed or become final, should also be included. This cannot be said to be *ex-post facto*. [Sri K. R. Karanth: 'See clause (iii)'.] I am coming to clause (iii). Clause (iii) reads 'all suits and proceedings in which the decree or order passed has not been executed in full before the commencement of this Act, etc.' This is the only clause which may be said to be a little *ex-post facto*. Mr. Karanth, while discussing this with me told me that if one pie remained unexecuted in a decree it may reopen the entire decree. He asked 'Is that not a hardship?' Yes, Sir. But see the proviso to sub-clause (iii) which reads: 'Provided that no creditor shall be required to refund any sum which has been paid to or realized by him, before the commencement of this Act.' Suppose a decree is not fully executed. If this measure is passed by the Select Committee and the House; then the judgment-debtor can ask the decree to be reopened if the decree amount has not been completely realized and if he can get a remedy for that. The object of the Government is to give him relief to that extent. If he has already paid more than what he should pay according to the amended Act the creditor will not be required to refund or disgorge what he has already taken. But he will not be allowed to collect more if there is anything more to be collected than what would be allowed under the present amendment. Therefore, Sir, if you analyse the question you will find that there is no bogey of this *ex post facto* legislation which Mr. Varadachari and Mr. Karanth have been referring to. I do not think it will work as much hardship as they imagine. In spite of my saying this, as I said at the very beginning in my opening speech, these things shall be gone through in detail to see that no more hardship is caused than is absolutely necessary in such cases. As it is at present, the retrospective or *ex post facto* aspect of the legislation is so little that there is nothing to be worried about.

"Another point raised by Mr. Karanth was with reference to the appropriation of the amount paid by the debtor and whether it should be towards the principal or towards the interest. It was stated that various Privy Council decisions and Full

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Bench decisions of the High Court have already laid down the principles and they have more or less become law. It is said that it is open to the creditor to appropriate the amount whether towards interests or principal and that it would not be fair to reopen these decisions. I must say, Sir, that it is because of the very decisions that we have undertaken this legislation. What we say is that when such a payment is made and it is not stipulated by the debtor whether it should be appropriated towards the principal or the interest then it must be presumed that it must be appropriated towards the principal, so that there may be some chance of the debt being cleared some day or other. This is the object of the present legislation, namely, to undo the mischief that has been done by certain decisions of courts.

"Another attack that was made was with reference to Explanation III to clause 4. It was said that tremendous mischief would be done by Explanation III. I shall tell you why this explanation was considered necessary. After the passing of the Agriculturists Debt Relief Act, 1937, I have known of several cases myself where by some sort of coercion people got the debts transferred in the name of relatives or others and the courts have held that the debt was not renewed in the name of the same creditor and therefore the Act would not apply. The result was that the Act was nugatory in most of the cases. Benami transactions have become so common that there is no question, even if you can, of raising the question of original debt. The High Court has held that if the subsequent renewal is in the name of some other person, whether it is a son, a wife or daughter, this Act will not apply, because the debt is not in the name of the same person. The creditor is not the same person though as a matter of fact the debt is the same. It is with a view to give relief in such cases that Explanation III is suggested. If you can trace a debt to the original creditor from the present document and find that the renewal is simply a camouflage in another name, then the Act should apply and the debtor should get relief. That is the only reason why Explanation III is there. I do not think it will work hardship as my hon. Friend imagines.

"Then I come to usufructuary mortgages. I am sorry that Mr. Karanth was not here when I introduced the Bill, because then I made it definitely clear. I quoted the very example which he quoted. In many cases of usufructuary mortgages if the interest is very low, say as much as 4 per cent, then it will not work to double the principal. This aspect of the matter has been brought to the notice of the Government, particularly from South Kanara, and it was said that it would work considerable hardship. So, Sir, the Government will certainly try to give as much relief as possible in such cases of usufructuary mortgages. Mr. Varadachari also spoke about it and he said that in the 1937 Act usufructuary mortgages were excluded—the reason for exclusion was not that the rate of interest was low—because there was no unfairness in such dealings and that was why they were left alone. It was not true. I was a member of the Select Committee when that Bill was introduced. I know what aspects of

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the question prevailed upon the Committee to exclude certain classes of usufructuary mortgages. That section specifically says 'usufructuary mortgages where interest is not stipulated do not come within the purview of the Act.' Where interest is stipulated, then usufructuary mortgages come in. The condition was whether interest was or was not stipulated. It was thought at that time that it would not be possible to find out, except by very hard calculations and examinations, what the interest was that was received by the creditor to show whether double payment has been made or not, because the property has been in the possession of the creditor and might have got some income in one year and no income the next year. That was why usufructuary mortgages where interest was not stipulated were excluded from the provisions of the Act. I may say that the inclusion of usufructuary mortgages is not a mischief of my own creation. I have only taken a legacy from my predecessors in office. They were all anxious that usufructuary mortgages should be brought within the provisions of at least this amendment, and they thought that there was no necessity to exclude them. It is now time to bring usufructuary mortgages within the purview of the Act. Mr. Ibrahim Sahib said 'you need not put 25 years; you simply say that clauses 8 to 10 will apply to usufructuary mortgages'. I am perfectly willing for it, because that may probably be more drastic than the present 25 years. The inclusion of these usufructuary mortgages is not of my own creation. I have taken only a legacy, which legacy I do not say is a bad legacy. Mr. Karanth and people like him cannot accuse me of having brought in these usufructuary mortgages. He was not aware of the defects then as he is aware now. I have already stated that the Select Committee will certainly go into the matter of usufructuary mortgages and try to adjust as much as possible to reduce as much hardship as possible.

"Then, Sir, Mr. Bhashyam said that after the passing of the last Agriculturists' Relief Act, professional money-lenders have gone out of the country altogether, and there is now no money-lending practically except those which take place between the villagers themselves. I do not know whether that position is correct. Still money-lending is going on in the villages, and it is necessary to protect the agriculturists as far as it is possible under the law.

"Mr. Karanth and Mr. Bhashyam objected to clause 12, that is, to the new section 24-A, and said that it would lead to hardships on the part of the creditor. The amendment proposed is that if a creditor knowingly commits a fraud and claims amounts which he is not legally entitled to claim, and if it is found that he has done it fraudulently, he should be non-suited in Court. The question is asked why he should not be given a decree for the amount to which he is legitimately entitled? For instance, if he claims an amount of Rs. 1,000 instead of Rs. 100 which is legitimately due, why not give a decree for Rs. 100 instead of rejecting the whole claim? That is a very plausible argument, but, as a

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lawyer himself, I know that if a debtor has to fight out a case to prove the fraud he has to meet more expenses than the creditor is likely to meet. The debtor has also to engage a lawyer, spend considerable amount of money to prove the fraud, and if the amount claimed is only Rs. 100, it is possible that the debtor does not, contest the suit at all, and he will not be put to any expenditure at all. If the creditor not only practises fraud, but causes unnecessary loss to the debtor, that man does not deserve any consideration and that claim should be non-suited. That is what is proposed in the amendment. I do not see why it should not be so. Even under the present Civil Procedure Code, if the court is satisfied of the fraudulent claim, it is open to the court to refuse costs to the party concerned. Option is given to courts to refuse costs in false suits. This is only a provision to see that creditors do not put unjust claims and harass the debtors. Of course, if the select committee finds that the provision is too hard, it is open to it to make such changes as are necessary. Mr. N. S. Varadachari was saying that the Government should first give the figures as to how much of debt is possible to be scaled down if the amendments are put through. I do not think it is possible now to estimate that. Even under the previous Act, we were not able to estimate how much debt can be wiped out. To make an enquiry first as to what will be the amount of debt that will be scaled down if the amendments are put through, is an impossible proposition. He says the food position must be borne in mind and that nothing should be done which would affect the food position. In any amendment that is proposed, the food problem must be kept in view. I submit, Sir, that is one of the reasons why the relief for agriculturists is being proposed. The agriculturist is heavily burdened. He is not interested in making cultivation of the land if the yield refuses to pay him what he wants. What interest has he then to cultivate more lands? In the interests of Grow More Food campaign, let him feel that the yield he makes out will go to serve his own needs. If he feels he has no chance of getting anything out of the yield, there is greater possibility of our losing the food problem.

"The main point on which Mr. Raghavayya and our Communist comrade Venkateswarlu laid stress is that agricultural labourer is not being considered in this Bill at all. Mr. Raghavayya went to the extent of saying that my tenacity—the tenacity of my opposition—for agricultural labour is worthy of a better cause as if I am so very tenacious against relief to agricultural labour. I am sorry my friend has made a charge against me like that. If he wants to advocate the cause of agricultural labourers, why should he do so by slandering me, I cannot understand. It was made plain even in my opening speech—as also in another place where Mr. Raghavayya raised it—that this question of agricultural landless labourer does not come within the scope of this Bill. This Bill is intended to relieve the debt of the person who is an agriculturist, having an interest in the land, so that he may be induced to cultivate lands. The question of

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agricultural landless labourer is not different from any other landless men. Why should it be confined to agricultural labourer alone, I cannot understand. (Interruption.) He will do the work as long as he gets the wages. He does not come within the scope of this Bill. Mr. Raghavayya suggested that they could be easily brought in here by omitting the definition of agriculturist, and saying instead an agriculturist is a person who should have no interest in land. (Interruption.) If we omit 'saleable interest in land', it is not only the agricultural labourer, but every other person who has a debt will come under the provision. I cannot agree to that. I sympathize with agricultural labourers. I am trying to see that agricultural labourers' debts are reduced. Government are already on the move to find out some means to introduce a separate legislation. What we do now is to take away the burden on land. The debt of the agricultural labourer is not a burden on the land, and so he cannot come within the scope of the Bill. I certainly agree with Mr. Periaswami when he spoke about the lot of the Harijan agricultural labourers. There is practically serfdom as regards the Harijan agricultural labourer. He has borrowed a few rupees. He has no accounts. Whatever he pays will go to the interest and not to the principal. The result is that he remains a debtor to the landlord for ever, more or less a sort of slave. That is all true. But a legislation like this protects only those whose debts are covered by documents, and which can be executed through courts of law. In most cases debts of Harijan agricultural labourers, there are no documents. For a certain marriage or a funeral or a ceremony, the landlord would have given money to the tenant. The landlord remembers it and the tenant also knows it. What relief can we give in those cases? This has to be examined in great detail. A legislation like the present one cannot save him. We are trying to find out a way to relieve them of their difficulties. I have already taken steps to find out how relief can be given to them. These are all days when even such labourers cannot be so easily compelled to do work. We see that from our daily experience in various agrarian disputes. The granting of relief to them is not through this Bill, because this Bill is intended to redeem the debt on land. So, the definition 'saleable interest in land' is necessary. Otherwise, we will be nowhere. That is all what I have to say about the criticism that has been levelled against the proposed amendments. I cannot agree to the amendment proposed by Ansari Sahib to send this Bill for public opinion. The Select Committee will certainly take into consideration all the suggestions that have been made. With these words, Sir, I move the motion."

Rafeuddin Ahmad Ansari was not in his seat, and Mr. Speaker declared that his amendment was deemed to have been withdrawn.

The original motion that the Bill be referred to a Joint Select Committee was then put and carried.

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(2) THE MADRAS SUPPRESSION OF DISTURBANCES BILL, 1947.

THE HON. DR. P. SUBBARAYAN:—"Sir, I move that the 3-15
Madras Suppression of Disturbances Bill, 1947, be taken into p.m.
consideration. The Statement of Objects and Reasons gives the
consideration which the Government have had to pay to introduce
this legislation. No hon. Member need run away with the idea
that it is meant against any party or any individual but the state
of the atmosphere in the country is such that the Government
feel that such power is necessary at the present time. They have
taken care to see that the operation of this Act will only be in
areas notified by the Government and will be withdrawn as soon
as they feel that the disturbances are at an end. The country,
as you know, is rather in an unsettled condition and anything
may happen though, here in the South, we seem to be more
capable of keeping peace than other people. At the same time,
Government do not want to be taken unawares without proper
safeguards being provided for the maintenance of peace, if I may
use that term, because the phrase 'law and order' rather jars
on some hon. Friends opposite. But, at the same time, no Gov-
ernment will be worth its name unless they have got powers to
put down in an emergent manner any disturbance that may over-
take them. I can say on behalf of the Government that we do
feel that it may be quite unnecessary to use this Act even if it
is placed on the Statute Book. Personally, holding the portfolio
I do, I feel there should be no such opportunity for using this
legislation because I believe in an orderly form all over the Pro-
vince which fortunately has been maintained. As I said, as far
as we are concerned, there may be ripples here and there and
there have been recently some in which a particular community has
very badly suffered—and I am sad to acknowledge it—and it is in
that light I want this power to the Government so that they will
always have the fear that such notification may take place. So,
anyone who chooses to take law into his own hand will suffer;
even capital sentences may be imposed on people who take the
law into their own hands in such notified areas. This Bill is
being passed in the interest of the whole Province and not for
benefiting any single community or any party, if I may say so,
to one hon. Friend on the other side of the House because I
believe he said during the discussion on the Bill just now con-
cluded that we are looking only from the point of view of the
party or from the point of view of the interests which we repre-
sent. I can tell him that though the Government of this Pro-
vince is a party Government, as an administrator, no party feel-
ings ever enter into my mind. If that occurs to any one who is
in charge of administration, then he is not worth his salt. I
assure hon. Member that any legislation which this Government
may undertake is not based on any party interest but it is being
passed for the general welfare of the public and for the public
weal. If we, as members of the Government who are in charge
of the administration, if we fail in our duty, we shall be answer-
able to the electorate. Do not forget for a moment that this is
not an autocratic Government but this is a Government respon-
sible to the people and the members of the Legislature. They

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have got to render an account of themselves at the end of the period of office and whether they have done well or ill will be proved by the electorate which they will have to face at the end of the term of this Government. Therefore, any legislation that may be undertaken or any administrative act that may be a function of the Government to perform, has always to be undertaken for the general welfare of the public. I am one of the old believers in Bentham's great maxim that one of the underlying ideals of a Government was the greatest good to the greatest number. That is the only consideration which has any place in any Governmental organization when any legislations or administrative acts are undertaken. Therefore, Sir, I move that this Bill be taken into consideration."

MR. SPEAKER:—"The hon. Member who has given notice of an amendment, Mr. Ananda Nambiyar, is not in his place. Mr. Venkateswarlu will now speak."

MUHAMMAD RAZA KHAN SAHIB:—"On a point of information, Sir. In clause 4, sections 307, 368, etc., of the Indian Penal Code, have been referred to. Most of us are not advocates and I think it will be much better if the Hon. the Leader of the House gives us an idea of the references contained in those sections."

THE HON. DR. P. SUBBARAYAN:—"I may point out that even though legislators are not advocates, when any reference is made to a particular Act which is passed by the Legislature, I presume that hon. Members of this House know where to go to and obtain the information. It will mean considerable time if I were to read every section or clause which is referred. If the hon. Member has not taken the trouble of finding out what those clauses meant, I am afraid, I am not responsible for it and all that I can say is that he has taken very little interest in this legislation."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, the Hon. the Leader of the House just now while introducing the Bill made some pious statements which all of us sitting here can easily judge as to how far they are correct. On that basis, I am sure all of us will judge the Bill. While judging the Bill we cannot rely on the pious hopes expressed by Hon. the Leader of the House. We have to view from an entirely different angle altogether. First of all, is there any particular need for this Bill? That is one of the points which is worrying the minds of most of the members sitting behind the Leader of the House."

SRI A. KALESWARA RAO:—"Speak for yourself."

* SRI PILLALAMARRI VENKATESWARLU:—"I am speaking for myself and the people behind me. Our hon. Friend Mr. Kaleswara Rao must be aware that I am speaking as the representative of the Communist Party and not speaking for the Congress Party. If he differs, he has a right to differ and I cannot help it."

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"Then, Sir, coming to this Bill, there are two different angles from which I oppose this Bill. One is there is no need for this Bill. Another is that it is going to be certainly misused if it is enacted. I am stating with certainty after previous experience as to how the Government is working the Public Safety Act. Experience has shown that in so many cases—in spite of the fact that the Leader of the House has assured us that this is not a Partisan Government and they look to the welfare of the people, I can say that this noble principle is violated. Even taking into consideration the recent Acts of the Government of Madras, they will show clearly that the Government are acting in the interests of a certain capitalists section of the population and not in the interest of the population as a whole or even a major portion of the population. Even very recently, Government have failed to act in the interest of the public and failed to protect their interests. We have got before us the experience of the Public Safety Act. Even though the present Leader of the House was not in the Government in those days, the then Leader, the Hon. Mr. Prakasam, spoke on the same lines and in the same strain as the present Leader of the House. He also stated that he was not going to use it against the Communist Party or the Muslim League Party but only in the interests of the Province. In the same way, the present Leader of the House also says that he is passing this Act only in the interests of the Province. But what is the reality? Let us take instance after instance. Let me put one particular question to the Hon. the Leader of the House. Is there any single case where a black-marketeer or a zamindar or a big landlord has been prosecuted under the Public Safety Act? I can give instances of the members of the Communist Party, members of the Kisan Party and the Muslim League being prosecuted in hundreds. Only recently, the members of the R.S.S. are being prosecuted but the leaders are left scot-free. It is quite clear how impartial the Government is. We can judge it from our own bitter experience. Therefore, there is no use simply saying that Government are impartial and we are doing everything in the interests of the people. The majority of the people have voted for you. They may support you, but not for this policy. Have the public been consulted on this Public Safety Bill? They have not been consulted. The fact that the Government passed that Bill does not prove that the masses are behind them. So far as this Bill is concerned, the Hon. the Leader of the House himself expressed that the masses are behind him and not behind the Bill. That does not mean that the people as a whole are supporting this Bill. I will ask the Hon. the Leader of the House to answer me a straight question. Why cannot he openly put this Bill before the public? Were the provisions of the Public Safety Act ever been placed before the public to find out their reactions? No. They never found out public opinion on this matter. Public opinion was decidedly against the Public Safety Bill. I went round the whole of the Province and voiced the opposition to the Public Safety Act and gauged the reaction of the public. The public is decidedly against this Act. Even the hon. Mr. Prakasam who toured the whole Province could not

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“speak in support of the Act and even forced to say that he would withdraw the Act, if the people demand the withdrawal. So far as this Bill is concerned, I may say that it is a ‘shoot to kill’ Bill and the public anything in that to be beneficial to them. It is only misleading people to say that they are behind the Government and that they are doing everything in the interests of the public.

“In what the public is interested to-day? What are the problem with which the public is faced with? One is unemployment, decent living, wages and land to the tiller? I would like to know in which manner this Bill is going to satisfy the demands of the people. But let us see how the Government is dealing with these problems whenever it is faced with. For instance to-day we are faced with a serious situation in textiles.

“There is the question of unemployment of the textile workers in the Coimbatore Mills and in other places. How far Government are going to solve this problem of unemployment? The workers are anxiously awaiting for some Bill or legislation to help them in this matter but nothing of that kind is forthcoming. So far as this question is concerned, the Government have no plan. In spite of the fact that they pass so many legislations, they cannot solve the problem of unemployment. They have no plan at all and they are keeping mum on this question. On the other hand, the Government is taking sides with the rich textile magnates in the Coimbatore Mills and they are voicing their opinions. So, Sir, the Government cannot solve the unemployment problem that is facing the country to-day and that problem is hanging fire. Yet the Members of the Government say that they are passing this Act in the best interests of the people of this Province.

“Then, Sir, very recently you have known that in the West Godavari district, the Police were shooting the unarmed people. Even some of the Congress members were protesting on this. Nearly twelve months ago, when the Zamindar of Challapalli was indulging in ejecting the ryots from their lands, the ryots naturally and rightfully resisted. What has happened? Did the Government go to the rescue of the poor ryots by whose support it got into power? No. It did not even remain neutral. It sent its police under the guise of maintaining law and order, opened fire upon the ryots causing loss of life. After public agitation, the Government appointed unofficial enquiry committee which had submitted its report. But till now the report is not published simply because the report went against the police officials. It went against the zamindars. Then in whose interests the Public Safety Act is being implemented? Only to give undue advantage to the zamindar the Government is acting like this—helping the zamindar and shielding the police. I put the question to the Hon. the Leader of the House who is not to be seen here.”

MR. SPEAKER:—“Another Hon. Minister is taking note of that.”

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SRI PILLALAMARRI VENKATESWARLU:—“Although the Members sitting on the Congress benches may not relish my criticism, they cannot deny the fact that on account of the excessive action of the police officials, some people were shot dead. At the same time, Sir, we see that this Bill is being brought forward. I say that the interests of the people are not going to be satisfied by this Bill. What they want is food, work and wages. 3-30 p.m.

“Sir, let us see how the Government satisfies the demands of non-gazetted officers. How did the Government treat them? Very recently the non-gazetted officers were forced to go on province-wide strike. Nobody could accuse them of precipitating matters. They gave the Government enough time. Their demands are very modest. After all the strike was precipitated because of the adamant attitude of the Government itself. They were not under the influence of the Communist Party. During the course of the strike no untoward incident had happened. And yet how did the Government deal with them. The behaviour of the Government is not of that which was expected from any civilized Government. They were lathi charged, tear gased and even communalism was wantonly spread to disrupt the strike. Victimization was started under so many pretext. They are being severely dealt with both under the Public Safety and Conduct Rules framed a century ago. I like to know how then non-gazetted officers are going to be benefited by the Suppression of Disorders Act? But the Government do discriminate in favour of the landlords and capitalists and against agricultural labourers. Take the agricultural labour trouble in Nellore district. The agrarian trouble is due to the result of the landlords’ action. But not a single landlord has been arrested. Many agricultural labourers have been arrested. The main problem of agricultural labourers is the problem of land, which the Government have failed to solve. They want lands to till and this Bill is not going to help them in that direction. They want better wages which this Bill does not guarantee. To say that this Bill is going to be put into force in the interests of the people as a whole is entirely wrong, baseless and mischievous. Previously, the presence of the District Magistrate was needed before firing was ordered, but now only a head constable would do. How are the people interested whether the District Magistrate orders firing or the head constable orders firing?

“‘Suppression of disorders,’ it has been said. What are the kind of disorders expected to-day? One kind of trouble is with regard to industrial labourers, the other is with regard to peasantry, the third is communal trouble and the fourth is the trouble from the Nizam’s Dominion. How are the Government going to deal with these troubles with this Bill?

“Sir, recently we have had our bitter experience that on account of the negligence of the Government to do its duty the Rashtriya Swayam Sevak Sangh has been encouraged to grow. I brought to the notice of the Government the activities of the

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R.S.S. in Nellore and Gudur and their boycott of the Muslim community by them. The Communists were against this boycott and so they were also boycotted and violence used against them. In Gudur the R.S.S. people burnt houses of innocent people and killed even a policeman. But none of them was touched. What is the reason? Is it not because rich landlord is involved in the matter, the Government kept itself mum? The Government failed to take recourse even to ordinary law. They failed to put communal trouble then not because such a Bill like this is not on the statute book. Because the Government itself is taking sides and supporting the landlords. If such were to be the attitude of the Government, even this Bill will be of no avail to put down such trouble caused and provoked by these Communalists. When such is the case, is there any need for a Bill of this kind?

"Sir, what is the line of approach advocated by Mahatma Gandhi? Has he wanted such a Bill? He wanted to preach communal amity and appeal to the people to give up the communal way of doing things. But what is the Government doing in dealing with the Muslim community? Do you expect any secular State to prevent a particular community from entering any of its service? The greatest danger to our country is not from the minority community, but from the majority, from the Hindu communalists. The peace is threatened by them. The Government is not taking any action. Sir, I brought to the notice of the Hon. Minister for Education how Mr. Sundara Reddi, the Vice-Principal of the Bezwada College, was using the grounds of the College for training the R.S.S. men and spreading communal poison. Unless you have some sympathies in your heart with these people, why did not you take proper action in proper time? The Government have neglected to do their duty and they now come forward with this Bill. Why do you want this when you have got the Public Safety Act? The Government should not view things from a bureaucratic point of view. The Hon. the Home Minister should learn from his experience of political events since 1930. As Minister in charge of the Police in 1930, he tried to suppress the Congress Party, the Party through which he has now become Home Minister. Was he able to do it? No, Sir. Whatever repression he may be able to use, he is bound to fail as other Ministers have failed, in suppressing a party, and as he himself failed on a previous occasion when he was the leader of the so-called Independent Party. Sir, we are working for the masses and we stand for their interests. What did the virtual dictator of the Congress, Sardar Patel, say the other day?"

MR. SPEAKER:—"The hon. Member should not unnecessarily bring in the names of persons who are not present here."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"But time and again the name of Mahatma Gandhi is mentioned here. How is it allowed, Sir?"

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MR. SPEAKER:—"What I said was that the hon. Member referred to the speech of a gentleman who is not present here. Nobody can vouchsafe it. Such a thing has been ruled out of order several times."

SRI PILLALAMARRI VENKATESWARLU:—"Suppose I bring a cutting of the report of his speech here, would it then be allowed, Sir?"

MR. SPEAKER:—"What connexion has that speech with the Bill before the House?"

SRI PILLALAMARRI VENKATESWARLU:—"He has made a speech in the Dominion Parliament and it has been published in the papers."

MR. SPEAKER:—"What is the relevancy of that speech to this Bill? The hon. Member may continue his speech."

SRI PILLALAMARRI VENKATESWARLU:—"One of the greatest leaders of the Congress Party said that they want political parties and not communal organizations. He said that in connexion with the question of the banning of the Hindu Maha Sabha organization. The Communist Party is a political party, but we do not find the Government treating it as such here."

"Sir, there was a clash in Bezwada on that unfortunate day, 31st January 1948, when Mahatma Gandhi was shot dead. Nine thousand volunteers of the R.S.S. held a rally and celebrated the victory day. This was done in spite of there being a ban on meetings and processions. The District Magistrate banned meetings to bemoan the death of Gandhiji but allowed 200 R.S.S. volunteers to parade the streets. Is it just? Is it the way in which the Hon. Dr. Subbarayan is implementing the measures of the Government? When processions were banned, the R.S.S. were parading the streets in large numbers."

SRI A. KALESWARA RAO:—"Mr. Speaker, on a point of order, I wish to draw your attention that the hon. Member is talking of things which are not true. As soon as the District Magistrate passed an order under section 144, the R.S.S. kept quiet."

MR. SPEAKER:—"It is not a point of order."

SRI PILLALAMARRI VENKATESWARLU:—"I want protection from you, Mr. Speaker, from such points of order being raised."

MR. SPEAKER:—"Unless I hear what the hon. Member has to say, how is it possible for me to say whether he is in order or not?"

SRI PILLALAMARRI VENKATESWARLU:—"I am only referring to what actually happened. Even taking the statement of Mr. Kaleswara Rao, can he deny that 200 R.S.S. volunteers paraded the streets? Can he question that statement? The District Magistrates and others concerned have violated the provisions of

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law in allowing these R.S.S. activities. There was a severe lathi-charge in Bezwada. The Sub-Inspector who is R.S.S.-minded lathi-charged innocent men and arrested them."

SRI K. R. KARANTH:—"Mr. Speaker, I am afraid the hon. Member is going too far and raising the very questions connected with the adjournment motion which you were pleased to disallow. It is one thing to refer to certain things, but to go into the merits of what took place at Bezwada in the guise of a discussion of this Bill seems to be wholly irrelevant."

SRI A. KALESWARA RAO:—"Also there are cases pending in courts, Sir."

SRI PILLALAMARRI VENKATESWARLU:—"I do not think you have disallowed my adjournment motion as Mr. Karanth says. The House has refused permission, that is all."

SRI K. R. KARANTH:—"There was no support from the House for the motion."

MR. SPEAKER:—"The hon. Member has taken 25 minutes. I will allow him five minutes more."

SRI PILLALAMARRI VENKATESWARLU:—"This is a very important subject, Sir."

MR. SPEAKER:—"Because this is a very important subject, I am allowing the hon. Member thirty minutes."

SRI PILLALAMARRI VENKATESWARLU:—"It is not enough to mention even a single point."

MR. SPEAKER:—"There is no use of the hon. Member arguing with me. He may continue his speech."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, the Government have failed in their duty to give protection to the people in enforcing the Public Safety Act. Let us see how the Government have given protection to the people of our parts on the border districts when they are being attacked by the goondas of the Nizam's State. The Madras Police instead of rendering help to one people have arrested Communist volunteers and also Congressmen. To-day we do not have protection; the Police are behaving as though they are the masters and they are harassing innocent people. Mr. Speaker, we have heard the Leader of the House saying that he could not tolerate violence on the part of anybody in the Province. I would have really appreciated the position if he had merely cared to go into the question as to who really is responsible for the violence.

"I have proved all the while that in Cheepurupalli and in West Godavari district and everywhere it is the Police who were responsible and at the same time the Hon. the Home Minister is accusing the Communist party. As a matter of fact, I have brought to the notice of the House how the leaders of the Congress party themselves have given the call of 'brick for brick' which has been attacked on so many occasions. Instead of giving us an

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opportunity of disproving the charge, we are being cruelly dealt with by the Leader of the House. Even to-day so many things are happening in this Province. Most of the important leaders of the R.S.S. are being let off. For instance, a member of the Working Committee of the All-India Hindu Maha Sabha, the Zamindar of Mylavaram, was not arrested neither was his house searched. We find that most of the legislation is being worked against the interests of the people.

"There is no use of saying that we believe in non-violence and doing such things; people are not going to be convinced by such things. Another point has been made that the Communist party are taking advantage of the assassination of Gandhiji; I must emphatically protest against it; on the other hand it is the other party which is trying to take advantage of this and to suppress the Communist party. If an impartial committee is appointed—let it even be composed of members of the Congress party—I shall be able to disprove this charge and show that it is false and groundless. It has been brought out in the Press also. The statement of the District Magistrate is being accepted by the Leader of the House whereas the statement of even Congressmen themselves is not being accepted. I am here referring to the statement issued by the Secretary of the Andhra Provincial Youth Conference, Mr. Seshagiri Rao. If you will allow me, I shall read a portion of it." (Sri A. Kaleswara Rao: 'It is a bogus statement.')

MR. SPEAKER:—"Let the hon. Member confine himself to the debate."

SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, the hon. Member uses the word 'bogus' which is not parliamentary for any hon. Member to utter and I resent it very strongly coming as it does from a member like my hon. Friend Sri Kaleswara Rao."

MR. SPEAKER:—"The hon. Member is thoroughly mistaken; my old friend, Mr. Kaleswara Rao, said that the statement or something that the hon. Member wanted to read was bogus; he did not question the hon. Member but the statement."

SRI PILLALAMARRI VENKATESWARLU:—"The statement is not a bogus one. He is a leader of 1942 fame; simply because that statement does not conform to his views on the point, he calls that a bogus statement. I do not think he is justified in saying so."

AN HON. MEMBER:—"It is a fabricated statement."

SRI PILLALAMARRI VENKATESWARLU:—"I want to point out that it is neither bogus nor fabricated."

MR. SPEAKER:—"You have nothing to do with that document; let the hon. Member continue his speech."

DR. S. SUBRAHMANYA AYYAR:—"Can a member smoke inside the House? There is the hon. Mr. Baig smoking just behind the entrance to the left of the Speaker's chair."

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MR. SPEAKER:—"It is not right to smoke inside the House; let him go out and smoke."

SRI PILLALAMARRI VENKATESWARLU:—"In all the various repressive measures that have been passed from time to time, the Public Safety Act and other such measures, they have not been used in the interests of the people and even if this legislation is to be passed, it is not going to be in the interests of the people. If the Hon. Minister has really the good of the people or of the Province in his mind, what he has to do is not to bring such legislation but he has to appeal for Hindu Muslim unity and go even to the extent of sacrificing his life just as Mahatmaji did, if he really believes that communalism must be put an end to. On the other hand if he believes that he can do something good by bringing in legislation he will be deceiving himself. With these words, I oppose the motion."

MR. SPEAKER:—"I fix thirty minutes for each speaker."

* SRI K. BHASHYAM:—"Mr. Speaker, I am glad that a Bill of this kind has been brought forward at this time when the Government is in a great difficulty. It is necessary and it is not too late. I do not anticipate my Communist friend to support the measure and he has not disappointed me in this respect. (Sri Pillalamarri Venkateswarlu; 'I am very proud of it.') He says he is proud of it and that shows that he would not really support anything which is meant for the purpose of maintaining law and order. The party to which he belongs is there always to create classwar, clashes between classes and classes and they are the persons who want some sort of confusion in the country. It pays them and their safety lies in them and they feel that their object will be achieved by creating confusion and not by maintaining peace."

"The powers taken by Government are certainly reasonable in the circumstances prevailing in the country. They want to declare certain areas as disturbed areas. It is a very good thing and it ought to be done. If they declare an area as a disturbed area, any persons coming under section 4 is liable to death penalty. It is not as if the court is bound to award death penalty; if the court comes to the conclusion that the offence had been committed, the court can award the sentence and it all depends upon the nature of the offence and the circumstances of the case. The offences fall under two or three heads. The first is attempt to murder. In regard to this offence it will be agreed that this punishment must be given. Kidnapping and abducting persons for confining them or for selling them for slavery is much more serious than murder for it is a continuous wrong and the person guilty of it deserves the utmost penalty possible. The third class of offences are rape and similar ones. In those cases also anybody will agree that death sentence is not too much. The last one is mischief by fire or by explosives. I am glad that provision has been made to deal with such offences and Government have taken a lesson from what happened in the north during the recent disturbances there. The

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Government is fully justified in bringing in all the offences under section 4 and making them liable to death penalty.

"The only other thing, I wish to refer to is section 5 wherein power is given for shooting to death. I should like that sufficient safeguards are provided in giving an order to shoot. Under the present section, a Police officer not below the rank of a head constable is entitled to shoot; I think it is not a sufficient safeguard at all and a person authorized to shoot must be a person of a rank higher than the head constable, a Sub-Inspector or something like that. It may be said that in some distant area such an emergency might arise and a Police officer of that rank may not be there. I wish to point out that when once an area is declared as a disturbed area, you know that there is disturbance there and a critical situation has arisen there; the Government must in such places take care to see that a Police officer of a standing higher than the head constable is posted there, say a Sub-Inspector. They have a warning that the place is a disturbed area and they must be prepared and I should expect them to put not merely a head constable there but an officer of a higher rank like the Sub-Inspector. I hope that Government will accept any amendment which my hon. Friend Mr. Karanth might move."

"I am glad that prosecutions are allowed for any misuse of the powers given under this Act. Of course they must take the previous sanction of Government but I expect Government nowadays will not be so chary of giving the sanction in any particular case if they are satisfied that the person in charge of a Police station in dealing with a riot or a disturbance misused his power. This Bill is overdue and is really justified and I support the Bill, except section 5 to which I have referred to and I hope my suggestion will be accepted."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Mr. Speaker, the real question is whether the legislation is necessary and whether there is any justification for it. There can be no two opinions that the ordinary law of the land, the normal law of the land must take its course, for the stability of the state and the community depends upon the working of the normal law. If an individual commits an offence, then the normal law will be applied but if circumstances are such that one not in his mere individual capacity, in his personal capacity but as a member of a certain group or a member of a certain mob attempts to do a certain object, illegal or legal it may be, then the individuals of that group or community or that party commit that offence; then it is that the situation becomes abnormal. It is within the experience of many of us that a man who commits an offence during the course of a riot or a commotion, does so with the idea at the back of his mind that he will not be caught. It is a fact that thousands, if not lakhs, of people have been murdered, their houses burnt, women and children and old men have been killed mercilessly, and women have been raped. Has any Government been able to bring these perpetrators to book? In the nature of things it is not possible. When abnormal conditions prevail,

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clearly it is the duty of any democratic Government to meet them with extraordinary law. So I am convinced this legislation is not only necessary but is justifiable. This should be a warning to those who want to break the law to desist from their nefarious activities. This legislation does not come a day too soon. It is necessary, and I am glad the Home Minister has said that conditions in our Province are much better. I acknowledge that fact. This peaceful atmosphere, or rather better atmosphere than in other provinces, is due to the good relationship that has been existing between the communities in this Province. This has been promoted by the past Government and the present Government to the extent that is humanly possible. It is possible, here and there, a certain officer of the Government may be wrong, may misjudge facts, may be influenced wrongly by some members, official or non-official. In spite of this human weakness, I am glad to say the Government has been striving to maintain as far as it is humanly possible, peace and tranquillity in the Province. I am here to acknowledge the service of this Government to the communities inhabiting this Province irrespective of caste, creed, religion or race. I appeal to them to extend that same sort of consideration to persons belonging to other political parties. I am confident that the Government with the present Home Minister at the helm of affairs will do the right thing.

"The second thing which this measure seeks to introduce is the power that is to be given to the Police to shoot or kill, although those words are not mentioned there. I submit this is a salutary provision. This is more necessary than the other one. This is a preventive one, while the other is a remedial one. If a Police officer finds some people are going to commit arson, murder, or rape, somebody or other should be on the spot to shoot the men in order that they may not commit the offence. In this sense this is a preventive measure. Prevention is better than cure. I very much appreciate the view-point expressed by Mr. Bhashyam, namely, that this power, which is an extraordinary power given on account of extraordinary circumstances should not be given to an officer below a certain rank. He suggested he must be a Sub-Inspector. There is much to be said in favour of that suggestion. I think Government will consider that point. From what I find, it is no doubt true that in small places, there may be only head constables with a few constables. Now what is to happen if a riot takes place in that village? My friend, Mr. Bhashyam suggested that when a Sub-Inspector is not available the head constable should not exercise this power. There is much risk in giving him this power. We expect, officers of the higher rank will be more responsible; therefore it is we give them this power. Therefore it is for the Government to consider whether in the place of the head constable, the Sub-Inspector cannot be substituted.

"Having said this, I wish to make one observation before I finish. Mr. Venkateswarlu said that the Home Minister has expressed many pious hopes and pious opinions about how this measure is going to be worked. I am not going to endorse any

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of his observations with regard to certain happenings at Bezwaada and other places. In fact, I am not in a position either to affirm or contradict him. But if what Mr. Venkateswarlu has said is correct, then it is up to the Government to take action against such of the officers who have misapplied law, who have been wrongly influenced and have taken a wrong action. I hope that the references to certain incidents in some places made, will be borne in mind by the Home Minister and the Government as a whole. But one thing I am bound to state. I am reminded of the letter written by the Grand Old Man of Andhra Desa, Sri Konda Venkatsappayya to Mahatma Gandhi, about which mention was made in the prayer meeting. He only read the letter and hoped that if any lapses of that kind are there, of course they will be corrected. So I am appealing to the Home Minister and the Government as a whole, that in the working out of a measure of this kind, which is abnormal and in which you are penalising or rather enhancing punishment, and by which you purpose to declare a certain area a disturbed area, please for God's sake do not be influenced by me or any other member of this legislature, however high stationed a person may be, but see for yourself whether really circumstances exist for declaring a certain area a disturbed area. Because, under this measure for an offence which is under ordinary law punishable with imprisonment, you propose to award the punishment of death. So, Sir, while I say this legislation is certainly necessary and justified, I also say that the responsibility of Government in working it is heavier than any legislation heretofore passed by this legislature. If only Government are fully alive of their responsibility we shall be thanking them for having brought this legislation. Sir, I support the Bill."

* SRI A. KAMESWARA RAO:—"Mr. Speaker, Sir, I am glad that a measure of this sort is being passed at least now. But in giving powers of Police officers, we must be very careful. In Kovvur and other places where shootings took place, the Police behaved in a very high-handed manner and we have had very bad experience. Though the Government have changed and the Congress Ministry is in power, it is unfortunate that the tinge of the old imperialist mentality is still there in the services. I am only sorry that the best nationalist-minded people are not put at the head of the Police department. People who have been in the Indian Civil Service, people who have been the agents of British imperialists, are still there to-day as high officials. Of course even among the Police there are nationalistic-minded officials who have been the victims of the British Government. Such officials can be put in charge of the Police service. Regular classes must be held to teach policemen that the old British Government are not there and that the present Government are a Government of the people by the people. This sort of instruction to policemen is quite necessary."

"A friend from the opposite Bench opposed this measure. I heartily congratulate the Hon. Home Minister on saying very frankly that there are people who try to fish in troubled waters. It has been proved in season and out of season that it is so. The

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Communists have been the people who tried to create a lot of disturbance in 1942, they were on the side of the Imperialist war, and to-day they are trying to avail themselves of every opportunity to discredit the Congress Ministry and the Congress. But beware of such people! He talks of people and people behind his so-called party. I tell you that the people are behind the Congress Party and behind nobody else. This has been proved and will be proved once again. I am certain that in the coming elections, the people will surely support the Congress and the Congress candidates alone. Does any man-in-the-street want that this Government should be so weak as to allow people like the Hon. Member to create troubles? No, not at all. People are behind the Government and those in charge of the Government know their responsibility. The Congress is in power to-day not because of any manipulation, not because they tried to support this party to-day and that party to-morrow, not because they tried to create disturbances, but because they have been consistently representing the interests of the common man. It is the leadership of Mahatmaji which has brought about this political awakening among the masses, and these masses will certainly be behind his ideals and behind the Congress for many years to come.

“With these words, I wholeheartedly support the Bill.”

MUHAMMAD RAZA KHAN SAHIB:—“I really welcome hope expressed by the Hon. Leader of the House that, while the Government felt that such a measure was necessary, there would not be any occasion for the Government to make use of it. I am sure that it is also the wish of every member of this House. Our Party also is supporting this measure and I want to refer to one or two things in this connexion. I really feel that we are having a popular Government. Although the Government is run by a particular party namely the Congress Party, when once a Government is formed by the majority party, it means that the Government is for all. I feel that we too have got an equal share in the Government although we are in the opposition. The steps taken by the Government should not affect any particular section, class or community. I feel that it is not the duty and responsibility of the Government alone to maintain law and order. There is no use of merely placing such Acts on the Statute Book or in depending upon the officials and the Government to maintain law and order. We, the members of this legislature and the citizens of this province, should feel that it is also our sacred duty to help in the maintenance of law and order. If there are people out to disturb law and order, no matter to whatever political party or community they may belong, the Government are there strong enough to punish them. We must create such an impression among the masses. Only when law and order is maintained, will the Government be able to devote sufficient time and attention to other important matters. While we support this measure, it cannot but be without a warning to the Government or the Hon. Home Minister in particular. The Hon. Home Minister may feel repulsive to use the measure, but when once orders are issued to use the power, it is more misused than used. I do not want to

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refer to matters which are not connected with this Bill. However, I may say that very recently the Muslim National Guards have been declared unlawful. We have not protested against it. In fact, the moment the Leader of my Party got the information, he issued an appeal to the people to dissociate themselves from that organization. Instead of objecting to the ban on that organization, we said that, if the Government felt that it was necessary, let us not oppose but co-operate. That itself shows to what extent we are prepared to co-operate with the Government. People might have been connected with a body which was legal till yesterday. But to-day it might have been declared unlawful and the Government might be perfectly justified in their action. But the result is that there has been wholesale arrests and even innocent persons have been arrested and put in detention and the Government take their own time to consider their case. Here I do not want to refer to controversial points as some of the members may not agree with me. The fact remains that that organization is intended to help our party in conducting meetings and demonstrations. I know the Hon. Home Minister may not be directly responsible for the detention of innocent persons, for he may not know who all are connected with that organization and who are violent. But it so happens on occasions that the officials in their enthusiasm to show to the Government that they have turned out very good work arrest even people who are not connected with the body. I hope that in enforcing the Act the Government will take care to see that innocent people are not harassed. My friend, Mr. Mahboob Ali Baig, with his experience as a member of the Constituent Assembly, is more conversant with the conditions existing in the north. I entirely agree with the Hon. Home Minister that in spite of differences—political, religious, economic and social—we must maintain law and order. We have done it in the past, we are doing it now, and we will surely continue to do it in future. We do not want that innocent people should be murdered for no fault of theirs. It is against our religion and no religion tolerates such a thing. It happens that after the wholesale murder of persons and burning and looting of houses, the real culprits, intelligent as they are, escape and policemen, in order to show to the Government that they have done good work, put innocent people under arrest. Thus the culprits go scot-free and the innocent people have to pay the penalty for no fault of theirs.

“I am thankful to the Hon. Mr. Bashvam for explaining the various sections of the Indian Penal Code referred to in section 4 of the Bill. When I asked for information about the sections, the Hon. Home Minister retorted that it was my duty to go through the sections of the Penal Code. While I thank him for reminding me of my duty, I think I should remind him of his duty also. It is his duty at least to indicate briefly the purport of the sections, offences under which is punishable with death. I think it was sheer waste of time on the part of the Hon. Mr. Bashvam to have explained what those sections mean. I am sure that at least in future the Hon. Home Minister will do his duty and leave us alone to do our duty.”

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"When the Public Safety Bill was passed last year, we felt that the Government were perfectly justified in demanding such a measure. But in its actual working, we find that acts have been done which were not at all necessary, and not warranted. We know that it is the duty of the Police to search illegal organizations and places where conspiracies are hatched. The Hon. Dr. P. Subbarayan made certain assertions. But I make bold to say that we will judge you not by your words but by your deeds. The present Ministry have done acts which are not necessary and not warranted by circumstances. I am not saying this with any communal motive. Conditions in our country are such the even when one speaks the truth, he is dubbed a communalist. Therefore one has got to be very careful in speaking whether inside this Assembly or outside. I really appreciate the assertion of the Hon. Leader of the House that this Government have not exceeded the limits in the exercise of the powers vested in them.

4-30 p.m. "It is true we act sometimes merely on sentiments, but sentiments are not everything. The public is going to judge you by your deeds and not by your words.

"In this connexion, Sir, I may tell you that the present Ministry had some suspicion and doubt that Muslims in this Province and particularly Muslims in the Madras City are keeping arms. What happened was that on one Friday, between 1 and 3 o'clock, when Muslims had gone to mosques to offer their prayers, police officers went into these mosques and made a thorough search there. Sir, even in this Assembly, we, members, are allowed two hours on Fridays to offer our prayers because it is recognized that it is an important thing for us, Muslims, and that our sentiments should be respected. You can just imagine, Sir, how people who have gathered in the mosques for prayers should have viewed the action of the police in making searches at such a time. The police have misused the powers given to them. While we have given powers to the Government for the maintenance of law and order, we are seeing how they are being misused by the police. That is why I want to utter a word of caution to the Hon. Home Minister in taking so wide powers under measures brought in this House, because they are being abused and misused by the subordinate officials. Sir, on that day in the afternoon, when the members of the Muslim community were assembled in the mosques for prayers, the police made a thorough search in the various mosques in the City. I have no objection to the Government making searches in mosques or in any other place, if they have got a suspicion that arms are hidden therein. They are perfectly right in causing searches, because they are the party in power and they have got the responsibility for maintaining law and order, and they have every right to do so. But they should have bestowed some thought whether arms could have been hidden in the mosques. Mosques are too open places even for fools to keep arms. The Government have acted merely on exaggerated reports or merely on rumours. What happened as a result of their searches? Were they able to find out anything? Nothing was found. Every nook and corner of the mosques were searched.

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Even the small tanks which we have in the mosques for washing our faces were searched. The police even went out of their way and searched the lavatories and bathrooms, thinking that there might be arms hidden therein. The police became over-enthusiastic in the matter and ordered all these things to be done. What was the result—nothing. That is why, Sir, we are a little bit afraid to give so much powers to the Government under this Bill. The Hon. Leader of the House said that conditions are abnormal and that is why he wants so much powers under this Act. Sir, we have not behaved in the way in which people in the Northern India have behaved. Some instances might have taken place in one or two places in this Province and very unfortunate things did in fact happen in a few places in this Province recently, which I do not like to mention at any length. We know what were the reasons for those occurrences, and who were responsible for them. I do not like to cast any aspersions here on any member of this House in making these observations. But there is one tendency in our present-day politics.

"No doubt the Congress Party is in power and as I said earlier, in fact every one of us deem the present Government as our Government and they are bound to be influenced by whatever we say or do, as representatives of the people. It is therefore incumbent upon us to represent the correct picture of the situation and not carry exaggerated tales or false reports to the ministers and try to influence them to do this or that thing. By doing things like that, we would only be creating more troubles for the Government. I do not like to say anything on this subject further, or about anybody. It is the responsibility of every member of the Legislature who represent the various districts in this Province to help the Government in the maintenance of law and order and not to hinder it by carrying exaggerated reports to the Hon. Home Minister. I know that Dr. Subbarayan is not a person who could be influenced by anybody. He is a strong man so far as I know; at any rate, he appears to be like that. I am sure he will not be influenced by his party-men who are apt to think that because they have put him in power, they could make him do whatever they want. It is here that I want to caution him to be very careful. He knows the conditions prevailing in the country and he should see that justice is done to all irrespective of any particular section of community. That should be his attitude and it should be the ideal of all members of this House in these abnormal days.

"Sir, I do not want to say anything more on this subject. Already very many ugly things have happened which have appeared in the Press and even members of this House are not spared. My hon. Friend Mr. Mahboob Ali Baig made a reference to a letter written by our famous Andhra leader Sir Konda Venkatappayya to Mahatma Gandhi. Let me not go into it now in any detail. It is for the Government to cause enquiries if they are facts. If they are not facts, the Government must make a contradiction. They may appoint a Committee to enquire into these allegations, so that the public may have confidence in the Government that they are not going to allow such things to happen.

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"I may submit, Sir, that even officials are being sought to be influenced. If any particular official fails to do a certain thing for a member of this House, it is said that the member openly challenges him and says, 'Well, if you do not do this, I shall see that you are transferred from this place within 24 hours.' If this is true, then it is my duty to bring it before this House. If it is not, then so much the better. It is not in a spirit of bravado that I am making these observations. If officials are not allowed to carry out their duties impartially and if they are embarrassed and interfered with at every stage by the M.L.As., then where is justice, and where is law? I submit, Sir, that the whole administration of Government will come to contempt and ridicule."

"I do not like to take up more of the time of the House and my only appeal to the Government is that while we are prepared to give our complete support to this Bill, we should ask you to see that this Act is not used very harshly. No doubt, people who disturb the peace of the country should be booked and punished, but at the same time, we should see that due caution is exercised in the use of these powers and that no hasty action is taken merely on exaggerated reports."

"As I said earlier, I shall end my speech with an appeal to the members of this House and to the leaders of all political parties to see that law and order is maintained in this Province, irrespective of our politics and our religion. It is a thing which is common to all. If there is disturbance in the country, it will affect not only one community, but all communities alike. Both the majority and the minority communities will suffer thereby. Things will become abnormal; trade will be affected and business will suffer and the Government will be forced to devote their entire attention to the maintenance of peace, instead of attending to more important and urgent work connected with the welfare of the people."

"Well Sir, I support this measure with one further appeal. The hon. Dr. Subbarayan himself said in his opening speech that some of the things which have occurred on the 31st of January last was due to exaggerated reports published in the press. Let him therefore be careful about our Press also. The presses of this Province and particularly the vernacular presses have got a special responsibility in this respect. They should not merely look to the circulation of their papers, and while competing with one another in the matter of circulation, they are simply indulging in all sorts of exaggerated and inaccurate reports, fanning communal and other passions among the people. Incidentally, Sir, I may inform the House that the Central Government have taken very strong measures against certain papers in Delhi for spreading disaffection among the people. Similar measures should be taken here also. There should be a check on the writings in the press. All papers which spread communal poison should be punished. They are the cause of all communal troubles in the country. Sometimes even Gandhiji's name was exploited by the Press and poor innocent people were made scapegoats."

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"Lastly, Sir, the Hon. Leader of the House made a reference to the recent happenings here. I do not like to say anything on that subject, because the matter is *sub judice*. The police have acted very promptly and have made many arrests. Enough damage has already been done. I would only request the hon. Leader of the House to visit these places and particularly Thiruvannamalai and see for himself the vast destruction that had taken place there. A thorough enquiry should be made into the matter. It is said that arson, looting, burning of houses and properties, went on unchecked for hours together and it looked as though there was no Government worth the name functioning at that time. You know, Sir, it all happened at a time when the whole world was shocked at the death of Mahatma Gandhi and the whole country was mourning at his loss. Let us learn a lesson from what happened at Tiruvannamalai and see that such things do not recur again."

"Sir, let me conclude with this observation. I am sure the Government will be very careful in enforcing its provisions and I hope that they will take note of what I have said, although some of my observations might not have been strictly relevant to the subject, and see that law and order is maintained in this Province."

* SRI B. S. MURTHI:—"Mr. Speaker, Sir, I rise to support this Bill that has been moved by the hon. Leader of the House and in doing so I wish to congratulate the Hon. Home Minister for preparing himself and the Government in advance to meet any emergency that may arise in the future, so that the gruesome atrocities that have happened in other parts of India will not be repeated in this Province, which has been keeping communal harmony and amity, to a great extent, intact. Sir, it is no doubt true that most of us are agitated and most of us are seeking light and are in search of truth and non-violence, of service and sacrifice, and of communal brotherhood, so that the disturbed conditions in India will be soon turned into one of harmony and brotherhood."

"Sir, legislation of this type is quite essential and because it is preventive and because the Government are preparing in advance I hope that no party—communal or otherwise—will give any occasion to declare an area to be a disturbed area. But I should like to request the Hon. Home Minister to give one categorical assurance on the floor of this House that this Act will not be used against any particular community or any particular party, as long as that community or party is within the bounds of law. I should like to state that even law and order is impeding the progress of the common man sometimes, because people who are highly placed often take advantage of their position and prevent the lower communities to coming up. That is why in most of the places in this Province to-day, you see agrarian troubles, and highly-placed people are taking advantage of the existing law to crush the aspirations of the landless agriculturists who belong to the backward and Harijan communities. I am here to support the Government in bringing forward any legislation to put out disorders and to crush all persons and parties that indulge

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in communal hatred, but I will not be one of those who would lend support to any legislation which will be abused. I therefore request the Government and the Hon. Home Minister especially to take special care to declare an area as a disturbed area under this Bill.

1.45 a.m. "I should like to make one more observation in this connection. Power is given under this Bill to shoot to death any person or persons in a disturbed area. I think it is too much to give such a power to a constable or a head constable. As it is, the training that is given to a Sub-Inspector and other higher officers is different from the training given to a constable or head constable. Therefore it would be in the fitness of things that such extraordinary powers of resorting to shooting and causing deaths should be entrusted to an officer not below the rank of Sub-Inspector. In supporting the Bill, I would once again request the Government to see that they or their officers do not forget the object which has prompted them on to bring in this legislation. They say that in view of the disturbances occurring in other parts of the country and which have led to considerable losses of life and property that this Government consider it essential that they should arm themselves in advance. Well, Sir, let them get armed and in advance, but let not this preparation be used only against poor people or against people who are innocent of any crime. I would request the Hon. the Home Minister and Leader of the House to give us this assurance so that all sections of the people might come forward to support this legislation."

* SRI N. S. VARADACHARI:—"Mr. Speaker, I wholeheartedly support this Bill. I deem it a public duty to do so. In doing so, let me echo the very nice sentiments expressed by the Hon. the Home Minister that there should be no occasion at all to invoke the powers under this Bill. It is not always legislation that keeps the peace. In fact I ought to modify it and say further that there is no direct relationship between legislation and peace, but legislation may still have the deterrent effect of keeping elements under check and control, which otherwise would be released for creating a disturbed situation. Desperate situations require drastic remedies sometimes. We should not also forget that legislation may by itself have some effect on the condition of things which produce only hatred and the like and involves us in a situation like the one pictured in the Bill. Much depends, Sir, upon our own conduct. We must trust our own officers first. We must trust even their judgment. If sometimes they make errors we must be prepared even to forgive such errors, one at least if not for a second time. We must also remember another thing. I hear, Sir, some comment that trusting is very dangerous. 'Trusting to the judgment of an official is dangerous', that is what my friend repeats there. I say, Sir, that the officials are our own, that they are liable to err like ourselves but we expect that they will do things with care and caution and we expect also that the Government would keep watch all the time and see that they do not exceed the limits of their powers. ('Hear, hear.') If these conditions are fulfilled there is then

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no need for us at all to distrust any one, not even the poor head constable who is mentioned in the Bill. Let me hope that there will be no occasion at all to use the Bill or rather this Act when it becomes an Act, but that it will remain a dead letter, by reason of our conduct being shaped in the manner in which it has to be shaped for the future. I do not wish to refer to any unfortunate incidents that may have occurred during recent months or in the months gone by. I wish to say, Sir, that it is the duty of every one of us to put down the fissiparous tendencies that seem so readily to appear at times in our country. It is not always that you can spot out a disturbed area. The disturbance arises out of continuous propaganda. It is that propaganda which leads to these fissiparous tendencies. These have got to be put down. They must be put down with a firm hand. We should not exaggerate any difficulties. In our enthusiasm for linguistic provinces, let us not forget the fact that we are one people of this country called the Indian Union and our citizenship is the citizenship of the Union, though linguistic provinces might be convenient administrative units. People must be careful in making statements. Sir, I came across one statement recently and that too coming from a person holding a responsible position, that the researches of a particular scientist were not so valuable because they were done through the medium of a particular foreign language. I wish to remind the House that all this is exaggeration and pointless exaggeration. There is no such thing as Tamil science, English science, Telugu science or Malayalam science. I wish to repeat it a hundred times that science is truth and all that which pertains to science will remain the same whether written in one or the other language and the result of such researches will be common to all of us, in whatever language they may have been done. We have been exaggerating our internal social difficulties and allowing continuous propaganda to be done in one particular direction and I was surprised the other day to find that Ministers should open conferences where the suggestion was made that the Tamil Province should be entirely independent of the Indian Union. I think, Sir . . ."

MR. SPEAKER:—"May I know what connexion this has with the subject matter under discussion?"

SRI N. S. VARADACHARI:—"Propaganda, Sir, leads to fissiparous tendencies which have got to be put down."

MAHBOOB ALI BAIG SAHIB BAHADUR:—"Sir, is that relevant?"

SRI N. S. VARADACHARI:—"I would only say this, Sir, in conclusion; that if we do our duty, if we all put our shoulders to the wheel and see that communal amity is maintained, that social relationships are brought up at a level of sympathetic understanding, then, Sir, we should have removed all the causes for distrust in this country. Then there would be no need for suppression, for the diversion of our energies for combating situations which may easily be created and made explosive."

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“Now, Sir, I do not wish to refer to the communal trouble because there has not been much trouble in our own Province. But I shall say this to the Hon. the Home Minister, that if there is communal trouble in any place and if an area is declared to be a disturbed area under the terms of this Act, let not the action take shape into one of reprisal. The reprisal mentality is dangerous. It has got to be set aside wholesale. Let Government, like the Indra of old, watch with its thousand eyes keeping vigilant watch over all the people in his State making it impossible for disturbers to break the peace. By so doing let us successfully restore the atmosphere of peace. Let it be the object of every one of us to maintain peace and make it possible for the Government to come up at a not distant date with a motion to withdraw this very Act from the Statute Book.”

* SRI P. KAKKAN :—“கனம் சபாநாயகர் அவர்களே, இப்பொழுது சட்ட மந்திரி அவர்களால் கொண்டு வரப்பட்டிருக்கும் கலக்களை அடக்கும் மசோதாவை நான் ஆதரிக்கிறேன்.

“நான் ஒன்று சொல்லுகிறேன். இந்தசமயத்தில் நாட்டில் சமாதானத்தை நிலை நாட்டவேண்டியதாக விருந்தால் தங்களுக்குக்கொடுத்த பொறுப்பை அதிகாரிகள் தல்ல முறையில் நடத்துகிறார்களா என்பதை கண்காணித்து மந்திரி அவர்கள் பார்த்துக்கொள்ளும். உதாரணமாக தமிழ் நாட்டில் நிலச்சுவான்களும், உட்பவர்களும் நடந்து வருவதைப்பார்த்தால் நன்றாக தெரியவரும். குறிப்பாகச் சொல்லுகிறேன், தென்னிந்தியாவிலும் சரி, பாட்டாளிகளிலும் சரி, நிலச்சுவான்களிலும் சரி, யாராக இருந்தாலும் சரி, யார் குற்றம் செய்கிறார்களோ அவர்களுக்கு தகுந்த சிப்சை அளிக்க வேண்டும். நல்ல முறையிலும் நியாயமான முறையிலும் அவர்கள் நடக்கப்படி போலீஸ் உத்தியோகஸ்தர்கள் எடுத்துச் சொல்லவேண்டும். மந்திரி அவர்களும் அவ்விதம் அவர்கள் நடந்துகொள்ளும்படி சொல்லவேண்டும். என்னைப்பொறுத்த மட்டில் நான் சொல்லுகிறேன். அந்தந்த ஜில்லாவில் இங்கு District Superintendent of Police-ஓ அல்லது Circle Inspector-ஓ அல்லது Sub-Inspector-ஓ போ அமைத்தாலும்கூட Conference நடத்தி எந்த முறையில் அதிகாரிகள் நடந்துகொள்ளவேண்டுமென்றும் எந்த விதமாக நடந்துகொண்டால் நியாயமோ அவ்விதம் நடந்து கொள்ளும்படி மந்திரி அவர்கள் அவர்களுக்குச் சொல்லவேண்டும். குறிப்பாகச் சொல்லுகிறேன் சட்டத்தைச் செய்துவிட்டு போலீஸ் அதிகாரிகளிடம் அதிகாரத்தைக் கொடுத்துவிடுவது சரியல்ல. என்ன சட்டம் இயற்றப்பட்டிருக்கிறது என்று மக்களுக்குச் சொல்லவேண்டும். மக்கள் எந்த சட்டம் இயற்றினாலும் அதன் தத்துவங்களை அறிய முடியாத நிலைமையிலிருக்கிறார்கள். நாம் ஆலய பிரவேச சட்டத்தை இயற்றினோம். அதை மக்கள் பத்திரிகை மூலம் தான் அறிந்து கொண்டார்கள். ஆனால் போலீஸ் கெடுபட்டால் Publish பண்ணவில்லை. அதனால் இன்னும் ஹரி ஜனங்கள் கோவில்களுக்கும் ஹோட்டல்களுக்கும் போக முடியவில்லை. அவர்களை தடுத்துவிடுகிறார்கள். என்ன என்றால் போலீஸ் கெடுபட்டால் Publish பண்ணவில்லை என்று சொல்லுகிறார்கள். போலீஸ் அதிகாரிகள் இதைப்பற்றி கூட சேலம் ஜில்லாவில் சுற்றுப்பிரயாணம் செய்யும்போதும் கனம் சபாநாயகரிடத்திலும் ஹரி ஜன முன்னேற்ற மந்திரி அவர்களிடத்திலும் ஹரிஜனங்கள் முறையிட்டார்கள். இந்த சட்டத்தை அது போல் இல்லாமல் மக்களுக்கு எடுத்துச் சொல்லவேண்டும். Tom-tom மூலமாக தெரியப்படுத்தவேண்டும். பிறகு அவர்களை நியாயமான முறையில் மாற்றவேண்டும். அந்த மாதிரி மாறுவதற்கு அவர்களுக்கு புத்தி சொல்லவேண்டும். முதலில் சட்டத்தின் மூலம் சொல்லவேண்டும். அப்படிச் சொல்லி, அவர்கள் தப்பான வழியில் செல்லாமல் பார்த்துக் கொள்ளவேண்டும். நாம் எல்லா போலீஸ் அதிகாரிகளையும் நம்ப முடியாது. சிலர் நிலச்சுவான்தார்களின் பக்கம் வையாளாக இருக்கிறார்கள். உதாரணமாக திருச்சி இப்பொழுது ஜில்லாவில் பல அதிகாரிகள் இருக்கிறார்கள் அவர்களுக்கு ரூபாய் கொடுத்தால் நிலச்சுவான் சொல்வதுபோல் நடக்கிறார்கள்.

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அதனால் ஏழை விவசாயிகளுக்கும் பாட்டாளி மக்களுக்கும் ஹரி ஜனங்களுக்கும் கஷ்டம் ஏற்படுகிறது. ஆகையால் நியாயமான முறையில் அவர்கள் உணரும்படி செய்யவேண்டும். இதை சர்க்காரும் உணரவேண்டும். இதைச் செய்தால் நிச்சயமாக நாட்டில் குழப்பமும் தகராறும் ஏற்படாது. நியாயமாக நடக்கும் என்று சொல்லுகிறேன். இந்த சட்டத்தை பிரசித்தம் செய்து சமாதானத்தை நிலை நாட்டவேண்டும். இப்பொழுது பொறுத்தமான சமயத்தில் இந்த சட்டம் வந்திருக்கிறது. இது மொத்தம் அவசியம். இப்பொழுது ஒரு சில வாதிக்கப் புரட்சிகள் செய்து வருகிறார்கள். அவர்களும் அடிதீவிர communism பேசுகிறார்கள். பாட்டாளி மக்கள்கள் அவர்கள் சொல்வது நியாயம் என்று நம்பி அவர்களை பின் பற்றுகிறார்கள். அதிகாரிகளின் மேல்கூட குற்றம் சொல்ல ஆரம்பித்து விடுகிறார்கள். Communist சொல்வதுதான் நியாயம் என்று நம்பிவிடுகிறார்கள். காந்திஜி வழியில் ஏற்படும் Socialism-ஓ பரப்புவதுதான் காங்கிரஸ் மகா சபை ஸ்டீயமென்று நியாயமான வழியில் காந்திஜியின் அடிச் சுவற்றைப்பின் பற்றி நடக்க அந்த அதிகாரிகள் மக்களுக்கு புத்தி சொல்லவேண்டும். அப்பொழுது தான் இந்த சட்டம் நல்ல முறையில் நடைபெறும் என்று சொல்லிக்கொண்டு நான் என்னுடைய வார்த்தையை முடித்துக்கொள்கிறேன்.”

SRI W. S. SRINIVASA RAO :—“Mr. Speaker, Sir, in supporting this Bill I want to impress upon the Government only one point, that is with regard to giving the head constable the power to shoot. The rank of the head constable is very low for him to be entrusted with this important business. I have got a lot of experience with these head constables and moreover the recently promoted head constables do not even know writing. They have now been promoted as Prohibition Sub-Inspectors and I know how they are working. Now this responsible work of shooting is given to the head constables.”

MR. SPEAKER :—“The Hon. Member can continue his speech tomorrow. I adjourn the House to meet tomorrow at 11 o'clock.”

The House adjourned.

THE MADRAS LEGISLATIVE ASSEMBLY.

Wednesday, the 18th February 1948.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Non-Gazetted officers.

* 18 Q.—SRI D. V. RAMASWAMI (on behalf of Sri B. S. Mallikarjuna Rao): Will the Hon. the Premier be pleased to state—

(a) whether the Government have decided to take any departmental action against the non-gazetted officers for recent strike carried on by their Association;

(b) whether the Government have now decided the rate of increased dearness allowance and house-rent allowance stated to be under consideration; and

(c) if not, within what time will such decision be taken?

THE HON. DR. P. SUBBARAYAN (on behalf of Hon. Premier):—“(a) The attention of the hon. Member is invited to the Press Note ^a on the subject issued by the Government on the 3rd January 1948.

“(b) A decision has been reached with regard to dearness allowance and orders will issue shortly. The question of house-rent allowance is still under consideration.

“(c) As early as possible.”

SRI D. V. RAMASWAMI:—“May I know, Sir, whether it is likely to be decided at least before the financial year is over?”

THE HON. DR. P. SUBBARAYAN:—“As far as I know provision will be made in the budget estimates which will be presented to the House by my hon. Colleague the Finance Minister.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know whether, in view of the fact that the Government have in main conceded the points raised by the demands made by the non-gazetted officers before they went on strike, the Government will not consider a general amnesty instead of resorting to certain graded punishments that are contemplated to the various categories of officers mentioned in the communiqué?”

THE HON. DR. P. SUBBARAYAN:—“The Hon. Premier has already announced that there will be no question of

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vindictiveness, but if responsible officers left their position without any consideration for the work that was on hand, the Government will have to take the step which is necessary to preserve the responsibility which is on them."

SRI A. VEDARATHNAM PILLAI:—"Is the Hon. Minister aware that the non-gazetted officers are doing hostile propaganda against the Government, and if so, what action the Government propose to take against them?"

THE HON. DR. P. SUBBARAYAN:—"I deprecate such statements because I think it is for the Government to decide whether their servants are acting in a manner prejudicial to the affairs of the State."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is it a fact, Sir, that the Collector of Kurnool sent two or three non-gazetted officers to the detention camp in Vellore?"

THE HON. DR. P. SUBBARAYAN:—"I think this is a matter which requires further consideration. If the hon. Gentleman will choose to put a separate question, the Government will consider the desirability of answering it."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government concede the point that till the other day when the strike took place, these large body of servants have been most loyal and efficient?"

THE HON. DR. P. SUBBARAYAN:—"That is a very relative term. I am not prepared to answer it."

SRI V. RAGHAVAYYA:—"In view of the unsettled conditions in the country and also in view of the responsibility most of the non-gazetted officers will have to bear in bringing about peace and order in the country, will the Government try to help them by not taking coercive steps against them?"

THE HON. DR. P. SUBBARAYAN:—"As far as the Government are concerned, they expect loyal service from their officers, and they (Government) on their part will try and do what is necessary to make the conditions acceptable to them. At the same time, as I have mentioned time and again, I say they do not stand in relation to the Government in the same position as ordinary trade union workers. I am not able to take the matter any further than that."

SRI V. M. RAMASWAMI MUDALIYAR:—"May I ask whether the Government realize that when a large body of the Government servants do strike work, it is somewhat awkward and delicate for a few persons (officials of the Union) at the top to still continue to be in duty, and that therefore their case also requires sympathetic treatment as the large body of Government servants have received at the hands of the Government?"

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THE HON. DR. P. SUBBARAYAN:—"The hon. Gentleman is incorrect in his presumption. The Government treat every one of its officers in the same manner whether they hold high or low positions."

SRI R. V. SWAMINATHAN:—"Is it a fact, Sir, that some of the non-gazetted officers who took active part in the recent strike are all corrupt men, and, if so, will the Government be pleased to say what are their names and what departmental action has been taken against them?"

MR. SPEAKER:—"The hon. Member can put a separate question on this."

SRI GUNTUR NARASIMHA RAO:—"Subsequent to the non-gazetted officers' strike when retrenchment of 9 (a) (i) clerks was taken up, is it a fact, Sir, that several Andhras have been thrown out of employment in the various City offices?"

THE HON. DR. P. SUBBARAYAN:—"If the hon. Gentleman will bring to my notice any such instance, I will have a census made of the Andhra employees of the Government of Madras."

SRI P. KAKKAN:—"என். ஜி. ஓ. ஸ்ட்ரைக்குக்கு பிற்பாடு பொது ஜனங்கள் என்.ஜி.ஓக்களை அணுகும்போதும் அவர்களிடம் குறைகளைச் சொல்லும்போதும் அவர்கள், உங்களுடைய சர்க்கார், உங்களுடைய மந்திரி என்று மிகவும் கேவலமாகச் சொல்வதை சர்க்கார் அவர்களுடைய கவனத்திற்குக் கொண்டுவரப்பட்டிருக்கிறதா? அப்படி இருந்தால் அவர்களிடமேல் என்ன நடவடிக்கைகள் எடுத்துக்கொண்டிருக்கிறார்கள்?"

THE HON. DR. P. SUBBARAYAN:—"I think Government servants know their responsibilities, and if they are making such statements, they are only mistaken, and due consideration and due action will be taken."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer given by the Hon. the Leader of the House that Government employees have no trade union rights, may I know whether the Government are aware that both in England as well as in Ceylon, Government employees have got such trade union rights as any other trading class have?"

THE HON. DR. P. SUBBARAYAN:—"I am prepared to take this information."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"Are the Government aware that there is lot of discontentment among the non-gazetted officers on account of the unsympathetic attitude of the Government, and that this is against the interests of efficient administration?"

THE HON. DR. P. SUBBARAYAN:—"It is because Government felt that they ought to meet some of the demands of the non-gazetted officers, they (Government) have taken steps to see to it, and, as I said, the financial statement will reveal what has been done."

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Provincialization of the Madras Vigilance Association.

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

(a) whether the Government have arrived at any decision in regard to provincializing the Madras Vigilance Association; and

(b) if the answer is in the affirmative when they intend to implement this decision?

THE HON. SRI K. MADHAVA MENON:—“(a) Yes.

“(b) As soon as the necessary approval of the Legislature is obtained which is being sought.”

BEGUM SULTAN MIR AMIRUDDIN:—“I cannot follow the answer to clause (b). What is the actual intention of the Government?”

THE HON. SRI K. MADHAVA MENON:—“Sir, the question is, when it is intended to implement the decision. I say it is intended to implement the decision as soon as the approval of the Legislature is obtained, which is being sought.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know whether due provision will be made for this purpose in the next budget?”

THE HON. SRI K. MADHAVA MENON:—“I request the hon. Member to wait till the 25th instant when she will see the budget provisions.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is the Hon. Minister aware that this matter has been pending for a long time ever since the Advisers' regime? In view of the fact that the Government have previously promised that this Association would be provincialized, may I know whether they will actually implement that promise?”

THE HON. SRI K. MADHAVA MENON:—“I have already said that the Government have decided to provincialize, and as a further step the Legislature's consent is being sought.”

Rice ration.

* 20 Q.—SRI N. GOVINDASWAMI: Will the Hon. the Minister for Food be pleased to state—

(a) whether there is any proposal before the Government to increase the ration of rice from 8 oz. to 12 oz.; and

(b) whether blackmarketing in rice has been increasing in Madras?

THE HON. DR. T. S. S. RAJAN:—“(a) There is no proposal before the Government to increase the scale of rice ration from 8 oz. to 12 oz. and in view of the failure of crops due to

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the failure of the north-east monsoon it is not considered possible to increase the scale of rice ration even in the limited areas where rationing is now in force.

“(b) The Government understand that smuggling of rice into Madras City and its disposal in blackmarket is prevalent. They are taking all precautionary measures possible to check such blackmarketing.”

SRI N. GOVINDASWAMI:—“தயவு செய்து தமிழில் சொல்லும் க கேட்டுக்கொள்கிறேன்.”

THE HON. DR. T. S. S. RAJAN:—“8 அவுன்ஸிலிருந்து ரேஷன் அரிசியை 12 அவுன்ஸ் ஆக்குவதைப்பற்றி கவர்ன்மென்ட் பார்முன் ஒருவிதமான அபிப்பிராயமும் கிடையாது. மேலும் இப்பொழுது north-east மழை பருவம் தவிரிட்டபடியால் அதை இப்பொழுது அதிகப்படுத்த முடியாது. மேலும் மதராஸ் நகரில் உள்ள மார்க்கெட்டில் அரிசி கொண்டு வரப்படுகிறது என்பது கவர்ன்மென்டார் அவர்களுக்குத் தெரியும். அதைப் தடுப்பதற்கு ஆகவேண்டிய முறையை எல்லாம் கவர்ன்மென்டார் எடுத்துக் கொண்டிருக்கிறார்களா?”

SRI N. GOVINDASWAMI:—“சென்னை வாசிகள் 8 அவுன்ஸ் அரிசிதான் சாப்பிடுகிறார்களா என்று சொல்லக்கூடுமா என்று கேட்கிறேன்.”

THE HON. DR. T. S. S. RAJAN:—“அவர்கள் சாப்பிடுகிறார்களா இல்லையா என்பது தெரியாது. எல்லோருக்கும் 8 அவுன்ஸ் அரிசிதான் கொடுக்கப்படுகிறது என்பது எங்களுக்குத் தெரியும்.”

SRI N. GOVINDASWAMI:—“இப்பொழுது சர்க்காரிடம் அதிகமாக அரிசி இருக்கிறபடியால் தாற்காலிகமாக 10 அவுன்ஸ் கொடுத்தால் நல்லதாக இருக்காது என்று கேட்கிறேன்.”

THE HON. DR. T. S. S. RAJAN:—“கையில் இருக்கும் அரிசியை வைத்துக்கொண்டுதான் பூரா காலத்திற்கும் சரியாக பகிர்ந்து கொடுப்பதுதான் கவர்ன்மென்டாருடைய பொறுப்பு. இன்று அதிகம் இருக்கிறது என்று அரிசியை 10, 12 அவுன்ஸ் என்று கொடுக்க முடியாது.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“Are the Government aware that the price of blackmarket rice compares favourably with the price of rice supplied by the ration shop taking into consideration the question of polishing, wastage, etc.?”

THE HON. DR. T. S. S. RAJAN:—“I take the information from the hon. Member.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Government intend to reduce the rice ration even below 8 ounces?”

THE HON. DR. T. S. S. RAJAN:—“Yes, Sir. If times do come on us, and we are obliged to reduce the quantity of ration, Government will certainly do it.”

M. S. ABDUL MAJID SAHIB BAHADUR:—“By raising the ration from 8 ounces to 12 ounces is it not possible to prevent smuggling of rice from the mufassal into the City, Sir?”

THE HON. DR. T. S. S. RAJAN:—“The presumption is that Government are going to increase the ration. But they are not going to increase it now.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the fact that the quantity supplied in the ration shops is not adequate for people even for three days (whereas the supply is given as for a whole week), what steps the Government have taken, realizing their responsibility to the people, to see that supplementary food is supplied to the people in order that nutritive value is maintained?"

THE HON. DR. T. S. S. RAJAN:—"Supplementary foods as are available with the Government and as have been procured are always made available to the ration shops for purchase by the ration cardholders. But with regard to rice, no increase beyond 8 ounces is possible with the present stock."

11-15 a.m. SRI N. M. R. SUBBARAMAN:—"May I know whether the Government are aware that almost everybody in the rationed areas gets additional rice that is required from the blackmarket and if so, will the Government consider the desirability of removing the control?"

THE HON. DR. T. S. S. RAJAN:—"That leads to a very big question of policy. As long as control lasts, we have got to control procurement and distribution. With regard to black-marketing, Government know that there is some black-marketing going on and they are taking action against blackmarketers."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"May I know what are the supplementary foodstuffs that the Government were actually supplying to the ration cardholders during the last three months?"

THE HON. DR. T. S. S. RAJAN:—"Milo and maize were the supplementary foodstuffs. As long as quantities were available, they were distributed to the ration cardholders to supplement their rations. But, on account of stocks running out, we were obliged to cut down these things and divert those quantities to famine areas such as Ramnad and Tinnevely districts. Therefore, our rationing has come down to eight ounces but in the event of our getting more maize or other supplementary foodstuffs, we shall consider the question of again raising it to ten ounces."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the admitted fact that rice is available in large quantities in rationed areas, is it not the responsibility of the Government to see that the rice that goes into the blackmarket is controlled and given as increased ration of rice in those areas?"

THE HON. DR. T. S. S. RAJAN:—"That is why I said that Government are taking action to prevent blackmarketing. It is not the intention of the Government to allow black-marketing to go on but to defeat it altogether. That is why we are taking action against blackmarketing."

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SRI B. S. MURTHI:—"What is the amount of rice which an individual possessing lands in the mufassal can bring into the City or any rationed area?"

THE HON. DR. T. S. S. RAJAN:—"He is entitled to bring such quantities as he is entitled to according to the ration rules."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the fact that the Government seem to agree with the statement that the price of blackmarket rice was even lower than that of rationed rice, may I know whether the Government have got any definite information and whether they propose to investigate the matter and find out the truth whether rationed rice is costlier than black-market rice?"

THE HON. DR. T. S. S. RAJAN:—"The hon. Member is certainly wrong in the conclusion he has come to that the Government already accepted the statement. The Government do not agree with that statement at all."

SRI B. S. MURTHI:—"Is it not desirable that those persons who possess their own lands in the mufassal are permitted to get into the rationed area not less than twelve ounces of rice per individual?"

THE HON. DR. T. S. S. RAJAN:—"They are entitled to get at the rate of twelve ounces."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. the Minister be pleased to state whether Government have got any proposal to decontrol all urban areas in the near future?"

THE HON. DR. T. S. S. RAJAN:—"Government have already decontrolled a number of places. According as the local public opinion demands it, Government are decontrolling urban areas."

SRI V. M. RAMASWAMI MUDALIAR:—"May I ask whether Government is aware that in the rationed area of Vellore, the public demand that there should be decontrol and that the Municipal Council, Vellore, also recently passed a resolution to that effect and if so, whether Government consider the desirability of decontrolling that statutory area?"

THE HON. DR. T. S. S. RAJAN:—"It is now under the consideration of Government."

SRI V. RAGHAVAYYA:—"May I know, Sir, in view of the satisfactory results achieved by decontrol, whether the Government will lift the ban on inter-taluk movement in districts like Nellore and allow free movement in order to prevent black-marketing?"

THE HON. DR. T. S. S. RAJAN:—"Government do not accept the proposition that the results of decontrol have been satisfactory."

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SRI P. KAKKAN:—“தலைவர் அவர்களே, குறிப்பிட்ட முனிசிபாலிட்டிகளிலும் ஒரு ஜில்லாவிலிருந்து மற்றொரு ஜில்லாவுக்கு போகக் கூடாது என்று தடை இருப்பதால் ஜனங்கள் தாங்களாகவே நெல்லை வாங்கிக்கொள்ள முடியாத நிலையிலிருக்கிறார்கள். அதனால் குறிப்பிட்ட வியாபாரிகள் மூலமும் கள்ள மார்க்கெட்டு மூலமும் வாங்குகிறார்கள். அப்படி வாங்கி வண்டிகளிலும் லாரிகளிலும் டவுனுக்குக் கொண்டுவந்து குறைந்த விலையில் விற்கிறார்கள் என்பது மந்திரி அவர்களுக்குத் தெரியுமா? அப்படித் தெரிந்தால் பொது ஜனங்கள் நல்ல விலையில் வாங்கி ஏற்றுமதி செய்துவருவார்களாதலால் இந்த ரேஷனை எடுத்துவிடுவார்களா?”

THE HON. DR. T. S. S. RAJAN:—“I am not able to follow accurately what the hon. Member says. But I can give an answer from my understanding of the question. The hon. Gentleman evidently wants to know whether there are only a few licensed dealers who are given permits to sell and distribute paddy. If that were so, I say, yes, because there were only a few limited wholesalers that were given licences. Government thought it fit that the licensed agency must be widened and so, they have issued a large number of licences to a number of retailers in the various places; persons who are willing to come forward are given these permits.”

SRI P. KANDASWAMI PILLAI:—“Is the Government aware that people prefer blackmarket rice because it is far superior to the rice supplied in the ration shops?”

THE HON. DR. T. S. S. RAJAN:—“Government are not aware of the particular quality of the blackmarket rice.”

SRI K. BRAHMANANDAM REDDI:—“Will the Government be pleased to say why in the derationed districts and taluks, the taluk supply officers and firka supply officers are continued?”

THE HON. DR. T. S. S. RAJAN:—“They are continued because we find that they are necessary for completing the work which they have undertaken.”

SRI G. KUMARASWAMI:—“Is it a fact that the Rationing Advisory Board of Chicacole of Vizagapatam district has passed a resolution requesting the Government to pass orders to immediately abolish rationing in Chicacole?”

THE HON. DR. T. S. S. RAJAN:—“I am not quite aware of it. It is just possible that a requisition has come to the Government. We get requisitions from a number of places to decontrol rationing.”

SRI K. T. KOSALRAM:—“ஒரு ஜில்லாவைவிட்டு மற்றொரு ஜில்லாவுக்கு அரிசியைக் கொண்டுபோகக்கூடாது என்றிருப்பதை எடுத்து விட்டு இப்பொழுது மாகாணம் முழுவதும் கொண்டுபோகலாம் என்று சொல்லி கட்டுப்பாட்டை எடுத்தால் இப்பொழுது இருக்கும் நிலைமையை சமாளிக்கலாம் என்பது சர்க்காருக்குத் தெரியுமா?”

THE HON. DR. T. S. S. RAJAN:—“சர்க்காருக்கு நன்றாக தெரியும், அப்படி கொண்டுபோனால் பஞ்சம் ஒரு ஜில்லாவில் மட்டுமல்லாமல் இரண்டு ஜில்லாவுக்கும் வரும் என்பது. அப்படி மாகாணம் பூராவும் எடுத்துவிட்டால் மாகாணம் பூராவும் பஞ்சம் வந்துவிடும்.”

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SRI GUNTUR NARASIMHA RAO:—“In view of the fact that the Government have de-controlled jaggery, coconut oil, pulses and cloth and in view of the fact that correct and accurate figures of production of rice are not available to the Government and they are only partly correct and also the fact that Government have not been able to suppress the movement of small quantities from one district to another.”

MR. SPEAKER:—“The hon. Member is making a statement; he should put it in the form of a question.”

SRI GUNTUR NARASIMHA RAO:—“Because I may not be able to get another opportunity, I am putting three questions in one supplementary question. (Laughter.) Sir, in view of the good results achieved on account of the de-control of pulses, cloth, jaggery and coconut oil and as the Government will not be in a position to suppress transport of small quantities from district to district, will the Government consider de-controlling rice completely, as the figures supplied by the Government Department are not very accurate and there is plenty of rice all over the country?”

THE HON. DR. T. S. S. RAJAN:—“The question of de-control is under the consideration of the Government. Government are aware of the prevalence of blackmarketing, but the fact remains that for blackmarketing, both blackmarketers and the people who buy in the blackmarket are equally responsible.”

SRI D. V. RAMASWAMI:—“May I ask the Government whether the stock position of wheat in this province is satisfactory and if so, whether the Government, if they contemplate reducing the rice ration further from eight ounces, would allow wheat rations to be given as supplementary rations to make up the total ration of eight ounces?”

THE HON. DR. T. S. S. RAJAN:—“I do not think the hon. Member is right in presuming that we have enough wheat to supplement rice rations.”

SRI M. S. PATTABHIRAMIAH:—“Will the Hon. the Minister be pleased to state, in view of the answer which he gave to the second part of the question that the Government are aware of the prevalence of blackmarketing in Madras City, whether the Government have taken any precautionary methods to check this blackmarketing and if so, what precautionary methods have been taken by the Government?”

THE HON. DR. T. S. S. RAJAN:—“We are dealing with cases of blackmarketing as we get cognizance of them and dealing with them in the law courts according to law.”

SRI A. KAMESWARA RAO:—“Why should the City people suffer from starvation with only eight ounces whereas certain surplus district people are eating belliful?”

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THE HON. DR. T. S. S. RAJAN:—"The hon. Member forgets that the citizens of Madras produce no food at all. Therefore, we have got to give ration to them at eight ounces and that is all the quantity we have got to distribute."

SRI K. T. KOSALRAM:—"மந்திரி அவர்கள் பதில் சொன்னதில் ஒரு ஜில்லாவிலிருந்து அடுத்த ஜில்லாவிற்கு கொண்டுபோனால் இரண்டு ஜில்லாவுக்கும் பட்டினி வந்துவிடும் என்று சொன்னார் இப்பொழுது மதுரை ஜில்லாவிலிருந்து நான் ஒன்றுக்கு 100-க்கு மேலும் 1,000-க்கு மேலும் மூட்டைகள் ரயிலில் திருநெல்வேலிக்கு போய்க்கொண்டிருக்கிறது. அதை கட்டுப்படுத்த முடியாத நிலையில் அரசாங்கம் இருக்கிறது. அனுமதித்து சாதாரணமாக விட்டுவிட்டால் என்ன கெடுதல்வரப்போகிறது என்று அரசாங்கத்தைக் கேட்கிறேன்?"

THE HON. DR. T. S. S. RAJAN:—"அதிகப்படி ஜில்லாவிலிருந்து குறைவு ஜில்லாவுக்கு அரிசி போனால் அதிகப்படி ஜில்லாவும் குறைவு ஜில்லாவாகிவிடும் என்பதை கனம் மெம்பர் அறிந்துகொள்ள வேண்டும். ரேஷன்படிக்குக் கொண்டுபோனால் அதற்கு கஷ்டமே இல்லை. ஆனால் அதிகப்படி ஜில்லாவிலிருந்து குறைவு ஜில்லாவுக்கு அரிசிபோனால் பஞ்சம் இரண்டு ஜில்லாவிற்கும் வந்துவிடும்."

SRI K. BRAHMANANDAM REDDI:—"Would the Government consider the desirability of abolishing all posts of taluk supply officers and firka supply officers at least in the dry taluks of the province where these posts are absolutely unnecessary?"

THE HON. DR. T. S. S. RAJAN:—"The question of necessity for appointments is a matter for the consideration of the Government, but I may assure the hon. Member that as derationing and de-control are introduced, the services of these officers will be dispensed with district by district."

M. S. ABDUL MAJID SAHIB BAHADUR:—"Is it not a fact that starvation is staved off in rationed areas because of smuggling in those areas?"

THE HON. DR. T. S. S. RAJAN:—"I do not think so, because we give a ration of eight ounces. It may be that the deficient food is supplemented by other foodgrains which the people are buying."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Regarding the statement made by the Hon. the Minister for Food that the citizens of Madras do not produce food and so the people in the Madras City must be satisfied with the insufficient food supplied to them; may I ask whether it is not a fact that the citizens of Madras also are engaged in essential services for the whole province and as such, they are entitled for sufficient food?"

THE HON. DR. T. S. S. RAJAN:—"That is why Government still stands committed to rationing in the City of Madras."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"In view of the fact that the Government have not been able to distribute food equitably to the various parts of the province and that though they are not officially aware, the fact remains that blackmarketing is prevalent throughout the province, is it not advisable for the Government to say that they have failed in enforcing control and rationing of rice and give up rice control in this province?"

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THE HON. DR. T. S. S. RAJAN:—"The Government will certainly declare their intention as soon as they are in full possession of the facts."

DR. S. SUBRAHMANYA AYYAR:—"In view of the fact that a large number of people have been thrown out of employment on account of the de-control of foodgrains and a large number of merchants have suffered loss on account of accumulated stocks, will the Government think of re-imposing controls?"

THE HON. DR. T. S. S. RAJAN:—"The question of re-imposing control is a big question of policy and depends mostly on the amount of food available and can be procured by the Government."

SRI N. M. R. SUBBARAMAN:—"Arising out of the answer given by the Hon. Minister that wherever there is a popular demand for de-control, it would be considered, will the Government consider the removal of control in Madura as the City Food Committee is pressing for it?"

THE HON. DR. T. S. S. RAJAN:—"The question of de-control in Madura City has been referred to the Collector of Madura for his remarks."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"In view of the advice repeatedly given by Gandhiji for abolition of all controls, will the Government take courage in both hands and do away with all controls?"

THE HON. DR. T. S. S. RAJAN:—"It is not a question of courage; it is a question of common sense. Before a certain area is de-controlled the Government have to assure themselves whether there are enough safeguards to see that sustenance would be available for the people."

K. M. SEETHI SAHIB BAHADUR:—"Have the Government received any representations from the general public that de-control would endanger the food position?"

THE HON. DR. T. S. S. RAJAN:—"The Government have received various representations from various parties. The question of taking away the control all over the province is still under the consideration of the Government. We would not take any sudden decision on the question."

SRI B. ANANTACHAR:—"In view of the persistent demand made from Bellary district, will the Government consider the abolition of statutory rationing in that district?"

THE HON. DR. T. S. S. RAJAN:—"Statutory rationing is being abolished as often as there is a demand for it. If a demand has come from Bellary district it will be considered."

MR. SPEAKER:—"I have allowed enough time for this question as it is an important one. We shall now take up the next question."

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Cement control.

[* 21 Q.—

MR. SPEAKER:—"As the hon. Member is not in his place, the answer will be printed in the proceedings."

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state—

(a) what are the duties and obligations, rights and responsibilities of the non-official element in the organization of working the cement control in our presidency; and

(b) what are the reasons of the Government retaining the non-official element instead of appointing direct officials for working cement control in the Madras Province?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) & (b) The Officers of the Cement Marketing Company of India, Limited, at Madras and Coimbatore, who were the Regional Honorary Cement Advisers of the Government of India, have been appointed as honorary cement controllers subordinate to this Government to administer the Scheme of Cement Control. There is no non-official element entrusted with cement control."

Dearness allowance to pensioners.

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

(a) the rate at which dearness allowance is granted to pensioners in receipt of a pension of Rs. 100 and less per mensem; and

(b) whether this dearness allowance is calculated on the pension that is being drawn after commutation or on the original pension?

	RS.
THE HON. SRI B. GOPALA REDDI:—" (a) Pensions not exceeding Rs. 20 per mensem	4
Pensions exceeding Rs. 20 but not exceeding Rs. 60 per mensem	5
Pensions exceeding Rs. 60 but not exceeding Rs. 100 per mensem	6
Pensioners in receipt of pensions higher than Rs. 100 a month but not higher than Rs. 106 shall receive such increase as will bring the total pension to Rs. 106.	

"(b) The dearness allowance is calculated on the original pension."

BEGUM SULTAN MIR AMIRUDDIN:—"Is it a fact that instead of increasing the rate of dearness allowance to low-paid pensioners, the Government have recently reduced it?"

THE HON. SRI B. GOPALA REDDI:—"Yes, it is a fact."

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BEGUM SULTAN MIR AMIRUDDIN:—"In view of the fact that the low-paid pensioners find it very difficult in these hard days to keep their heads above water in the inflationary whirlpool and in view of the fact that the Government should not be free from human touch, will the Government revise these rates and pay the pensioners who are drawing below Rs. 100 the same rates of dearness allowance as are allowed to Government officials?"

THE HON. SRI B. GOPALA REDDI:—"While we are aware of the difficulties of the pensioners, I have to point out that the revised rates are in consonance with the rates obtaining in other provinces of India."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, do the rates fixed have any reference to the conditions existing in the province or have they been fixed offhand?"

THE HON. SRI B. GOPALA REDDI:—"In this respect we have followed the instructions of the Government of India and what is obtaining in other provinces."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"In view of the statement of the Hon. Finance Minister that the rates of pensions in this province are not in any way less than the rates in other provinces, may I ask him whether even on the general question of emoluments of Government servants they are being guided by what is being done in other provinces?"

THE HON. SRI B. GOPALA REDDI:—"The financial position of this Province is different from that of the Government of India and other provinces. We will have to be guided by our own financial position."

BEGUM SULTAN MIR AMIRUDDIN:—"In view of the fact that the Hon. Minister prided himself on a previous occasion that Madras is a model to other provinces, in this respect I wish to enquire why he should not see that this province maintains that position and continues to be a model to other provinces."

THE HON. SRI B. GOPALA REDDI:—"We must take the financial position of this province into consideration. In view of the loss of revenue caused by prohibition, we cannot do better."

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—"At least after the Budget is presented, is there any chance of increased dearness allowance to pensioners?"

THE HON. SRI B. GOPALA REDDI:—"No, Sir. They were revised only a fortnight ago."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"In view of the serious dissatisfaction caused by the lower rate of dearness allowance to the pensioners, are the Government aware that our communist friends are seriously considering the organizing of a strike of pensioners?"

THE HON. SRI B. GOPALA REDDI:—"I am sure the pensioners cannot strike."

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BEGUM SULTAN MIR AMIRUDDIN:—“ With reference to the answer to clause (b), does it not work a great hardship to pensioners to have their dearness allowance calculated not on the actual pension received by them but on the original pension to which they were entitled before commutation? Will the Government be pleased to revise the rules and calculate the dearness allowance on the actual pension now received? ”

THE HON. SRI B. GOPALA REDDI:—“ I am afraid the pensioner cannot have the double advantage of commuting a portion of their pension and also receiving increased dearness allowance.”

SRI PILLALAMARRI VENKATESWARLU:—“ Arising out of the answer given by the Hon. Finance Minister that the pensioners are not in a position to strike, may I ask whether that is the reason why the Government is dealing with them badly? ”

THE HON. SRI B. GOPALA REDDI:—“ No, Sir. The pensioners are not in the hands of the Communists.”

Availability of iron ore in Salem district.

* 23 Q.—SRI P. KANDASWAMI PILLAI: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government are aware that the iron ore is available in plenty in Kanjamalai in Salem district;

(b) whether the Government are aware that the iron ore available in Kanjamalai has been proved to be the best metal, to make arms, by the analytical study in Sheffield in England; and

(c) in view of the availability of the iron ore in plenty in Kanjamalai, Salem taluk, whether the Government have any proposal to make necessary arrangements to start mines in those parts?

THE HON. SRI H. SITARAMA REDDI:—“ (a) Yes.

“ (b) The Salem ores are of good quality and capable of exploitation. The Government are not however, aware of analytical studies in Sheffield and cannot say that the iron extracted from these ores is the best for making arms.

“ (c) A proposal for the development of the iron and steel industry in this province based on Salem iron ores is under the consideration of this Government and of the Government of India.”

SRI P. KANDASWAMI PILLAI:—“ Will the Government appoint a committee of experts to investigate whether the metal found in Salem is good enough for making arms and other things.”

THE HON. SRI H. SITARAMA REDDI:—“ The Government have already investigated the matter and certain information is available. A survey has been made and it has been found that roughly about 300 million tons of ore are available in that

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area. Certain tests were carried out in a factory in Germany before the war and certain results were obtained. On the basis of that information, the Government of Madras were trying to get into touch with experts and see that an iron industry was started in Madras. The matter is being examined by the Government actively.”

SRI T. S. PATTABHIRAMAN:—“ Sir, have not the various researches made by the Geological Survey of India shown that Salem district is rich in minerals and chemicals? ”

THE HON. SRI H. SITARAMA REDDI:—“ As I have already said, there are about 300 million tons of iron ore in Salem.”

SRI A. KAMESWARA RAO:—“ May I ask why private enterprise should not be allowed to take up this business? ”

THE HON. SRI H. SITARAMA REDDI:—“ If any private enterprise comes forward to exploit this ore, the proposal will be considered.”

SRI T. S. PATTABHIRAMAN:—“ Is it a fact that a Norwegian firm yesterday offered to the Hon. Minister all the machinery for the starting of an iron industry in the province? ”

THE HON. SRI H. SITARAMA REDDI:—“ Yesterday I had occasion to discuss with a Norwegian firm the suitability of an electric furnace for converting this iron ore into iron.”

SRI GUNTUR NARASIMHA RAO:—“ On account of the acute shortage of iron and steel in the country, will the Government give an assurance that the factory will be started in South India at least next year? ”

THE HON. SRI H. SITARAMA REDDI:—“ The Government are as anxious as the hon. Member to start the iron industry in this province. We are doing our best. I cannot promise that the industry will be started next year.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Are the Government aware of the fact that there is a large deposit of iron ore in North Arcot district? Do the Government propose to make an intensive and extensive survey of all the areas in the province? ”

THE HON. SRI H. SITARAMA REDDI:—“ Certain surveys have already been made and the Government have already certain information about the availability of iron ore. The availability of other minerals is being investigated by the Geological Department of the Government of India.”

ABDUL MAJID SAHIB BAHADUR:—“ What is the result of the agitation carried on by this province asking the Government of India to start an iron industry in this province? ”

THE HON. SRI H. SITARAMA REDDI:—“ There is no question of any agitation. We have put up a case before the Government of India and it is being considered.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ May I ask the Hon. Minister to place a copy of the report of the survey on the

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table of the House and will he also kindly let us know what steps have been taken by Government to intensify the exploitation of the iron resources of the province?"

THE HON. SRI H. SITARAMA REDDI:—"I have given all the information that is necessary for the purpose of enabling hon. Members to understand the position with regard to the availability of iron ore in Salem district. If my hon. Friend wants information about the quantity available in other districts, he may put a separate question. There is no special report to be placed on the table of the House. I would suggest that hon. Members leave the matter here for the present as we are carrying on certain negotiations in the matter. I will be able to give more information some time later."

11-45 a.m. DR. S. SUBRAHMANYA AYYAR:—"May I know if the Government have made any mineral survey of the various districts in the Presidency?"

THE HON. SRI H. SITARAMA REDDI:—"The Geological survey of the Government of India have done the mapping of most of the areas in this province and they have been occasionally published and my hon. Friend must have occasionally seen the report; if not, I would suggest to him to get the information from the Library of the Madras Legislature."

DR. S. SUBRAHMANYA AYYAR:—"Why not place the Report on the mineral survey of the province on the table of the House?"

MR. SPEAKER:—"I think the hon. Member might write to the Superintendent, Government Press, and get copies."

SRI N. VENKATASUBBAYYA:—"Do the Government provide any facilities for chemical analysis of iron and other ores found in this province and if so, whether these facilities will be placed at the disposal of the public?"

THE HON. SRI H. SITARAMA REDDI:—"A proposal is under examination to have an analytical and testing laboratory for the province of Madras."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"I wish to know whether the Government is satisfied that the survey of which the Hon. Minister spoke serves as a practical starting point for starting industries and exploiting the mineral resources of the provinces?"

THE HON. SRI H. SITARAMA REDDI:—"If my hon. Friend refers to iron ore, so far the information that we have is sufficient; but if my hon. Friend refers to any other mineral, I would request him to put a separate specific question about any particular mineral."

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Applicability of section 94 (2) of the Motor Vehicles Act to Government buses.

[* 24 Q.—

MR. SPEAKER:—"The hon. Member who put the question Mr. Muharimad Ibrahim Sahib is not in his place and so the answer will be printed in the proceedings.]

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Prohibition be pleased to state whether it is a fact that the Government have taken advantage of the provision of section 94 (2) of the Motor Vehicles Act with reference to their motor buses in operation?

THE HON. MR. DANIEL THOMAS:—"Government vehicles are exempted under the clause from compulsory insurance as Government can meet any reasonable claims against them."

Revision of the Madras University Act.

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

(a) whether the Government intend to revise the Madras University Act of 1923, as amended by the Act of 1929; and

(b) if the answer is in the affirmative, whether the Government intend to appoint a committee for this purpose?

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" (a) & (b) The matter is under consideration."

BEGUM SULTAN MIR AMIRUDDIN:—"May I know, Sir, how it is that though the question has been under consideration for the past two years it is still in that stage. I asked a similar question two years ago and the reply then was to the effect that the question was under consideration. To-day after two years, the same reply is forthcoming. May I know how much longer it will take the Government to arrive at a final decision?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Unfortunately that is the position. The University of Madras set up a Committee to go into the matter and to give suggestions; that Committee has submitted its report recently and it is under scrutiny and so the matter is under consideration even now."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I wish to know what is the great hurry about amending the University Act at present?"

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"That is a question which has to be put to another quarter."

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BEGUM SULTAN MIR AMIRUDDIN:—“Is the Hon. Minister aware that the Committee appointed by the Syndicate of the Madras University was so constituted that it has suggested hardly any change in the existing University Act?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I presume the hon. Member knows much better than I do; I have not gone through the report as it has been received only recently and it is under scrutiny.”

BEGUM SULTAN MIR AMIRUDDIN:—“In view of the fact that the Committee appointed by the Syndicate has hardly made any changes in the existing Act, will Government appoint their own committee representative of all interests so that the existing Act may be subjected to necessary amendments?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I am not sure about all interests but the Government will consider the matter of taking up the question of amendment to the University Act.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Is it not a fact that the Committee consisted of members not only elected by the Senate of the University but also gentlemen who were recommended by Government?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“I do not know what the Committee to which my hon. Friend refers to, is; but the Committee which I am referring to is the one which was appointed by the Syndicate under the auspices of the University.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is the Hon. Minister aware that the Committee appointed by the Syndicate was dominated by the members of the Syndicate itself who were averse to any changes in the existing Act?”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—
“The hon. Member is herself there and she knows much better than I do.”

Women Civil Assistant Surgeons holding men's appointments.

* 26 Q.—BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Minister for Public Health be pleased to state—

(a) the number of women Civil Assistant Surgeons holding men's appointments;

(b) whether these women officers are given the same scales of pay as the men officers holding similar posts; and

(c) if the answer is in the negative, the disparity that exists in the scales of pay of men and women medical officers discharging similar duties and the reasons for such disparity?

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

“(b) Yes.

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BEGUM SULTAN MIR AMIRUDDIN:—“With reference to answer to clause (a) may I know whether these women officers are holding permanent posts or merely temporary appointments?”

THE HON. SRI A. B. SHETTY:—“It is presumed temporary jobs.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is the Hon. Minister aware that, on account of the existence of two cadres in the Medical Department, namely, the men cadre and the women cadre, senior women officers are deprived of their chances of promotion?”

THE HON. SRI A. B. SHETTY:—“I suggest that it might be put as a separate question.”

N. MUHAMMAD ANWAR SAHIB BAHADUR:—“May I know from the Hon. Minister how women can hold men's posts?”
(Laughter.)

THE HON. SRI A. B. SHETTY:—“During war time due to shortage of men, women officers were appointed to such posts.”

BEGUM SULTAN MIR AMIRUDDIN:—“Is it not a fact that there can be no men's posts and women's posts in this age and that women are capable of discharging any duty provided they are duly qualified?”

THE HON. SRI A. B. SHETTY:—“There are separate cadres for men and for women.”

BEGUM SULTAN MIR AMIRUDDIN:—“In view of the assurance that was given the other day by the Hon. Home Minister, may I ask of the Hon. Minister for Public Health and Medicine whether he will take urgent steps to see that the existing differences in the cadres of men and women are immediately abolished and that there is only one uniform cadre for all irrespective of sex?”

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

KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—
“Is it not a fact that many years ago the Government of Madras accepted the policy of bringing up the cadre of women assistant surgeons to the level of men assistant surgeons?”

THE HON. SRI A. B. SHETTY:—“I am not aware of any such thing, Sir.”

SRI B. S. MURTHI:—“May I know if it is possible to abolish sex in the officers?”

THE HON. SRI A. B. SHETTY:—“I am not able to understand the question.”

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Rural Dispensary for Kadalundi village in Ernad taluk.

* 27 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether the attention of the Government has been drawn to the urgent necessity of the opening of a rural dispensary in Kadalundi village in Ernad taluk; and

(b) what steps have been taken to open a dispensary in the village?

THE HON. SRI A. B. SHETTY:—“(a) A petition in this regard has been received from the Desa Seva Sangham, Kadalundi.

“(b) The matter is under consideration.”

K. M. SEETHI SAHIB BAHADUR:—“Are the Government aware that a large number of villages in the Ernad taluk are badly in need of dispensaries?”

THE HON. SRI A. B. SHETTY:—“In Malabar we have 27 rural dispensaries of modern medicine and 16 rural dispensaries of Indian medicine. Regarding this matter, the remarks of the Special Officer have been called for.”

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

II.—ADJOURNMENT MOTION RE: SITUATION IN TRICHINOPOLY.

MR. SPEAKER:—“I have received notice of an adjournment motion under Rule 36 from Mr. Venkateswarlu. It reads as under:

‘I beg to give notice of an adjournment motion to discuss an urgent matter of public importance, viz., the situation arising out of promulgation of section 144 in Trichinopoly just on the eve of the municipal election’.

So far as the Chair is concerned, it is perfectly in order. May I know from the Leader of the House what he has to say.”

THE HON. DR. P. SUBBARAYAN:—“Mr. Speaker, the question of promulgation of orders under section 144 is entirely within the discretion of the District Magistrate who promulgates the order when he feels that there may be disturbance of peace of which he is the sole judge. At this distance from Trichinopoly and having been taken suddenly by the adjournment motion of the hon. Member which seems to be as plenty as berries in the mulberry bush, I am not in a position to say what has happened. What has really transpired so far as I can understand is because there may be clashes, the Magistrate has taken care to promulgate orders under section 144. I do not think it will in any way interfere with the holding of elections and if the hon. Gentleman thinks that he has got such a hold on the electorate, I am sure, his party candidate might be successful, which I personally very much doubt. In view of having no information, I oppose the motion.”

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MR. SPEAKER:—“Is the hon. Member withdrawing the motion; I am not going to allow any speech.”

SRI PILLALAMARRI VENKATESWARLU:—“I shall not make a long speech. I shall be very brief.”

MR. SPEAKER:—“I am not going to allow any speech, long or short; if he withdraws he can make an explanation and withdraw. If not, I shall ask the House if it gives permission.”

SRI PILLALAMARRI VENKATESWARLU:—“With a short explanation, I shall withdraw it. Mr. Speaker, the Hon. Minister is accustomed to going out of the way and saying things which are not connected with the matter. Because he said that he has no information, I am prepared to withdraw it; but I should say a word about the orders. He says that the orders have been issued because there will be clashes. He is wrong; there are no clashes and in spite of that section 144 has been promulgated. This was brought to his notice even previously but he did not take any action. In spite of it, as he says, he has no information, I withdraw the motion.”

III.—MESSAGE FROM HIS EXCELLENCY THE GOVERNOR.

MR. SPEAKER:—“I have to announce to the House the following message, dated the 10th February 1948, received from His Excellency the Governor:

‘In pursuance of section 82, sub-section (1) of the Government of India Act, 1935, I, Archibald Edward Nye, Governor of Madras, hereby give my recommendation to the introduction in the Madras Legislative Assembly of the Madras Re-enacting and Repealing (No. II) Bill, 1948, and in pursuance of sub-section (3) of the said section, I also recommend to that Assembly the consideration of the said Bill’.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS RE-ENACTING AND REPEALING (NO. II) BILL, 1948.

THE HON. DR. P. SUBBARAYAN:—“I now introduce the Madras Re-enacting and Repealing (No. II) Bill, 1948 and move under rule 111 of the Madras Assembly Rules that the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of 18 members to consider the Bill, twelve members from the Assembly and six members from the Council.

“Hon. Members have had already the other Bill which has been considered and this is merely a continuation of it and if I may say so, a second volume of the same measure. Government's intention is to refer this to the same Select Committee so that it may give consideration to it. Bills have been printed in the appendix in the same manner as was done previously with regard to the first re-enacting Bill. I am sure hon. Members who will be on the Select Committee will consider the effect of

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this measure. Time is short and the measure has got to become law before the end of March and the Select Committee work will have to be proceeded with as urgently as it possibly can. I move the motion standing in my name."

12
noon.

SRI K. BHASHYAM:—"Mr. Speaker, Sir, this Bill proposes to deal with a number of Acts passed during the Advisers' regime. It is somewhat difficult to follow a number of enactments contained in this Bill. Most of these enactments were passed during the Advisers' regime; some of them are non-controversial; some are innocuous; some are necessary and some of them are really controversial. In these circumstances it is very difficult now to deal with all of them in one and the same Bill for the purpose of re-enacting them. This same difficulty was expressed when we considered re-enacting Bill No. 1 of the same type. So what I would suggest is, as the time is short and as we have to deal with a number of enactments, it is better Government give us some latitude to move amendments. So with this request to be lenient and generous in allowing amendments, I support the motion."

* SRI V. RAGHAVAYYA:—"Mr. Speaker, Sir, this is the second time a feat of this type is being performed by the Government. A foretaste of this we had the other day, when twenty or thirty enactments were dumped on us all at a time. At least last time we had an interval of a week or two to study them. This time we had only an hour and a half time for study. The Acts vary from very important subjects to very trivial subjects like Irrigation Cess (Amendment) Act to Hackney Carriage Act. My suggestion is that in the interests of orderly administration it is advisable to make laws knowing full well what they are, before we begin to administer them. So sufficient time should be given to the legislators to study them and not rush through Bills without allowing them time to study, for when they go home find themselves embarrassed and unable to say what actually has taken place here. I object to this kind of legislation on the ground it is undemocratic and it is unmeaning. For legislators should not be asked to pass laws without knowing what they are. There is no member in this House except perhaps the Minister in charge who might have gone through these Acts before introducing. I should be very glad if he denies it and contradicts me in a matter of this kind. I should therefore request the Government not to hurry through this legislation. At least give us time for a week or two, or till the Assembly next meets so that we may have time to study the several enactments."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, it is unfortunate Government should come forward to re-enact what took place during the Advisers' regime. A democratic Government should bring forward fresh legislation and not re-enact previous Acts. It is not only difficult but impossible to express any considered opinion about the numerous Acts contained in this Bill. My lawyer friends will bear me

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out. We are now asked to pass these laws without knowing what they are. That is why I ask Government, instead of coming forward with the present Bill, to bring fresh legislation one after the other so that we may discuss them one by one. However simple the several enactments may appear to be, we are asked to pass several most important legislations, for instance, the University Amendment Acts. Just now, during question hour, our hon. Lady Member raised the issue of the Madras University Amendment Act. I see one such Act in the present Bill. Why should Government bring that now. Therefore what I say is, instead of bringing this Bill and forcing it down our throats and asking us to pass it before 31st March, our Minister can at least separate the Bills so that we can do full justice to them."

(At this stage the hon. Leader of the Opposition and the Hon. Minister for Education were observed to be conversing across the table of the House.)

MR. SPEAKER:—"Hon. Members should not talk across the Table."

SRI PILLALAMARRI VENKATESWARLU:—"Another suggestion I would like to put forward is that in the select committee all parties including the Communist Party should be represented, because there are so many pieces of legislation, and the Communist Party has got its own opinion and viewpoint and that too must be represented on the select committee. With these words I support the motion to refer the Bill to the select committee."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, I can understand the difficulties that confront hon. Members. But there are also difficulties on the part of Government as well. I do not grant the proposition made by the hon. Member for Labour from the Circars, that just because the Advisers passed certain enactments they can be of no avail or use. Of course they administered the Province. They also made mistakes, I acknowledge. They made laws for the administration of the Province and there is no reason why we should not use them. There is no question of taboo on anything done by them before. I quite agree with my friend, the hon. Member representing the University of Madras (Sri K. Bhashyam: 'Universities'). Yes, the hon. Member representing Universities—he is quite correct; I stand corrected. (Interruption by Mr. Hameed Khan). Mr. Hameed Khan says 'all knowledge'; I do not know whether it is correct. I do see the difficulties pointed out by the hon. Member representing Universities. But these difficulties can be overcome in the select committee. If members of the select committee take care to concentrate on what they really want and devote their attention to particular Bills, the Bills will come out of the select committee better than what they are to-day. We have printed the reasons for the re-enactments of the several Acts, we have mentioned in parallel columns the changes proposed; we have stated the reasons for the proposed changes or

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repeal; and so we have not hidden anything from the Members of the House. They have got every right to look through the Bills and see in what way they can improve them. I would like to warn Members, any amendment they may propose to make, will have to be sent to my colleagues in charge of the subject. Subject to this restriction amendments are quite welcome. If the Bill receives the consideration it deserves at the hands of the select committee, I am sure it will come out of it in a much better form than what it is to-day."

The motion was put and carried.

(2) THE MADRAS SUPPRESSION OF DISTURBANCES BILL, 1947—*cont.*

MR. SPEAKER:—"The House will now resume discussion of the Madras Suppression of Disturbances Bill, 1947. Mr. W. S. Srinivasa Rao will now continue his speech."

* SRI W. S. SRINIVASA RAO:—"Mr. Speaker, Sir, in supporting this Bill I wish to say that the majority of the people in this Province support the measure. They have got full confidence in the Government that the measure will be carried out as effectively as possible. But there is one provision in the measure which deserves some attention before the Bill is passed. Clause 5 says 'Any Magistrate and any Police officer not below the rank of head constable may if in his opinion it is necessary so to do for restoring or maintaining public order after giving such warning, if any, as he may consider necessary, fire upon or otherwise use force even to the causing of death against any person'."

MR. SPEAKER:—"The hon. Member need not read it. It is enough if he refers to it."

* SRI W. S. SRINIVASA RAO:—"I only want to bring to the notice of the Government the seriousness of the provision, who in a disturbed area is acting in contravention of any law or order for the time being in force in such area."

Thus it will be seen if in his opinion it is necessary to shoot he can shoot. Not only that; he can use force or fire even to the causing of death.

"Now, Sir, as a man who has got experience of the Police department for the last 30 years in public life I want to bring to the notice of the Government some important facts and also the present condition in the Province. Now there are many forces working in the Province to bring discredit to the present Government. These forces are waiting for opportunities to create some kind of disturbance or other. They are of many categories. One is, some periodicals and papers take advantage of all things happening in the world and bring them against a group of persons or individuals or bodies whom they do not like, whether there is any

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connexion between the two. By this means they openly incite people to violence. There is another set of people who hold public meetings and in the name of carving out a separate Province or taking advantage of communal feelings or such other things, they openly say that we are going to repeat here, in the south, what is happening in northern India. Besides these, there are some reactionary forces who were boldly co-operating with the bureaucratic Government who were ruling our country till now and who were regularly opposing progressive forces now find an opportunity to take vengeance against those people, and they foment communal and other trouble. They pose as if they have got full sympathy with the Muslim League and also with the Hindu Maha-sabha. When they join the Muslim League people, they say that they are right and at the same time they instigate the Hindu Maha-sabha people also. When any disturbance occurs, these people quietly keep within doors and after everything is over, they want to settle accounts with people whom they want to book. Though a majority of the officers in the Police department have now changed according to circumstances, yet there is a fair percentage who have not changed even an inch. Though I have got full confidence in the Hon. Home Minister, yet I feel that the officers in the lower rung of the Police department and also some of the higher officers have not at all changed. They still hold on to prestige and to their old bureaucratic ways. It is only in places where these people want to help themselves that such unfortunate occurrences take place. After the occurrences are over, all the reactionary forces join together and create a lot of disturbance. Those reactionary forces pose as if they have got the full sympathy of the constables and head constables. It becomes very difficult to maintain peace and order whenever a disturbance occurs. M.L.As. and others who are connected with the Government naturally approach the Ministers in this connexion, and they cannot expect any partiality from the Ministers because this is a popular Ministry. The Home Department is under the Hon. Dr. P. Subbarayan, and I know from personal experience that he does not yield to any kind of pressure unless he is convinced about the truth of it. But people who want to take vengeance upon their opponents do not go to the Ministers. They go directly to these reactionary officers, misrepresent things and see that innocent people are persecuted. I know from experience in the last so many years that whenever any disturbance occurs, the culprits invariably escape and only the innocent people are punished. If such a vast power as the ordering to open fire or causing death is given to the head constable or even the Sub-Inspectors and higher officers without any restriction put upon them, I feel that many innocent people will be victimised, because the culprits never come in the presence of the police officers. Mischief is not done where the police officers are on guard. Thus the real culprits will escape and honest people who are going about their business will be victimised. An officer who is empowered to shoot should be one who will be able to think calmly, use his discretion properly and not be swayed by considerations of private vengeance. Head constables, although they are called officers, cannot be expected to use their discretion

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properly. Suppose they see four or five persons proceeding in a particular direction and some more persons temporarily join them on the way. If there is curfew order in the area, they may take up the cudgels and order the opening of fire. I may even suggest to the Government that the punishment of death for some of the offences may be modified. An officer should be given the power to cause death only when he finds a person killing or attempting to kill another person, or when he is carrying dangerous weapons, or when he finds that his own life is in danger. Any officer who has the power will always inflict the highest punishment and will not resort to milder punishments.

"The Bill provides for suppressive action. But I want the Government to take preventive action also. The activities of the various persons, groups and communities should be carefully watched by the police and they should be prevented from causing any disturbance. Yesterday Muhammad Raza Khan Sahib mentioned the case of Tiruvannamalai. I also want to tell you the position in Tiruvannamalai to show how the police and other officers are likely to act in certain circumstances. In Tiruvannamalai, before the 30th of January, there was already an atmosphere of hatred between communities. I got first-hand information that even if the news about the unfortunate death of Gandhiji had not been received on that day, the course of events would not have been different."

MR. SPEAKER:—"I think the matter is under police enquiry. It is better that the hon. Member avoids reference to it."

SRI N. VENKATA SUBBAYYA:—"On a point of order, I want to know whether it is in order to refer to matters under police enquiry."

MR. SPEAKER:—"If the matter is before a court, it is *sub-judice*; otherwise it is not. Although this matter is not *sub-judice*, I only suggested that it was better for the hon. Member to avoid it."

* SRI W. S. SRINIVASA RAO:—"When the matter has been referred to previously and a certain impression has been created in the minds of hon. Members, is it not proper for me to refer to it, Sir?"

MR. SPEAKER:—"As I have told the hon. Member, the Government are enquiring into the matter. So let him not refer to it. This is merely a suggestion."

* SRI W. S. SRINIVASA RAO:—"I do not want to blame the police officers or any of the parties. I only want to give a general outline of what had happened so that the House might have an idea of how this Act will be enforced if proper care is not taken."

"At Tiruvannamalai, on the 30th January, when there was not much of the police force and only the local force was there, many houses were looted or burnt. Even on the next day, when

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there was the full complement of the police force including reserves and when every nook and corner of the town was guarded, and when the curfew order was in force, burning and arson took place. On the third day, the Inspector-General of Police, the Deputy Inspector-General and many of us also were present on the spot. The communities were brought together, there was some compromise, and they agreed to live peacefully. Nearly Rs. 20,000 was subscribed on the spot and a committee was formed to collect more funds. There was no disturbance on that day. But again on the subsequent day, houses and shops were burnt. Why I bring all this to the notice of the House is to show that unless the people in charge of the whole thing have got an interest in maintaining peace and use their discretionary power intelligently, mere Acts will be of no use. When high officers were there and in spite of curfew and other orders, houses were burnt after ten o'clock in the night. The power of shooting people to death should be very carefully used and it should be given only to officers who will not be partial. The Hon. Speaker does not want me to go into the details. As I am also interested in the peace of that place, I want to bring the facts to the notice of the Hon. Home Minister, because he is above all parties. He may think that all the people in the Police department are like him. I want to tell him that it is not so. I see regularly that the police people take sides. Even among the reserve police, there are divisions.

"Sir, under this Bill power has been given to head constable to open fire. This is very undesirable. Even now I would request the Hon. Home Minister not to give such powers to police officers below the rank of a Sub-Inspector. If head constables are given such wide powers, they would kill anybody even on the slightest pretext of disobedience of order under section 144. Even Sub-Inspectors who are empowered to shoot, should use such powers very carefully and only in extreme circumstances. They should be made liable for serious punishment if they abuse such powers and their punishment should not merely end with ordinary dismissal. There are certain police officers who would be quite willing and be prepared to go home if they are dismissed, in order to escape greater punishments for other offences. If they unnecessarily shoot any individual, they should also be shot dead." 12-30 p.m.

"Sir, in our anxiety to suppress disorders and disturbances, we should not overlook the fact that more disturbances will be created if rules are not made stringent enough. I would therefore request the Hon. Minister for Home to note these points and see that strict rules are made in this respect and that people are not unnecessarily killed."

ABDUL HAMEED KHAN SAHIB, BAHADUR:—"Mr. Speaker, Sir, when we are considering a measure of such far-reaching effects on the people of this Province, it becomes very necessary for us to find out what exactly is the object of this measure and why this measure has been brought forward before this House. The Hon. Home Minister has probably anticipated

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that such questions would be raised and he thought it necessary to explain even at the outset that there is so much disturbance in the country and that although our Province has been fortunately comparatively free from that state of affairs that prevails in other parts of the country, yet he was afraid that such things might come up even in this Province also, all of a sudden and that in order to be prepared to meet such a situation, he has come forward with this measure. I believe, Sir, that the disease has to be thoroughly examined before a remedy of this kind is sought for. It is very much better that the Government examine the causes of the troubles and try to meet those causes rather than come forward with one measure after another like this. Hon. Members who have studied this Bill know what far-reaching effect this Bill has on the liberties and lives of the people. We know from experience that it is not always the right man who is caught by legislations of this kind, but that in most cases, only innocent persons become victims and are made scapegoats. Therefore it behoves us to move slowly and cautiously in dealing with measures of this kind. The Hon. Home Minister has not told us what exactly he has in mind in bringing forward this measure, although he said in general terms that there might possibly be disturbances here and there and that we must be prepared to deal with them. Is it because he fears that friends of the Communist party might create situations which might become beyond the control of the police authorities that he wants to be fore-armed with such powers to deal with such situations effectively and put down people who might create agrarian troubles in different parts of the Province? Or is he afraid of the relationship between Hyderabad and the Government of India deteriorating to such an extent that troubles might be created in the border districts? Or do the Government contemplate changing their policy to deal with all parties other than their own, in a different manner in the future? Are any of these things in the mind of the Hon. Home Minister in bringing forward a measure of this kind? Otherwise, I do not see, Sir, the necessity for this measure immediately after the unfortunate and tragic death of the apostle of non-violence and peace. It does not appear to me that there is any consistency with the Government in these matters. Whatever it is, whether they are going to adopt the policy of non-violence or violence, the Government must carry on the administration of the Province with an iron hand. It may be possible to put down violence by resorting to violence. But that will not put down violence permanently. You will be able to put down violence successfully only by being a just Government, a Government which will deal out equal justice to all its subjects, a Government which will make no difference between man and man, between one party and another and a Government which will do its best to make the lives of the people happy and contented.

"Mr. Speaker, I was stating that you will be able to eradicate the evil of violence better by more constructive methods than by establishing one force after another. The Government by another measure recently passed, have taken power to bring into existence the Home Guards. Perhaps it is a good thing. You are going

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to give such training to the Home Guards as will make them a very useful agency for not only preventing lawlessness but also for enabling the people to protect themselves.

"Mr. Speaker, the Government must aim at making the life of the common man happy and contented. If you do that, the need for measures like this will become unnecessary. What the people want is food; they have no food; clothing is not so difficult now; housing is becoming much more difficult. The food problem has become a very serious problem. If there is trouble in the Province caused by hungry people, because they are not given sufficient food by the Government, are you going to declare the whole of the Province as a notified area and empower the head constable to shoot all hungry people? I do not know whether this Act is going to help the Government in the maintenance of law and order in the Province.

"Then there is another question, the question of unemployment. The ranks among the unemployed are growing day by day. The Government have not come forward with any measure to deal with the question of unemployment. Unemployment is one of the main causes of discontent and discontent breeds disturbances. If the Government instead of coming forward with a measure like this, had come forward with a measure to deal with the problem of unemployment in this Province, then half the need for this measure would have disappeared. But they have not done so. They are rather hasty in coming forward with drastic measures like these, which will result only in killing innocent and possibly hungry people.

"Then, Sir, there are certain agencies in this Province which are responsible, for reasons best known to themselves for feeding people with wrong news and exaggerated reports solely for their selfish interests. That question has not been dealt with by the Government. Representations have been made to the Government that there are certain news agencies and newspapers in the Province which are deliberately indulging in sensational things and that the Government should deal with them strongly. It is the press and particularly a certain section of the press, which having newly come into the field, wishes to supplant all stable news agencies in order to earn a place in the field of journalism. It thinks that it can survive by indulging in sensational news items and rousing the passions of the people. It must also be dealt with with an iron hand. Nothing has been done so far to deal with such presses.

"I think the Hon. Minister knows who are the people who have been causing these disturbances and how they have been trying to escape being caught. They are giving news in such mutilated manner that it has caused trouble in the Province. Communal disturbances, especially after the unfortunate tragedy, the death of Gandhiji, have been due directly to the wrong way in which news have been given deliberately by certain sections of the press. I think the Government must be firm in dealing with such classes of irresponsible press. I would like the Government

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to have their own agency of publicity which would give correct news to the public and wide publicity should be given to correct news from time to time. *Madras Information* is not enough and it is not suited for the kind of work that I suggest should be done by the Government. *Madras Information* deals with matters with which only a small section of the public is interested. I want that the Government should establish a Publicity department of its own which must from time to time purvey correct news and correct information on matters affecting them, and not matters affecting rich people alone and people who are out to make money by any means.

"Then, Sir, the living conditions of the agricultural labourers and the industrial labourers should be improved. It is only by improving their conditions that you will be able to remove the causes of any possible trouble in the Province and not by coming forward with a remedy which will drive trouble underground. Then it will not be possible for the Government to find out what is happening. After all you are going to deal with only what is happening on the surface by this measure. You will be notifying areas where there is disturbance seen but you will not be able to notify areas where a disturbance is not seen but is underground. Sir, what is expected of the Government is to see that the administration is carried on in the interests of the people as a whole and not in the interests of one party or one class or one community or one section of the people. Equal justice to all should be assured in this Province. There should be no difference on account of caste, creed or politics of any person or individual or party, community or section of the people.

"Sir, we have brought into existence the Home Guards. They should be given the best attention and their number should be increased. They should be spread all over the Province and that should be enough. People trained as a better class of policemen, the Home Guards, will be of great help to the people generally. Then I would suggest that the Collectors of districts must be called upon to constitute committees of the important people in the areas who would do their duty and go about and bring harmony and better relationship between the various people, instead of the Collectors themselves being responsible for preventing any trouble in their own areas. I am not sure whether our Intelligence department in the Government of Madras is really sufficient. (Sri K. Bhashyam: 'Not Indulgence department!') I thank the ex-Jaw Minister for this suggestion. I do not decry the present staff of the Intelligence department, but at the same time we must not only strengthen the department but we must get a large number of people trained from outside, say in the Scotland Yard or anywhere, where they will get the best training so that they may get the Government correct information. I expect the Government to get correct information from their departments. It will not do for the department to feed the Government with wrong information, so that they might put down rival parties who are potent. The Intelligence section of the police should be above

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all these considerations and that should not be expected to help the Government to keep the Government in office for all time. The Intelligence department should give the Government correct information as to the conditions with regard to individuals and communities and parties in each district. Instead of that, it is wrong information that is given to the Government by the Intelligence of the police and that is responsible for a good deal of trouble. I think that only by organizing like this that you will be able to eradicate civil commotion in the country. This measure I am afraid is not in keeping with the policy which has been given to us by Gandhiji himself. We must try as far as possible to follow him. Instead of following him you are going quite in opposition to his teaching. Therefore I would urge upon the Hon. Minister to withdraw this Bill, for this will create, instead of dealing with the situation, further trouble and a psychological fear in the minds of the people. You know what results from such psychological fear. Fear causes scare and scare causes trouble between communities and then there will be breaking of heads, then notifications of areas under this Act and then it will become the duty of the head constables to break more heads."

MR. SPEAKER:—"The hon. Member has five minutes more."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Sir, is this the manner in which we are going to govern this Province? Are we going to govern the Province as an alien Government did because they were always afraid of the people governed? Or are we going to govern the Province treating the people as our own and regarding ourselves as the Government of this Province? I want Sir, that we should take a very radical view of the question and deal with it thoroughly instead of coming forward with measures of this character. I am not sure, Sir, whether I should support the Bill. I appeal to the Hon. Home Minister to withdraw the Bill at this stage in view of the disastrous and unwelcome effects it will have."

* DR. D. S. RAMACHANDRA RAO:—"Mr. Speaker, Sir, I have been trying to understand the reason which induced the Hon. the Home Minister to bring this Bill before the House. We have been assured over and over again in this House that conditions in Madras Presidency have been so cordial and the communal differences could almost be ignored and that there is peace and goodwill between man and man here. But at the same time before the ashes of Mahatma Gandhi, that apostle of non-violence, has hardly cooled down, without mentioning it to the party or taking this House into confidence, a Bill like this has been thrust as it were upon this House. I for one should like to know whether the situation is so hopeless that the conditions are so disturbing and whether we are on the eve of a catastrophe that a Bill of this nature is very important. Of course, the Government knows the situation better than ordinary individuals do. But I think, we, the Members of this House, deserve to be taken into confidence before a Bill of this gigantic possibility of evil is introduced. I should

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also like to know what made it necessary for the Government to attempt to arm head constables with the power of killing. Sir, I am very sympathetic with the Police. They have got to do difficult tasks. I have always supported them. But in spite of irksome duties that a good many of them are compelled to do over and over again, there is a tendency all along for the Police to show, particularly the lower ranks, their own power and their capacity to intimidate the people. I have noticed in my own experience considerable difference between the Police's treatment of the common people in an Indian State like the Mysore State and that in British India. Being used to power wielded by Indians, the Police show respect to the people in the State, but here in the old British Provinces, except for the white heads the Police do not show that consideration which the sons of the soil deserve. I am afraid to say that that feeling still exists. That carelessness and that habitual ungraciousness towards the people might lead to disregard of life in an emergency. Therefore, Sir, unless Government can take this House into their confidence and tell us exactly what the situation is, I for one would hesitate to arm head constables with the power to shoot in an emergency. Because, even the most cool-headed and calm-headed people lose their heads in emergencies. I am one with my friend, the previous speaker, Mr. Hameed Khan, that the problem is deeper than what it appears to be on the surface. The great problem of the future has to be solved more thoroughly and more sympathetically, and more or less in line with the hopes and aspirations of the people before we can expect this problem to be solved. Mere arming the Police with power to shoot at an emergency is not going to solve the problem at all. I think the most important thing would be not merely to coach up the Police, but also to make the Police realize that they are dealing with human beings and that they ought to study human psychology. At times of exasperation, they have to keep their heads cool, calm and steady. That is most important. Therefore, Sir, much as I would wish to support the Government in an emergency, unless the Government are willing to take us into confidence and place all the cards on the table of the House, it is difficult for one like me—a disciple of Gandhiji—to support a measure of strengthening and of arming a Police constable with the power of shooting in an emergency. Before supporting the Government that every step should be taken in an emergency, we must first be told when the emergency is about to arise in this Province. Till that is done, and till all the other methods of removing the cause of friction between community and community in ways other than arbitrarily arming the Police with power to shoot have been exhausted, I do not think this Bill will solve the situation. You may drive the discontent underground, and instead of trying to redeem the situation you will make it much worse. Therefore, I would request the Home Minister to take us into his confidence and tell us the whole situation before asking our support."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"Mr. Speaker, Sir, I did not want to speak on this subject . . ."

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MR. SPEAKER:—"The hon. Member need not speak if he does not want to."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"Still I think I must speak, Sir (laughter) because it happens to be a question in which the lives of so many innocent people are involved. One thing is clear. Sir, you cannot put out violence with violence. As stated by a great Tamil Poet, 'தீமையை தீமையால் தடுப்பது தீயை தீயால் அணைப்பதுபோல் ஆகுமே'. You cannot put out fire with fire. It is really wonderful to me that my old, old friend, Dr. Subbarayan, should come before this House with a curious Bill, especially at this juncture when it is not even one month since the great Saint Mahatmaji died. Sir, will you come forward with this Bill in this House had Mahatmaji been sitting here? Certainly not. Anyhow, I have now to deal with the subject. I see there are only two issues in this Bill. One is man-hunting and another is indiscriminate death sentence for men. Why not you name the Bill as 'Man-hunting and Indiscriminate Death Sentence' Bill? That will be more appropriate. Sir, do you think that by taking such measures you are going to solve the problem? Certainly you cannot do so. Life is not so cheap, as you think to shoot men indiscriminately. Life is greatly valued. The only thing we are to consider is what the root cause of all the trouble is. When there are so many other devices as pointed out by my friends, you have come with this Bill to suppress disturbances alone. Sir, it is a well known fact that it is anti-Islamic to give death sentence to a man who has not committed murder. Further, in these days, whether it would be practicable to enforce such a law, has also to be considered. The Hon. Minister says that the disturbed area will be notified and then fire order will be issued. How far it is possible and how far it is practical has to be explained by him. Such things do not happen after giving notice to the Hon. Minister, Sir. Such outbursts happen all on a sudden. I do not know when the notification will go to the disturbed place and I do not also know as to when the fire order will be there. Again, Sir, soon after the disturbance is suppressed, when and how the cease-fire order will go? These are things which will have to be considered. In his opening speech the Hon. Minister has said and some other Members also have said (I think the hon. Member Mr. N. S. Varadachari) that South is better than North. When that is so, why this Bill is brought here first? The Hon. Minister may come forward with this Bill after such a Bill is passed in all the eleven other Provinces of India. Why should he give a lead? After all he says that we are better here. At the same time, he wants to give the lead in this connexion. (Interruption by Sri N. S. Varadachari.) It is not quite correct to say that we are quite safe here. You know what happened in Ramnad and Madura districts, and quite recently what happened in Rajapalayam, Erode and Tiruvannamalai. In Tiruvannamalai a Muslim priest was burnt to ashes. In all those places properties worth several lakhs of rupees belonging to Muslims have been looted."

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MR. SPEAKER:—"I told the hon. Member Mr. Srinivasa Rao not to mention all these things, because this would prejudice the enquiry."

SINNA KAZIAR HAJI MOULVI S. A. F. IBRAHIM SAHIB BAHADUR:—"I did not say anything in detail, Sir. Again, it was said by some Member that this law might not be used and that there might be no necessity to use this law. Still, the Hon. Minister said that this law should find a place in the Statute Book. Why, Sir? Is it going to beautify the Statute Book? Is it only for *namkevasthe*? Certainly, Sir, when we have no money we will never spend. When we have money in our pockets, even if we do not find ways to spend, still we will invent a way to spend it. So, when there is no law, there is no risk. But when there is the law, certainly it will be put into use."

"Sir, you know that during the time of the Hon. Mr. Prakasam, we passed a Bill like this. What effect it had? Even on suspicion, the common man on the road was arrested by the Police. It is a fact known to the world that regarding the Muslim National Guards, there was not even the slightest shadow of suspicion. The Hon. Home Member also has agreed with me in this. But in spite of that a number of Muslim National Guards have been arrested. Sir, I do not know the policy of the Government in this connexion. One thing is certain. I am sure, and I assure you, Sir, that if there be a section of the people who can sacrifice anything that is sacred to them to save the life of Mahatmaji, they would be Muslims. It is not words that are going to satisfy. We have shown it in action. When Gandhiji was in Noakhali. There, he was with Muslims, he sat with Muslims, he talked with Muslims, he ate with Muslims and slept with Muslims. Still, he was safe. They were keeping him like a sacred thing. He was keeping safe. (Sri T. S. Pattabhiraman: 'What about the rest of the Hindus there?') Whatever that may be, Muslims had more regard towards Gandhiji. (Sri T. S. Pattabhiraman: 'No.') So, still to suspect Muslims of those offences, will be a sin. We are loyal subjects of the Indian Union. We have been saying this from house tops. We will continue to be loyal and sincere to Indian Union. When we say that we are loyal, you say that we are all fifth columnists and traitors. Certainly we are not."

1-15 P.M. "Sir, if you charge them as traitors on this account, then, you should understand that you will not escape from the charge of being greater traitor-breeders. To suspect the Muslims without any proper evidence is rather a sin. Further if you are empowered to-day with these powers, there will be wholesale arrests. If you are empowered with extraordinary power, I think, the Hon. Minister may even shoot me on the road. So, in order that the lives of innocent people may be saved, Government should not arm themselves with such power."

"Then, Sir, there is another thing in the village parts. People do not have any regard to the Police, or the District Collectors or even the Ministers. The mistake is on the part of the

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Ministers. Wherever the Ministers go, they say that the Police, Collectors and Ministers are the servants of the people. Why should they go and tom-tom that the Ministers are servants of the people and so on? If you are their servants, Sir, why should you not garland them? On the other hand, they garland you. But nowadays, the villagers have taken the word literally and they do not care for either Ministers or Police officers. Such is the mentality of the villagers nowadays."

"Another matter, Sir, it is said that habit becomes nature. You were law-breakers during the civil disobedience movement. You know that if you break the law you will be fined. Still, you broke the law. I will explain how. You are taking all measures in certain places to remove the prohibitory ban. In certain places you want to impose it and in certain other places you want to withdraw it. It is a bad policy. Such a leniency should not be encouraged. After all, this Act is not going to help us. It is said by Mr. H. G. Wells, 'The true strength of rulers and emperors lies not in armies and emotions but in the government of the land being inflexible, open, truthful and legal.' These are the qualities required from you. You should be inflexible, open, truthful and legal. It may be that your flexibility also has been the cause for all troubles. If I say, it may be from the hostile camp. But it has been confirmed even by a Congressman of Andhradesa, Mr. Konda Venkatappayya. Sir, I do not want to take up much of the time of the House. Finally I want to suggest one thing. Anyhow, law and order has to be maintained. It should be done effectively. Man-hunting and man-shooting will not serve the purpose. The best thing will be to adopt the system which is in vogue in Hedjaz where the Saudi Sultan is carrying out his orders effectively. In Hedjaz every village officer is responsible if anything goes wrong in his village. If the village headman finds that somebody is doing something wrong, he will take that man to the concerned officer or he will book him and find out the real fact of the case. This system is now prevalent in Hedjaz under the Sultan. (Interruption.) In olden days it was hell during Turkish regime; now it is heaven. In the same way, in our Province, in every constituency, the Member of the Legislative Assembly should be held responsible. My responsibility as Member of the Legislative Assembly is great because if any theft or murder takes place in my constituency, namely, Madura, I will be held responsible whereas the responsibility of the Congress Members of the Legislative Assembly is less because there are eight Members representing that place in this Assembly."

"Sir, in speaking on this Bill, I do not know whether I support or oppose the Bill. (Laughter.) You have been hearing but you do not know whether I oppose the Bill or support the Bill. I do neither oppose nor support the Bill. One thing is there; if you are going to pass the Bill as it is before the House, then I oppose it. If no power is given to sentence any man with death unless he has committed murder then I support the Bill."

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* SRI R. V. SWAMINATHAN:—"Mr. Speaker, Sir, it has been spoken by many hon. Members that by this legislation, the Government are giving enormous powers to the head constable as mentioned in one of its clauses. I really want to know from the Hon. the Home Member why such extensive powers should be given to a head constable to shoot people, even if there are five people in a place. Not only I am opposed to the idea of giving such a power to the Police but in justice and fairness, the decision to open fire in a particular place should not be entrusted to a Police officer but to some other machinery. We have bitter experience of past happenings and of Police actions in the 1942 political movement. I want to mention one instance which took place in my district. The District Superintendent of Police of the district, during those days, called all the Sub-Inspectors and told them, if you find any public meeting even a small meeting consisting of fifty or hundred persons and even if it is a peaceful meeting, even if they had done nothing harmful, do not beat them or do any such thing, but open fire and kill some of them. That was the instruction that the District Superintendent of Police gave because if such a thing once takes place, every one will be terrorized so that they will not hold another meeting in any other place in that area. That is the way in which the Police officers have been given extensive powers in those days in order to terrorize the people. But, you may say that the Police have changed and that even the idea has changed because we are now running our own Government, but I must say, Sir, that the Police mentality has not changed. I may mention one or two instances to show that they have not changed. There are policemen who still think that their masters are the British and not the Indians. There are still some policemen who think that they are the servants of an alien Government and not our own Government. This feeling is there among some Police officials and how can we invest these men with enormous powers. Sir, time and again, our Hon. Home Minister has used the expression that we should not complain against the Police and that if they committed any mistake, he will take the responsibility. He has stated this many a time. This statement encourages the Police people. They think that even if they commit mistakes, there is Hon. Gentleman, the Home Minister, who is prepared to bear all their sins and mistakes. Just like Lord Siva who swallowed the 'Ala Gala Visham', they think that the Hon. the Home Minister will take upon himself all their sins and thus they are prepared to commit more mistakes. That is the state of affairs prevailing in the country to-day.

"I can mention one more instance. One Sub-Inspector was travelling in a motor bus and he found a school teacher sitting in the front seat. At once, the Sub-Inspector wanted the teacher to vacate the seat for him. Because he is a Police officer, he must be given preference to sit in the front seat. When the teacher refused to vacate, he was brutally beaten by the Police Sub-Inspector with the help of some constables. Sir, if a petition is sent to the Government, the Hon. Minister sends those

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papers to the District Superintendent of Police through proper channel, who naturally helps the policemen because he thinks he must help his subordinates. Thus, even though the common man writes to the Government, nothing happens. In certain cases, if there are mistakes and representations are made to the Home Minister against such Police officers, the Hon. Minister says that it is for the District Superintendent of Police to take action on the matter and that the complainants would have to go to him. When there are complaints against big officials and when we represent the matter to the Home Minister he directs that we should also bring the matter to the notice of the Premier. But we are in a wonderful situation. We cannot see the Premier. The Premier is inaccessible. Our Premier is observing a system of unseeability. We have heard stories that in Malabar the Nambudiris will not see the Nayadis because of the old system of unseeability. This system of unseeability is quite unthinkable in a Premier but our Premier is strictly observing it. He will not be accessible even to the Members and much less to the public. In such cases where we want strong action to be taken, we are helpless because we cannot see the Premier. (Sri Kalluri Subba Rao: 'If you are there what will you do?') If you make me the Premier I will see you hundred times in a day. (Laughter.) I do not want to take much time, Sir. Only recently we have passed a Bill called the Rent Reduction Bill. We have requested the Hon. the Revenue Minister to make it more clear. But it has been passed in a confused manner. On account of that Act, further trouble has been created. No doubt, it is intended to give relief to ryots but when the zamindar goes to the village to collect the rents, he does not accept the reduced rent."

MR. SPEAKER:—"That Bill has nothing to do with this."

SRI R. V. SWAMINATHAN:—"I mention that because the trouble is there and there is a possibility of disturbance taking place."

MR. SPEAKER:—"It is now 1-30 and the House should rise for lunch."

SRI R. V. SWAMINATHAN:—"I will finish my speech in two or three minutes. Suppose an inamdar or a zamindar goes to his village to collect rent and the tenant says that he would pay only the reduced rent and nothing more. The landlord would insist on the full rent being paid. Here the trouble will be created. Police will come. This will create more trouble. Then, that place would be declared a disturbed area and there will be a chance of people being fired upon.

"Sir, I request that this power to order fire must not be given to officers below the rank of a Sub-Inspector. I would prefer it to be given only to Magistrates. It may be asked how the Magistrate could be present immediately where there is disturbance. According to this Bill, if an area is notified to be a disturbed area, not only the Sub-Inspectors but the Magistrates and all the big officers of district will be in that place. They can deal

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with the situation. Therefore, I request once again that this power should be given only to officers not below the rank of a Sub-Inspector though I would prefer it to be given to a Magistrate. With these words, I resume my seat."

MR. SPEAKER:—"The House will now rise for lunch and meet again at 2-30."

The House then rose for lunch.

(After lunch—2-30 p.m.)

MR. SPEAKER (as there was no Hon. Minister present on the Treasury Benches):—"If any hon. Member wants to speak now and if he is not particular of the presence of the Hon. Minister, he may do so."

SRI M. S. PATTABHIRAMAYYA:—"Sir, I rise to support this Bill heartily and unreservedly. This Bill is very opportune now. The Hon. Home Minister who was touring in some of the districts in our parts must have seen the situation prevailing there. He has listened to the representations made by the hon. Members of the Legislature and he has also consulted his Police officers and other officers."

(At this stage the Hon. Sri M. Bhaktavatsalam entered the House and took his seat.)

MR. SPEAKER:—"I think the Hon. Minister should apologize to the Chair for not being here in time."

THE HON. SRI M. BHAKTAVATSALAM:—"I am not the Member in charge of the Bill. But as the Hon. Speaker has mentioned this, I apologize to the Chair, Sir."

* SRI M. S. PATTABHIRAMAYYA:—"After listening to the representations and knowing the facts and understanding the serious situation which has developed in the last few months, the Hon. Home Minister should have brought forward this Bill. Sir, many sections of the people in various parts of the country have not been feeling secure at all. It was stated that this Bill was indirectly aimed at minorities. It is not at all so. It is only for the protection of the minorities. There have been instances in our parts where the minorities have been harassed by the majority community, because the Police have not sufficient power to cope with the disturbances. (At this stage the Hon. Dr. P. Subbarayan entered the House and took his seat.)

"Sir, if the Hon. Home Minister had been more explicit in the Statement of Objects and Reasons, many misunderstandings would have been removed. He has said that this is brought forward in view of disturbances in other parts of the country. There have been disturbances in our Province also. Because there is a likelihood of the recurrence of disturbances, this Bill has been brought forward. It is not too late; it must have been brought forward earlier.

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"Most of those who have objected to the Bill have objected to the power given to the head constable. I believe, Sir, that the head constable should have the power that is proposed to be given to him, because under the present circumstances, it is not easy for the Government to depute an officer of higher rank for the purpose everywhere. Petty disturbances often take place, sometimes small bands of people take aggressive action and take the law into their own hands and commit crimes. These may not have come to the notice of the public, but the Government are aware of them. In all these cases, it may not be possible to depute a Magistrate or a Sub-Inspector to order fire. There have been instances in villages where a set of people terrorize the whole village. The Police, either because they did not anticipate the disturbance or because they were in the dark, were not able to suppress the disturbance. Sir, the police officers were till now thinking they were serving an alien Government; their mentality is changing and they have begun to feel that they are the servants of the people. They have been feeling that they have not been armed with sufficient powers to cope with disturbances and that when disturbances take place, it becomes too late for them to inform the higher authorities and get sufficient help and sufficient legal authority to cope with the situation.

"Sir, it has been said that this remedy is a drastic remedy but the deplorable situation in the country requires such a remedy. There have been disturbances in many places. They may not be entirely due to religious differences, but they are due to communal differences and economic difficulties. People take the law into their own hands and interpret liberty to mean licence to do as they like. To abuse people and commit crimes, they think, is liberty and the road to power and office. That has been going on in our parts. We cannot deny it.

"Sir, it is true that with the power already in the hands of the police these disturbances should have been suppressed. But the disturbances have been occurring in many places. They have been caused in an organized manner. The leaders are intelligent people: they are either disgruntled or they take orders from some other country. When this is the case, it is not possible for the local police officers to cope with the situation.

"Sir, it is true that the head constables are not very well educated in the sense that they can write well or speak well. But in olden days, before the creation of the cadre of Sub-Inspectors, they were in charge of police stations. Though they may not have been educated in schools and colleges, the head constables feel that they are one of us and they must be able and will be able to cope with the situation. They realize the responsibility.

"Sir, it has been pointed out that those who are in charge of the Government now were themselves encouraging the breaking of laws in the good old days and that now they want to suppress law-breaking. But the laws that were broken by these gentlemen in the old Satyagraha days were innocuous laws like the salt laws

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and so on. But at present in the course of law-breaking, head-breaking, murder and massacres are committed. Sir, by this Bill no one's liberty is taken away. It is only when a certain area is notified to be a disturbed area that such powers are taken. Such powers are given to the police. With all the help of the soldier, the military or anybody else, after all it is the Police department which keeps the peace. In the rural parts where the people themselves keep the peace, it is all right. But when they fail, it is the Police officer in charge of a small police station in an out-of-the-way place that is to keep the peace. The people run there for help and he should be well-armed and authorized to take proper action; he should be helped and supported by the Government in all they do within the terms of the Act. Any Government which fails to give security to the lives and property of the people, whoever it may be, I think that Government must go away. It is the duty of the Government to protect the lives and property of the people and to empower the police with extraordinary powers when an emergency arises. I support this Bill wholeheartedly."

Mr. SPEAKER:—"I now fix the time-limit of future speakers as 15 minutes."

* SRI K. BRAHMANANDAM REDDI:—"Mr. Speaker, many hon. Members who spoke before me in support of this measure have expressed deep concern about the possible ways in which it might be worked by the police officials. Knowing as we do the ways of the police before, it does not take anybody by surprise if you express such concern. But when we realize that a measure of this type is necessary in the interests of peace, the corollary follows that the only people who can be armed with authority is the police and nobody else. I think the Government are alive to their responsibility when they are going to arm their officers with extraordinary powers of this nature. I hope it will be keeping a very strict watch over their officers' conduct. We can only request the Government to keep themselves in close touch with the situation."

"I have an objection to the definition of 'disturbed area' in clause 2. It is said 'disturbed area' means an area for the time-being declared to be a disturbed area by notification under section 3. The Government have not given any indication as to how they are going to declare an area as a disturbed area. I think it would have been better, had the Government given us some indication as to what a disturbed area actually means; whether it means any area disturbed by communal clashes alone or by other things also. I believe it is intended purely to keep under control communal disturbances. But supposing, as some hon. Members have expressed before, there is an agrarian trouble, there is a land dispute over which an area may be disturbed, do they become disturbed areas? I want a clear answer about this from the Government. If so, the definition ought to be explicit."

"In section 5 of this Bill, abetting the commission of an offence is made punishable. I wish to know what happens to the

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conspirator. If Mahatma Gandhi has been assassinated by a particular individual Godse it is within our knowledge that there are possibly 10 or 100 'Godses' behind that assassination. What happens to them? Abetment and attempt to murder are made punishable. But abetment is different from conspiracy and an attempt also is different from conspiracy. So I want that the Hon. Home Minister should improve the section so as to rope in conspirators. In my opinion, a conspirator is a more dangerous person than a man actually coming to the open and committing an offence."

"In section 4 several offences mentioned under the Indian Penal Code have been mentioned. But what about forcible conversion. There is no mention about forcible conversion here. I think it is as bad an offence as an attempted murder. We have been seeing in communal disorders that the three most important offences committed are, murder, arson, loot. In my opinion equally important with them is forcible conversion, I request the Hon. Home Minister if this Bill is intended purely to prohibit or keep under control communal disturbances to bring 'forcible conversion' also within the Bill. There are no more suggestions that I have to make. I wish, firstly, that the disturbed area has to be clearly defined. Secondly, that the conspirators should come in under section 4 and forcible conversion also should be made an offence."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, you know that when you called me, I was not here and I am requesting you to permit me to avail myself of your kindness now and to give me an opportunity to speak."

Mr. SPEAKER:—"The hon. Member can speak now."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, I rise to offer my support to this Bill and I do so with mixed feelings of joy and sorrow; of joy because Government have at least now come forward to discharge their primitive though paramount responsibility of preservation of peace, of sorrow because certain things should have so conspired as to place us to-day on the edge of a volcano and Government feel that they must have still to guarantee us freedom from fear. Mr. Speaker, one thing I could not help disagreeing with the Hon. the Home Minister and the Leader of the House was when he cited the authority of a time-worn theory of the 19th century, the utilitarian maxim of Jeremy Bentham, namely, the greatest happiness of the greatest number. If it is with that intention that he has framed this Bill, I ask: 'Is it that with which we are faced now in modern times; is it that the greatest happiness of the greatest number is at stake now?' Really if that were to be the argument now, the R.S.S. and the Hindu Maha Sabha would as well be completely satisfied with the orgies of violence that had broken out in this country. But actually even as you know from the experience that you must be having of the down-trodden community to which you belong and even as I do to a minority community steeped now in fear

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complex, it is not so much the greatest happiness of the greatest number that is involved but on the contrary it is the guarantee of freedom from fear for the smallest number that we have got to agitate for on the floor of the House. It is in that sense, Mr. Speaker, that I offer my support to this Bill because circumstances have so conspired to-day that not only every day but every hour and every minute and moment, the minorities are haunted by this dreadful dragon of fear that is eating into the vitals of their society. Yet when the Leader of the House is proposing this measure to arm Government with authority, with emergent powers, I know that he is only allowing the Government to assume serious proportions of a Leviathan which is devouring in its entrails the little worms that suffer existence! We are not going to judge the Bill by mere words which it contains, however satisfactory they may be to the metaphysicians nor even by the achievement of this Bill which we shall as well leave to the womb of the future. By intention is, it the intention of the Hon. the Mover and of the Government which he represents and the majority which he dominates that were going to judge the Bill, whether it is good or bad. We are not enamoured; we are not entertaining hopes like an idiot's delight in a fool's paradise that words and mere words mean much. We know this country which has been preaching for generations the creed of truth and non-violence is to-day guilty of Mahatmacide!

MR. SPEAKER:—"Order, Order. Let not the hon. Member bring in things which have no connexion with the debate."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"I am only speaking on the suppression of disorders. (Laughter.)"

"In our country nothing seems what is and nothing is what seems. There are tall talks of huge propaganda but when it comes to a question of achievements, they are nil. Particularly when I went over to that horrible spot in my district, Tiruvannamalai, the other day, I was wondering from the destruction of property of minorities and of the life of the members of that community, the Muslims, whether we were fit to be free and if I may correct myself: 'Are you fit to rule? Are you fit to rule when there is no elementary sense of justice to give protection for the person and property of the minorities? Have you still a right to go about with your head high and claim that you are in a comity of civilized nations?' I pause for an answer and I know there is no answer except mere words, verbiage. For the very reason that minorities are not having freedom from fear we must see that Government should at least be armed with powers to deal with emergencies and thus ensure that there is no more destruction of person and property of the minorities. We have very often heard so much about the popularity of this responsible Government but this Bill is a clear proof and is a sad commentary of our freedom and is a terrible reflection upon their popularity. If your popularity is rooted on the good will of the people, where was the need for it. (Sri Kallur Subba Rao: 'There are mischievous people'.) Yes, Mr. Speaker, the hon. Member belongs to such

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people. (Laughter.) It is with a sense of shame that I bow down my head and call myself countryman of such mischievous men. 3 p.m. Well, Mr. Speaker, it only shows there has been a change in the trend of public opinion. Something is wrong somewhere. Evidently another general election will set matters aright, and possibly Government is not commanding the confidence of the people. Disruption has set in in every walk of life, in every section and in every group of men. I know, belonging as I do to a down-trodden community, where the shoe pinches, for it is only the wearer who knows where the shoe pinches. I know one crore has been given for the amelioration of one down-trodden community; and it still remains as a promise on paper."

MR. SPEAKER:—"Order, order, what has that to do with this thing."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"I only want to show how can we have implicit faith in the powers-that-be when they do not carry out the assurance they give. If only you can guarantee peace and prosperity we can have confidence in you. It is in that hope and that hope alone I give my support to this measure."

SRI N. M. R. SUBBARAMAN:—"கனம் சபாநாயகர் அவர்களே, கலகங்களை அடக்குவதற்காக கொண்டுவந்திருக்கும் இந்த மசோதாவை முதல் தடவையில் பார்த்தவுடனே அங்கத்தினர்களுக்கு வியப்பும் அறு வருப்பும் உண்டாகியது. ஆனால் அந்த மனப்பான்மையானது மந்திரி டாக்டர் சுப்பராயன் அவர்கள் கூறிய தனது முகவுரை பிரசங்கத்திலிருந்து ஒருவாறு மாறுதலடைந்திருக்கிறது. வடநாட்டில் நடக்கிற மாதிரி நம் நாட்டில் எந்த விதமான கலகமும் நடக்கக்கூடாது என்பதற்காகவே முன் எச்சரிக்கையாய் இந்த மசோதா கொண்டு வரப்பட்டிருக்கிறது. அதற்காகவே சர்க்காரும் இவ்வளவு அதிகாரத்தை எடுத்துக் கொண்டிருக்கிறார்கள். அதைத்தவிர சாதாரணமாக ஜனங்களுக்கு இருக்கக்கூடிய சுதந்திரத்தைப் பறிக்கவும் அவர்களுக்கு இடையூறு செய்யவேண்டுமென்று நினைத்தும் இந்த மசோதா கொண்டுவரப்படவில்லை. வகுப்புக் கலவரங்களை மட்டும் நிறுத்த இந்த மசோதா கொண்டுவரப் படுவதாக இருந்தால் அது அவ்வளவு சரி இல்லை என்று நான் நினைக்கிறேன். நம்முடைய நாட்டில் சிறிது காலமாக நிலைமை சந்தோஷமாக இல்லை. எங்கு பார்த்தாலும் பலாத்காரம் நிரம்பி இருக்கிறது. அரசியல் கட்சிகளும், பொருளாதாரக் கட்சிகளும், வகுப்புக் கட்சிகளும் அவரவர்கள் தங்களுடைய நோக்கங்களை பரப்புவதற்காக விரும்பத்தக்க முறைகளை யெல்லாம் அனுஷ்டித்து வருகிறார்கள். துவேஷமே வழியாக நினைத்து தங்களுடைய கருத்துக்களை அவர்கள் பரப்பி வருகிறார்கள். துவேஷம் என்ன செய்து விடும் என்று நினைக்கலாம். துவேஷ எண்ணம் பரவப்பரவ கடைசியாக வருவது பலாத்காரம்தான். முதலில் எண்ணத்தில் துவேஷம் இருந்தது. பேச்சில் அதைக் கொண்டு வந்தார்கள். கடைசியாக செய்கையில் ஜனங்கள் பலாத்காரத்தில் இறங்கிவிட்டார்கள். அரசாங்கமும் அவைகளை அடக்க முடியாத அளவில் இந்த பலாத்காரம் இப்பொழுது வளர்ந்திருக்கிறது. அதனால் சமூகச் சச்சரவு ஏற்பட்டு ஒரு பிரிவுக்கும் இன்னொரு பிரிவுக்கும் சச்சரவு ஏற்பட்டு சமூகம் ஸ்தம்பித்துப்போகும் நிலைமைக்கு பலாத்காரம் கொண்டுவந்துவிட்டது. ஆகையால் அவ்விதமான நிலைமை ஏற்படாமலிருக்க சர்க்கார் எல்லாவிதமான நடவடிக்கைகளையும் எடுத்துக்கொள்வது அவசியம். பொது ஜனப் பாதுகாப்புச் சட்டத்தை சில மாதங்களுக்கு முன்னால்தான் சர்க்கார் கொண்டுவந்தார்கள். அந்தவிதமான சட்டம் இருக்கும்போது மறுபடியும் புது புது சட்டம் கொண்டுவரப்படுகிறது. ஏனென்று கேட்கப் படுகிறது! பொதுஜன பாதுகாப்புச் சட்டம் நெருக்கடியான சந்தர்ப்பத்தில்

[Sri N. M. R. Subbaraman] [18th February 1948]

உடனே பூர்ண சமாதானத்தை நிலைநாட்ட உதவியாக இல்லை. அதனால் தான் இந்தச் சட்டம் இப்பொழுது கொண்டுவரப்படுகிறது.

“இந்தச் சட்டத்தைக்கொண்டு வருவதால் சில அரசியல் கட்சியார்களும் வகுப்புக் கட்சியார்களும் சிறுபான்மையோரும் தங்களை ஒடுக்கவே இதைக் கொண்டுவருகிறார்கள் என்றும் தங்களுக்கு விரோதமாக கொண்டுவருகிறார்கள் என்றும் அபிப்பிராயப்படுகிறார்கள். அதற்காகவே முன்னுணர்வியில் மந்திரி அவர்கள் தெளிவுபடுத்திக் கூறினார்கள். யாருக்கும் எந்தக் கட்சியாருக்கும் வருப்பாருக்கும் விரோதமாக இந்த மசோதாவைக் கொண்டுவரவில்லை என்று அவர் சொன்னார். இந்த மசோதா சட்டமன்றின் அதை உபயோகப்படுத்த சந்தர்ப்பம் அவர்களுக்கு வரவேண்டாது என்று அவர் கூறினார். அவருடைய விருப்பத்தையே நாம் ஒவ்வொருவரும் கொண்டிருக்கிறோம். இச்சட்டத்தை உபயோகிக்கக்கூடிய நிலைமை நம் நாட்டில் ஏற்படக்கூடாது என்று நாம் ஒவ்வொருவரும் வேண்டுகிறோம். பொதுவாக பலாத்கார இயக்கம் இல்லாமல் நம் நாடு சுதந்திரம் அடைந்தது. ஆனால் சுதந்திரம் அடைந்த பிற்பாடு நாட்டில் காரியங்களைச் செய்வதற்கு இப்படிப்பட்ட சட்டங்களைவிடாமல் தேவையாக இருக்கிறதே என்று நினைத்து வருத்தப்பட்டுவருகிறார்கள். முதலாவதாக சமாதானம் இருந்தால்தான் நாம் சுதந்திரத்தை அனுபவிக்க முடியும். சுதந்திர நிரம்பான காரியங்களைச் செய்யமுடியும். ஆனால் நாட்டில் மறைமுகமாக இயக்கங்கள் நடந்து கொண்டு வருகின்றன. மிக சிறுபான்மையோர்தான் அவர்கள் கட்சியை ஆதரிக்கிறார்கள். ஏனென்றால் அவர்கள் நாட்டில் பயங்கரமான ஒரு தன்மையை உண்டாக்கியிருக்கிறார்கள். கொஞ்சம்பேர்கள் இருந்து கொண்டு அரசாங்கத்தையும் சமூகத்தையும் ஸ்தம்பிக்கும்படி செய்கிறார்கள். அவர்களுடைய காரியங்களை சர்க்கார் ஜாக்கிரதையாக கவனித்துவர வேண்டும். சந்தர்ப்பம் வரும் காலத்தில் அதைத் தடுக்கவும் சர்க்கார் எப்பொழுதும் நயாராக இருக்கிறார்கள். ஆகையால் சர்க்கார் இப்படிப்பட்ட அதிகாரத்தை வைத்துக்கொண்டு இருந்தால் அவசியம் ஏற்படும் காலத்தில் அந்தமாதிரி சந்தர்ப்பங்களில் இதை உபயோகப்படுத்த மிகவும் உபயோகமாக இருக்கும் என்பதற்காகவே இதைக் கொண்டுவருகிறார்கள். பூர்ண அதிகாரம் இல்லாமல் இருந்தால் நெருக்கடியான சந்தர்ப்பங்களில், சர்க்காருக்கு ஆதரவு இருந்தபோதிலும், சிறுபான்மையோருடைய பேச்சால் சர்க்காரைக் கவிழ்க்கக்கூடிய நிலைமை வந்துவிடும். அந்தக்காலத்தில் சமாதானத்தை நிலைநாட்டுவதை உத்தேசித்தும் ஜனங்களின் நன்மையை உத்தேசித்தும் இந்தவிதமான அதிகாரத்தை எடுத்துக்கொள்வது மிகவும் அவசியம். இரண்டொரு மெம்பர்கள் பேசுகிறார்கள், அவர்கள் வகுப்புக் கட்சியை மிகவும் எதிர்த்து பேசுகிறார்கள் என்று கூறினார்கள். கட்சி வகுப்பு என்ற வித்யாசம் சர்க்காருக்கு இல்லை. சர்க்கார் காவிரிஸ் கட்சியைச் சேர்ந்தபோதிலும் அவர்கள் ஒருதரம் சர்க்கார் பீடத்தில் உட்கார்ந்தவுடன் எல்லோரையும் சமமாகக் கருதுகிறார்கள். ஆனால் வகுப்புக் கட்சியைச் சேர்ந்தவர்கள்தான் அவர்கள் வெவ்வேறு வித்யாசமாக நடக்கிறார்கள். வகுப்புக் கட்சியைச் சேர்ந்தவர்கள் தங்களுடைய சுதந்திரத்தை பறிக்கப்படுகிறது என்று சொல்லுகிறார்கள். அப்படி இல்லை. செய்கையில் அந்தமாதிரி நடக்கவில்லை. கட்சிக் கொள்கைக்காக சிறையிலடைக்கப்படுகிறார்கள் என்று சொல்லுகிறார்கள். அது ஒன்றும் உண்மை இல்லை, அவர்கள் கட்சி சம்பந்தம் இல்லாமல் சட்ட விரோதமாக நடந்ததற்காகவே அவர்களை சிறையிலடைக்கப்பட்டிருக்கலாம். கட்சியைச் சேர்ந்தவர்களென்று சிறையில் அடைக்கப்படுவார்கள் என்று பயப்படவேண்டியதில்லை. எந்தக் கட்சியாக இருந்தாலும் சமாதானமாக இருந்தால் யாரும் பயப்படவேண்டியதில்லை. ஆனால் ஒரு கட்சியைச் சேர்ந்தவர்கள் என்றும் ஒரு வகுப்பைச் சேர்ந்தவர்கள் என்றும் பார்க்கும்போது அவர்களிடது ஆத்திரம் உண்டாகிறது. ஒரு வகுப்பைச் சேர்ந்தவர்களென்றும் ஒரு பாதுகாப்பைச் சேர்ந்தவர்கள் என்றும் பார்க்கும்போது ஒருவிதமான ஆத்திரமும் கோபமும் உண்டாகிறது. பெரும்பான்மை வகுப்பைச் சேர்ந்தவரை இருந்தால் அவன் ஆத்திரம் அடைவது இல்லை. கோபம் அடைவது இல்லை. ஆகையால் ஒரு வகுப்பைக்கண்டு ஆத்திரமோ கோபமோ அடைவது மொழிபெயர் தவறான ஒரு மனப்பான்மை. ஆகையால் இந்த சட்டத்தின் மூலமாக நாம் எல்லாக் காரியங்களையும் சாதித்துவிடலாம். கலகம் பூராவையும் அடக்கி

[Sri N. M. R. Subbaraman] 19th February 1948]

விடலாம். நாட்டில் பூர்ண ஒற்றுமையை நிலைநாட்டிவிடலாம். பாதுகாப்புக் காகவும் முன்னாக்கிரதையாகவும் இந்த சட்டத்தை சர்க்கார் கொண்டு வந்திருக்கிறார்கள். முதலில் அடிப்படையாக ஒற்றுமையையும் சகோதரத்துவத்தையும் உண்டாக்கவேண்டியது ஒவ்வொருவருடைய கடமையாகும். துவேஷ மனப்பான்மை மிகவும் அதிகரித்துக் கொண்டிருக்கிறது. கட்சி மனப்பான்மை போய் ஒற்றுமை மனப்பான்மையை வளர்க்கவும் சகோதரத்துவத்தையே பெருக்கவும் வேண்டும். குழந்தைகள் ஒவ்வொருவரும் எந்த ஜாதி வகுப்பானாலும் சரி சிறுபிரயம் முதற்கொண்டே ஒற்றுமையாக இருக்க அவர்கள் பயிற்சியடையவேண்டும். அதுதான் மிகவும் உதவியாக இருக்கும். கல்வி பெருகையில் வெவ்வேறு தனித்தனி ஸ்தாபனங்கள் இல்லாமல் எல்லோரும் சேர்ந்து படித்துவளரக்கூடிய ஸ்தாபனங்கள் இருக்கவேண்டும். அதேமாதிரியாக சமூகத்திலும் தனித்தனியாக வகுப்பு ஸ்தாபனங்கள் இருக்கக்கூடாது. எல்லோரும் சேர்ந்து பழகுவதேண்டும். தனித்து நிற்கக் கூடாது. இவ்விதம் இருப்பதைத் தவிர வேறுவழி நமக்கு ஒன்றும் இல்லை.

“துவேஷத்தை பத்திரிக்கை மூலமும் பேச்சு மூலமும் யார் பிரசாரம் செய்தாலும் உடனே அதை கண்டித்து அதை அடக்கி தக்க நடவடிக்கை சர்க்கார் எடுக்கவேண்டும். அப்பொழுதுதான், சாஸ்தமன முறையில் அடிப்படையான ஒரு ஒற்றுமை ஏற்படும். இறுவரைக்கும் இருந்ததுபோல் இல்லாமல் இனிமேல் ஒற்றுமையும் சகோதரத்துவமும் வளர்ப்பதற்கு எல்லோரும் பாடுபடுவேண்டும். நாம் மற்றவர்களை குறை சொல்லிக்கொண்டிருக்கிறோம். நாடே சரியாக இருக்கிறோமா என்று யோசித்துப்பார்க்க வேண்டும். மனதிலுள்ள வேற்றுமை எண்ணங்களை நீக்கி ஒற்றுமை எண்ணங்களை வளர்ப்பதற்கு ஒவ்வொருவரும் பாடுபடுவதைவிட வேண்டுமென்று கேட்டுக்கொண்டு நான் முடித்துக்கொள்ளுகிறேன்.”

Mr. SPEAKER:—“I find there is too much of repetition and so I reduce the time limit to ten minutes.”

MOHAMED ABDUL SALAM SAHIB BAHADUR:—“Mr. Speaker, Sir, I rise to oppose the Bill wholeheartedly and with no mixed feeling. It is really a sight for the God's to see that the Congress Party in power should come forward with a Bill asking for more powers for the head constables. If we study the history of this party we will see, one of the very things they said in the past is that the Police have abused their powers, and in every place, whether it was relevant or not, it had been the fashion of the members of that party to decry the Police. And now it is a pity that this Party in power should come forward and ask for special powers, more powers and additional powers to them and say all that is necessary at this critical juncture. It is true, Sir, we had some troubles in this Province but fortunately we are not very much affected, and it is really fortunate that our Home Minister has come forward with provision to have armed reserve and Home Guards. We hope with these powers Government will be able to cope with the situation, and it is quite unnecessary to come forward with such a Bill as the present one asking for powers to be given to head constables to shoot and kill. It is possible the Government might say the situation now requires it. But I only request the Hon. Home Minister and his party, to refer back to their own propaganda they had carried on in the Province for the last 25 years. Is it not a fact that their first and foremost attack on the then administration in every speech they delivered was that the Police had misused the powers entrusted to them and that therefore they should not be entrusted with powers? How can you entrust such wide powers with head constables who have no

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education? No doubt a National Government is now in existence; but the head constables were not appointed by you after you came to power. They have been appointed long ago, according to yourself, by an irresponsible Government and by a foreign Government. Do you expect a change of heart in them? Do you expect wonders and miracles to be performed by head constables, who have arrested you, who have lathi-charged you, who have kicked you? Do you think simply because you are in power as a National Government, there will be any change of heart in them? Sir, there may be a National Government; the Hon. Home Minister may be in charge of the Police portfolio, and he may take pride, as he said, the other day, in defending every act of the Police, but he must remember, this Police Department has been in existence long long before the Hon. Minister took charge of this portfolio. There are persons in this department who are responsible for crimes, atrocities and various other things. Is he going to be responsible for the acts of such persons? How can he be responsible for such acts in the future? But the future alone will reveal, as Mr. Anwar said, whether your intentions are correct and whether the petty officers, head constables, will exercise their powers properly. As Mr. Bhashyam said, Government should tell us, when and how they are going to declare a particular area as a disturbed area. Very soon we are going to have ministerial-leader elections, we are going to have provincial elections and we are going to have boundary questions discussed. I fear in this connexion also some areas will have to be declared as disturbed areas. Are you going to use this Bill for your own advantage? (Sri Kallur Subba Rao: 'Certainly.') It is good Mr. Subba Rao comes out and says this Bill will be used by the party in power to its advantage, and I hope the Members who have supported this Bill will now open their eyes and see. As I said just now, we are going to have provincial elections, discussion of boundary questions and ministerial tangles and troubles; and are you going to declare areas, wherever there is trouble, to be disturbed areas? Why not say in the Bill itself how and why you are going to declare an area as a disturbed area? What prevents Government from using some more sentences, so that neither the Secretariat here nor the constables there may not misuse the powers. The Bill gives the head constable power to shoot. It is silent as to what he should do when the Collector or the Deputy Collector or the Inspector or Sub-Inspector is present; should he consult them before he opens fire; or can he exercise his discretion and act independently of them? The framers of this wonderful Bill have kept silent over that point. Can there be anything worse than this? So, Sir, it is better that in future, Government, when they come forward with Bills, they may be pleased to use some more sentences and some more ink (laughter). It will save a lot of trouble to courts, Ministers and Members of Legislative Assembly, if Government take the trouble to define things clearly. I doubt whether the Hon. Home Minister himself is clear regarding these matters.

"Again, Sir, it has been the fashion of the party-in-power, for the last fifty years, to condemn the Penal Code. They said, it

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was designed and drafted by a foreign power to keep this country down. And we are amending that Penal Code to give greater punishment for certain offences, for which a lighter punishment exists at present in the Code! Now, you are out-Heroding Herod. Lord Macaulay said, that such and such shall be the punishment for such and such offences. But Dr. Subbarayan says, 'No', 'I shall give a severe punishment. For imprisonment I will give the punishment of death.' A foreign Government held that head constables were not fit to do certain things. But here is a Government formed by a party which has been in season and out of season preaching against and decrying the Police which now wants to entrust the same Police with more powers. Now, it is given to Dr. Subbarayan to bring forward a measure for that. 'Sir, as I said in the beginning, it is a sight for Gods to see.

"Again, Sir, as has been said, power corrupts a man, and absolute power corrupts him absolutely. Here, with this Government, it has been the fashion to assume power, to take power, to grab at power in every Bill. This Government has become famous for that. You have created Home Guards, you have increased the armed reserve, and to-morrow you are going to ask for more money for the maintenance of the Police. May I bring to your notice that this party which is in power now has been saying all along 'all the money spent on Police is mere waste'. To-morrow when the budget is presented, this House will see this Government is going to spend more money on Police.

"To conclude, Sir, this Government should tell us when and how they are going to declare a particular area as a disturbed area, and also specify the conditions, when a head constable, if at all necessary, should assume powers now sought to be given to him. I hope the Home Minister will clarify these matters."

* SRI T. S. PATTABHIRAMAN:—"Mr. Speaker, Sir, I wholeheartedly support the Bill that is before us. The very fact that Government has come forward asking for enormous powers is itself to remind us of the grave situation that prevails in the Province to-day. I expected, Sir, the Opposition Bench, namely, the Muslim Leaguers, will be honest enough to admit that the situation is hopeless to-day, and this remedy is the only one that is available. But, unfortunately, not knowing their faults, or perhaps not willing to admit their faults they are trying to throw stones at others. (Mr. Md. Anwar Sahib: Question.) The hon. Member may question, but the fact remains there. A peaceful country has been rendered into a restless one by the insistent preaching of the doctrine of hatred, the doctrine of two-nation theory and the creation of divisions between Hindus and Muslims. If the Muslim Leaguers had been honest enough, if they had not fostered the two-nation theory and if there had been no difference between Hindus and Muslims there would have been no Noakhalis and Tiruvannamalais, about which Mr. Anwar shed tears. I am glad he has raised his voice for the oppressed Muslims of Tiruvannamalai. At least I am glad they have raised their voices. May I ask them whether they raised their voice when Noakhali incident took place, where atrocities, murders, arson and rape were

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committed. In those times their voices were subdued, they were keeping mum; perhaps they were feeling happy. They had not the courage to say the Muslims had done a wrong in East Bengal, they have done a wrong in East Punjab, and they have done a wrong in Noakhali. But when they see one incident of ten or twenty or a hundred Muslim huts being burnt they raise a hue and cry. I pay a great tribute here to the Tamilians for keeping their head cool here. My friend over there said every one of us here in the Congress benches should feel ashamed for asking more power to be given to the Police about whom we condemned so much in the past. We have nothing to feel ashamed. If anybody has cause to hang his head in shame it is the Muslim Leaguers. They have darkened the face of India by shedding blood. If their words mean anything let them cast off their communal mind, let them stop their disruptive activity, let the Muslim League be demolished, dissolved and destroyed once for all."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Hold the general election?"

* SRI T. S. PATTABHIRAMAN:—"Yes, let the general elections be held. I am prepared to take up the challenge. I am quite confident every one of us in these benches will be returned and I doubt whether any one of the Muslim League member over there will be returned if the elections are held under joint electorate. I wish their Doomsday comes very soon."

"This Bill, the Government have brought forward to prevent the disturbances in the Province. The root cause for them lies in the preachings and activities of communal organizations, like Rashtriya Swayam Sevak Sangh and Dravidar Kazhagam. All their vicious propaganda is being carried on on a wide scale. And now this Bill comes at the eleventh, or I should say, at the twelfth hour to try to curb them."

3.30 p.m. "There is one great fear among the labour workers in the Province because of this Bill. It may be with the best of intentions that the Government have sponsored this Bill. We know that this Bill would not have seen the light of day in ordinary times. Because the times are grave, it is desirable that the Government should be armed with sufficient powers. But I must request the Government to keep a strict watch over the authorities so that they may not misuse the powers. If there is agrarian or labour trouble, there is every possibility of the mirasdar or the millowner instigating the Police to apply for the declaration of the area as a disturbed area and curb the labour activities completely. I have got the greatest faith in this Government. I hope they will not be led by the nose and that such a thing will not happen. But there is a fear that this Act may be used against genuine labour organizations which are striving in a non-violent manner for the uplift of labour."

"In conclusion, I want to make one appeal to the Government. The power to order shooting or the declaration of an assembly as unlawful should be vested in better brains and officers

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who can think more calmly and coolly than the Head Constables. I request the Government to vest the power in an officer not below the rank of a Circle or Sub-Inspector of Police."

"With these observations, I entirely support the Bill."

* K. M. SEETHI SAHIB BAHADUR:—"Mr. Speaker, Sir, I was very sorry to listen to the speech delivered by the hon. Member Sri N. M. R. Subbaraman. (Mr. Speaker: 'Sri T. S. Pattabhiraman.') I stand corrected. Names do not matter; sentiments are common. It is very unfortunate that my hon. Friend has imported into the discussion unnecessary and irrelevant matters. The vehemence with which he spoke is a sufficient indication of the fact that minorities in this Province have a very serious obligation to organize themselves to safeguard their rights against the aggressive mental outlook and the aggressive attitude which are exhibited on the floor of this House. What has the All-India Muslim League to do with the trouble in Tiruvannamalai, I am seriously asking my Friend. The All-India Muslim League has not been asking the Muslims to fight against the Hindus. They have been asking for safeguards to preserve the rights and interests of the minorities, which is not an uncommon thing in the world. Even the various assemblies of the United Nations have taken upon themselves the sacred duty of safeguarding the interests of the minorities. If the All-India Muslim League has taken upon itself the duty of safeguarding the interests of minorities, is it a sin to be deplored and condemn as a campaign of communal hatred?"

"My friend was talking about Noakhali, when we talked about Tiruvannamalai. People have been proclaiming from house-tops carrying on propaganda that in Noakhali Hindus were murdered in thousands. After a thorough enquiry it has been found now that the casualties there amounted to only 200, whereas 40 to 50 thousand Muslims were murdered in Bihar. What does my hon. Friend say about the massacre in Bihar? These things have been brought in irrelevantly in the discussion of the Suppression of Disturbances Bill. The majority community has to hang its head in shame when they are preaching nationalism in this way. The All-India Muslim League and the Congress were fraternizing with each and evolving a common political programme. The Hindu Mahasabha was established to safeguard the interests of the Hindus in this vast sub-continent. When a representative of the Hindu Mahasabha and a Minister in the Central Government, Dr. Shyamad Prasad Mukherjee, says that the Hindus are a separate nation and that they should organize themselves as a political body to safeguard their rights, is it any wonder that minorities in this country should deem it necessary to have a political body of their own to safeguard their interests? When the majority community feels a sense of insecurity and its representative in the Central Government says that the Hindus must have a political body of their own, you have no grace in accusing the Muslims for standing by the Muslim League. The Congress has negotiated and entered into political pacts with the Muslim League more than once. Even the

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latest pact is a result of the negotiation between the Congress and the League. Why do you enter into compromise and pacts with such a hopelessly communal body as the Muslim League? When it suits your purpose, you call it and treat it as a political body; when it does not suit you, you call it a communal body. You want to give it a bad name and hang it. This is not the way in which we can bring about peace in the land. Mere legislation will not help you in this, because the Government themselves have to change their attitude and policy towards the Muslims if they are to derive any protection by the present Act. The Hon. Dr. P. Subbarayan in season and out of season has been making utterances which would seem to cast aspersions on the loyalty of the Muslims of the Indian Union. Probably, he might be referring to fears entertained by others."

THE HON. DR. P. SUBBARAYAN:—"On a point of personal explanation. I would like to point out to the hon. Gentleman that he need not exercise so much heat. If there is one person who has tried to bring the two communities together, it is me. This unwarranted attack, I resent."

* K. M. SEETHI SAHIB BAHADUR:—"My hon. Friend is unfair to me when he says that I made an attack. I was referring to some of his statements which he cannot deny. I am not questioning the great role which he might have played in the preservation of communal harmony. He was not well advised in making such frequent references to the loyalty of the Muslims and the role played by the All-India Muslim League. In fact, no body in the other dominion of this sub-continent is questioning the loyalty of the minorities there. You trust the minorities, and trust certainly begets trust. The All-India Muslim League is not in any way responsible for the communal disharmony in the country. This unfortunate country has been the cock-pit of fights between the two communities even long before the All-India Muslim League came into existence. Thus, this communal problem is much older than the League itself. It had been the constant endeavour of the League and the Congress to come together and solve the problem. But reactionary forces like the Hindu Mahasabha have intervened and they are responsible for creating troubles in the country. The League and the Congress have to unite to fight them. Now the forces are working in the right direction. If they continue to work in the same way and if the Government take up a strong attitude against reactionary forces, there is a future for this country. I for one would not subscribe to the view that the All-India Muslim League is in any way responsible for the troubles."

"One point I wish to mention and it is this. The minority community is not safe in several parts of the Province. Even in the City of Madras, they are not safe. In Kilpauk, two Muslim shopkeepers were mercilessly attacked by Sikhs. A complaint has been lodged with the police and I understand nothing has been done so far. Even to-day, these Sikhs are creating terror in the minds of the people of the locality. If we are allowed to arm ourselves for protection, we would not complain to the Government."

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Let us also be allowed to arm to defend ourselves. Allowing armed Sikhs to go about threatening the people in the locality without allowing the victims to arm themselves is a position to which no fair-minded Government can subscribe.

"Government are making discrimination between political parties even in the withdrawal of cases. In Malabar, prosecutions under section 117 were allowed to be withdrawn. When the prosecution happened to be against some Muslim Leaguers who spoke about Moplahstan at a public meeting, the Government refused permission to withdraw. With this sort of discrimination against Muslim Leaguers, it is no wonder that the minorities cannot find their way to have confidence in the present Government. When the Government fail to inspire confidence in the minorities, there is no use of arming them with such extraordinary powers for which there is no justification or warrant in the present situation of the Province."

* SRI M. P. GOVINDA MENON:—"After a little bit of heat introduced in the debate by some of the speakers, I request the House to consider the Bill calmly. This is certainly an extraordinary Bill giving extraordinary power to the Government. That has to be conceded. But I ask: Are we not living in extraordinary times now? Is not this unfortunate country of ours passing through very difficult and very extraordinary times? Is it not necessary for the Government of the Province to arm themselves with extraordinary powers to meet a situation which we have to face and which faces us? It is our luck that this Province has been free from trouble for a long time. But can we be sure that we will be free in future also? Is not the trouble in North India spreading? Is it not necessary to protect ourselves against the danger which threatens us? So I say that such an extraordinary measure is necessary."

"What does this measure say? As soon as the Bill is passed, the whole Province is not going to come within its operation. This Bill only gives power to the Government to declare an area as a disturbed area. The Act will come into force only when an area is so declared. Such a declaration will be made by the Government with a due sense of responsibility. They will face and tell the public why they have declared a particular area as a disturbed area."

"Some of my learned Friends on the other side have been attacking us: 'You have been preaching so much about civil liberties and so on, but what are you doing?' I may tell them that the Congress never said that they would govern by giving licence and not liberty. They never said that there would be no government when they came into power. The first duty of a Government is to govern and give protection to as large a number of people as possible. This measure is sought to be enacted in the interests of a large section of the people. This is a popular Government, a Government which can face the people with courage, and only such a Government can be armed with these powers. Some Members were saying that this Government were losing its position in the

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country. Only a party which is sure of an absolute majority in the country can bring forward such a Bill. This Government have got the support of the people. We need not bother about the conduct of public servants in carrying out this measure. It is the duty of the Home Minister to see to it and we can leave it at that.

"Some hon. Gentleman asked: 'Why in the name of Gandhiji and his principle of non-violence, should we arm the Government with powers of violence?' Are the sections of the Indian Penal Code based on the noble sentiments of the great Leader? There will come a time when this country will echo the teaching of Mahatma Gandhi and this will be the happiest country then. When we have not yet reached that high level, we have to carry on in the existing situation. It is absolutely necessary that the Government must be armed with full powers to face the situation. Tiruvannamalai loomed large in the debate. I am sorry we are going back to the old days. I say all of us are guilty for what has happened. Have we not suffered for all the troubles? Have we not sacrificed the precious life of the greatest Leader that the world has produced because of communal bickerings in the country?"

3.45
p.m.

"I appeal not only to my friends on this side, but also to those sitting on the Opposite side to forget and forgive the happenings in Tiruvannamalai and other places in the Province. I appeal to all not to have any recriminations and not to unearth things which have been buried and forgotten and quarrel over those things. Sir, what we have got to do is to see that such things are prevented from happening in the future. For that power is necessary. Is not prevention better than cure? Has not the Hon. Minister for Home sufficient knowledge of the things going on in this Province? Does he not keep his eyes wide open? There are people in this Province who take every opportunity to create troubles and whenever any major event or catastrophe happens in the country, they immediately clutch at it and begin to foment troubles. Why should we not prevent such people from creating mischief? I know in my own district of Malabar there are people who are out for mischief and who are always ready and eager to take any opportunity which comes before them to make all sorts of propaganda and create troubles and disturbances. Ever since the 31st January, after the greatest tragedy that has overtaken this country, our Communist Friends were going about the district and preaching to the innocent people in every village that Mahatma Gandhi was murdered by the Congressmen and that Pandit Nehru and Sardar Patel and other Congress people were responsible for his murder. Even the names of the Hon. the Home Minister and other Ministers of this Province are not spared. They go on making such propaganda inciting people to revolt against the Congress and against the Congress Government and against the Provincial and the Central Governments in the name of Gandhiji. They exploit the murder of Gandhiji and spread disaffection among communities, and between the Government and the people and thus try to further their interests. Such propaganda is not checked, but they are being allowed

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by the Government. I submit, Sir, that it is those preachings which are responsible for creating troubles in the district and which have necessitated the introduction of a measure like this.

"Sir, I ask the Government, why should we not prohibit such propaganda? Why should we not prevent those people from carrying on such activities among the innocent people and against Moplahs in particular, who are a set of emotional people and who could easily succumb to such propaganda? Our Communist Friends go on telling these Moplahs that Gandhiji was murdered by the Congressmen and things like that and they simply believe what they say, because there is no check over such propaganda. If such propaganda is allowed to be carried on, then I do not think there will be any use in enacting a measure of this kind. I therefore humbly request the Government and especially the Hon. Minister for Home not to allow such propaganda to be carried on in the various parts of the Province which is the immediate cause of all troubles and disturbances. With these words, I heartily support this Bill."

* MAHIN SCHAMNAD SAHIB BAHADUR:—"Mr. Speaker. Sir, I support this Bill wholeheartedly. Under the present circumstances prevailing in this country, strong measures like these are very necessary to put down disturbances which might arise at any time, all of a sudden. With their present strength, the police officers cannot be expected to cope with any situation, unless they are properly armed. Sir, I know the Police department. I have my own experience in the Police department and I know that they will not be able to cope with any emergency that may arise, all of a sudden, under the ordinary law. Therefore I am appealing that the police officers should be armed properly and should be enabled to take strong measures to deal with such situations effectively. But the success of the measure will depend mostly upon the behaviour of the police officers on the spot. They must be thoroughly honest and trustworthy. The authorities should select only thoroughly honest, impartial and efficient officers to be in charge of any disturbed area. Officers who are natives of the locality should not be posted there. No police officer who has got properties or relations in an area should be posted to that area. Their relations might be involved in the disturbances and these officers are apt to be taking sides or led away by such considerations and they would not be able to discharge their duties impartially. It may be argued that relationship has nothing to do with the discharge of duties and that they will not be swayed by such considerations. But I have bitter experience about this in my own taluk of Kasargod in the South Kanara district. There are two factions in that taluk and the relations between the two are becoming worse day by day. The Circle Inspector of Kasargod is a native of that place. He has got properties and relations in the circle. Even certain members of a particular faction are related to him and he is a near relative to the leader of that faction. Of course he may be expected to do justice, but what about his subordinates? His subordinate officials will be in an awkward position to deal effectively with any situation if it arises, because they have to look the people who are related to

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the Circle. Inspector of Police. Many representations have been made to the higher authorities to transfer the Circle Inspector, but no action has been taken on such representations so far. The District Superintendent of Police and the higher authorities think that if any action is taken on them, the prestige of the Police department would suffer. They never think about the safety of the public or the interest of peace. That is why, Sir, I suggest that no police officer who has got any relations in an area should be posted to be in charge of that area.

"My next point is about the huge powers entrusted to the head constables under this Bill. I think it is very dangerous to entrust them with such powers. The head constables get only a very low pay and they will always be under some obligations or other to the influential people of the locality. It is very probable that they will be influenced by the parties in the faction. There is a Sub-Inspector in every Police station and he will be the proper person to whom such powers should be entrusted. If there is any area which is not in charge of a Sub-Inspector of Police, then arrangements should be made to put a Sub-Inspector in charge of that area.

"Then, Sir, I want to make this observation so far as the Muslim community is concerned. There is no reason for the Government to suspect Muslims. We, Muslims, have openly declared in this Assembly and elsewhere that we are always loyal to the Government and we once again assure the same. We will not do anything to cause annoyance to the State. Unless the Government find anything wrong with our assurances, they should not suspect Muslims. The Muslim National Guard has been declared as an unlawful organization. It was formed long before we got independence for this country. After the 16th August 1947, when India has obtained her independence, the Muslim National Guard has not practically been functioning. The Government have declared it unlawful all of a sudden. Even before this information has reached the members of that organization, many arrests have been made. They were not given time to dissociate themselves or sever their connexion with the Muslim League. People whose names were simply found on the rolls of the Muslim National Guards, people who have taken no activities in it, and people who have simply lent their names have been taken into custody. When the Muslim National Guard itself was not in existence, how can the Government treat these members as belonging to an unlawful organization? My knowledge of law may be defective. I therefore request the Hon. Home Minister to kindly enlighten me on this matter and see that the organization which has not been in existence at all, and whose members have never taken any part or activities in it are released at once. With these words, I support the Bill."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Mr. Speaker, the powers which the Government seek to arm themselves with under the Bill before us is necessary. I do not have any quarrel with the intentions of the Government for trying to have extra powers for themselves. In this connexion, the statement of the Hon. Leader of the House, that this measure will be withdrawn as soon as it is found unnecessary is really welcome. But then, Sir,

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I want to say that it is not so much the power and the authority that is being sought to be placed in the hands of the law officers that matters, but the promptitude with which they have to act under emergent circumstances and the adequate protection they are able to give to the people that really matters. Sir, we have seen cases where the police have not been able to act promptly and vigorously for reasons known to themselves, whenever there was an emergency. Take for instance, the incidents to which repeated references have already been made on the floor of this House, incidents in Tiruvannamalai, in Edappadi in the Salem district, in Erode in the Coimbatore district and in Rajapalayam in the Tinnevely district. It is said that for hours together, the police were not on the scene. Houses were burning for about three, four and five hours and yet there was no police activity at all. It is these things that we have to be guarded against. If the police had put in their appearance at the initial outbreak of violence, so much damage would not have been caused, and so much bitterness could have been prevented. Therefore it is, Sir, that I want to stress upon this point that it is on the prompt action that the police takes that the peace of the Province depends.

"Then again, Sir, let us look at the question of the adequacy of police protection. For this purpose, the Government have made several provisions so far. They have constituted the Special Armed Police Reserve and then again they have got into being the Home Guards. I think these forces must give them sufficient men and material for keeping the peace of the Province. Sir, even though we may agree to these extraordinary powers being given to the Government to arm themselves with, still I submit that this Bill goes a little too far in certain respects. For certain offences death punishment has been provided for. I don't know how these very drastic punishments are going to bring about peace. On the other hand, they will lead to bitterness and injustice.

"Again, Sir, very great stress has been laid on another point from all sides of the House and that is against arming every head constable and clothing him with powers to shoot and kill. Sir, in my opinion that it is not necessary at all even under extraordinary circumstances. I think the Government may stop that power with the Inspector of Police. They may, if they think, that it is not possible for them to find so many Police Inspectors as may be required under certain circumstances, come down and arm the Police Sub-Inspectors with such powers. Anyway, arming head constables with such a power is really very drastic. To give the head constables the right of judging the circumstances under which shooting should be resorted to, is really not in keeping with the state of affairs which we want in this Province.

"Then again, Sir, the Bill says that the head constables may resort to shooting after giving such warning, if any as they may consider necessary. There I beg to differ. That ought not to be the way to do things. There must be a definite warning provided for before shooting is resorted to.

"The Muslims have been accused of communalism. I want to know what they mean by communalism. I do not understand it.

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Is it a sin to belong to any community? The majority call us the minority community. What is wrong in saying that I belong to a community. If it is a sin for this country to have so many communities that is not a sin committed by the Muslims at all. You take the earliest period of history in this matter. This multiplicity of communities came into this country with the advent of the Aryans. The Scheduled Castes are still the monument of that state of affairs which was ushered into this country at that time some 3,500 or 4,000 years ago. It is not we who brought this about. There is no use in going and knocking our heads against this. What we want is not the absence of these communities. What we want is harmony, goodwill and mutual understanding between these communities and that is possible. There is a way of doing it. The Muslim League has again and again said that it is going to do it and it has paved the way in this Province itself until one year ago. What was the state of affairs here in Madras when all the country was boiling with violence, tension and suspicion? People here were helping each other and keeping their heads cool and the Government also played their part well during those days. Then our ambition and hope was that this Province would set an example not only for this country but for the whole world. That was our ambition. When we went to other parts of the country and when we people walked with pride and with our heads erect the people there were asking us as to how we were able to manage this thing in this part of the country. We used to ask them to come to this Province and learn things from us. That position has now changed. Why was it changed and how was it changed? And why should it be changed particularly after an agreement was made between the two political parties, the Congress and the Muslim League. Where has that spirit gone? That agreement and compromise were entered into with eyes wide open. Should we not honestly work on the spirit of the compromise. We are told: 'We are suspicious of you, because of what you were and what you might have been, if not in your time, at least once upon a time.' It is like the story of the lamb and the wolf. Now we ask you to point your finger at one single instance where the Muslim Leaguers have done any propaganda in favour of violence. Show us one single instance. Then they say: 'If not to-day, it was yesterday. You might have done it.' It is just like the lamb being answered by the wolf. Is this the way to bring harmony? We must act upon the spirit of the compromise which the great world statesmen have brought into being. It is a historical fact and it is going to bring good to every part of our country and it is going to bring good to the whole world and to show to the world as to how a country constituted as ours is, should compromise and should settle its affairs. Now it is a great pity that the very thing for which Mahatma Gandhi laid his life down is not being respected to-day. It is a pity that people are trying to pass on the blame one upon the other. Every one of us must search our hearts before man and God and see who is responsible for these things. I take the whole responsibility in saying this thing. Everybody must scrutinize his heart before God and man. Whoever is responsible, let him account for it and let him not get away from that. That is what we are for. Whatever

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may be your adverse criticism, whatever may be your suspicion we are still going to prove it. We are an honest race and we always mean what we say. We have proved so in history and we are going to prove in the history hereafter. Therefore let us not remember all these things. I acknowledge the good intentions of the Hon. the Leader of the House when he protested against the statements made by my hon. Friend. There, as he explained he did not at all question his intentions, but he only referred to certain statements of his. I hope that he will continue to play his part in the establishment of harmony between communities. Thereby we shall set an example not only to the other parts of the country but to the whole world to the lasting glory of Mahatma Gandhi who died for harmony and goodwill and also to the lasting glory of every one of us and every one of our posterity."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, Sir, when I introduced this 5 clauses Bill I never imagined for a moment that such a lot of heat was going to be generated within precincts of this hall. People went absolutely away from the main principles of the Bill into other matters which seemed to be exercising their minds to-day. I can understand the intensity of feeling that exists and I as one who is in charge of maintaining peace in this Province indeed felt a great responsibility on my shoulders when things went wrong in some of the places that have been mentioned. Reports have come in and I am terribly sorry for what had happened. I only hope that now that peace has been restored the communities will learn to live in harmony because I have said time and again that this is not a country which is inhabited by one particular community. It belongs to the people at large and we must learn to live as brothers. I am sorry, Sir, that such heat should be generated at a time when this Province, taken as a whole, in spite of the few incidents to which I have made mention, has kept its peace in a wonderful manner and has brought great credit to us of the South. Men from the North have praised us for our good sense and our ability to get on with each other whatever may be our differences; and it was with pride that I spoke to the Madras Regiment in November—because I was asked to do so by the Prime Minister of India—on what they have done in Delhi. In fact the Prime Minister said that he was proud that a regiment composed of men from the south was able to restore peace in Delhi without any difference between community and community. What mattered to the Madras regiment was peace. It is in that spirit that we in this Province have lived. I hope and trust and pray that this will continue, and as I said when the Bill was introduced, I shall be glad when I lay down my office to see that this Act remains a dead letter on the statute book. Because, as far as I am concerned I have no intention of using this measure unless some grave danger is apprehended because I feel the ordinary law will perhaps be quite sufficient for maintaining peace in this part of our province. I am, however, glad that Members on either side of the House without distinction have come to support this Bill with one or two exceptions and a

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particular exception at that, I mean, the hon. members representing labour from the Circars. He went into my past history as a politician. I am not here to defend myself because I believe my hon. Friend was a little toddler when I began my political life and what I have done is an open book because I do not believe in another spiritual home except my own country. I do not like to cross waters. I have no Mecca of my own except what is in my own land because I know Moscow is the Mecca to which my hon. Friend looks to. (Sri Pillalamarri Venkateswarlu: Question.) On the other hand I have always based my politics on the one principle, namely, 'What advantage is my country going to gain in any step that I may undertake?' That has been the only consideration and if to-day I feel there ought to be unity between Hindus and Muslims I do so in the interests of India and not in the interests of anybody else. India is the only supreme consideration. We have our traditions we have a culture thousands of years old which need not be disturbed by ideas and ideals which they borrow from what I would call alien nations which existed for a mere quarter of a century. On the other hand we have enough traditions, we have enough culture and we can manage our affairs on that tradition and culture to which I am glad to acknowledge both Hindus and Muslims have contributed because the civilization and culture that we possess in this land is the running of the two streams together, the Hindu and Muslim culture. It is on that basis the Government as it is constituted to-day means to govern and if my hon. Friend is afraid of the measure that seems to have had such unanimous support from hon. Members of this House. I am sure it is because he is afraid of the underground tactics that they themselves undertake. (Interruption.) Because I am one of those who have taken part in some of the Civil Disobedience Movements, I can say that that has never been the policy of the Congress to do anything *sub rosa*. On the other hand men who have practised civil disobedience have been bold enough to tell the authorities things they intended to do, the manner in which law was to be broken and a warning was given to the authorities that such acts would be done. Is there any intention of that kind on the part of hon. Member's organization of which he talked about?"

SRI PILLALAMARRI VENKATESWARLU:—"I rise to a point of order, Sir. I should like to know how the speech which the Hon. the Leader of the House is making, is relevant to the Bill."

MR. SPEAKER:—"It is relevant to the Bill. Let me hear how the hon. Member says that it is irrelevant. I do not see any irrelevancy."

SRI PILLALAMARRI VENKATESWARLU:—"He has gone to Moscow and Mecca and other places while supporting the Bill. I should like to know how it is relevant?"

MR. SPEAKER:—"It is relevant. Let the Hon. the Leader of the House continue his speech."

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THE HON. DR. P. SUBBARAYAN:—"I am thankful to you, Sir. I know whenever the hon. Gentleman gets up and raises a point of order he always does so without any imagination as to where it would lead to. All that I intended to say was that no movement which was conducted by the party to which I have the honour to belong was conducted *sub rosa*. On the other hand, the party to which the hon. Gentleman belongs, believes in *sub rosa*, believes in doing everything without any notice and believes in taking people by surprise. The very element of the actions they undertake is based on surprise and therefore I have got to watch betimes. I have got to be careful. I do not know where things may arise which will demand the attention of Government. Statements have been made taking advantage of the irreparable tragedy that has happened to the effect that some of the members of the Government themselves have been responsible for this appalling tragedy. When gentlemen speak in that manner, they speak with their tongues in their cheeks, because they feel this is one opportunity of taking advantage of a ghastly tragedy, which has laid the country low, I am sure that people who understand these methods know how to safeguard the interests of this country against intrusion of ideals and ideas which are totally strange to the culture of our people. There were people who said that perhaps too much power was being vested in the Police. I admit, Sir, that during the past year I have tried to do what I can to instil into the minds of the Police force from the constable up to the Inspector-General of Police that things have changed, and different times meant different manners. The Police are here for the protection of the people of this country. I am sure even though this lesson may be going down slowly into the minds of the Police force, they understand what is meant by it. It has been my privilege to meet from the constable up to the District Superintendent of Police, and I can assure hon. Members, though there may be exceptions, that they are beginning to understand that their paramount duty first is to safeguard life and property, because there is no question of this country being held subordinate to any other country. In the old days perhaps the police had different ideas. I am asked how can these police men who have come with the old tradition change overnight? I admit it is a difficult matter. But, if the Police understand that public co-operation is on their side for carrying out their responsible duties, they will change almost without their knowing it. Because, I see the change in them as time goes on. Sometimes, perhaps, the old ideas return. But I know that my police force has got enough courage to change over, and it is this I have asked of them. I am pretty certain that the lesson will go home to them. They understand that it is for the benefit of the people they exist. There were talks why violent methods should be adopted by the Government which has come to power through non-violence. My answer is this. If you allow violence to grow without putting it down, then there can be no place for non-violence. We want to be non-violent. I assure you that as far as this

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Government are concerned they want to use the minimum amount of force—nay, no force at all—if that could possibly be done in putting down any situation. But they will not be worth their name or the salt they eat if, under conditions when there is danger to life and property, they do not exercise power which has been vested in them by the law of the land. If to-day, Government are taking more power under the present Bill, it is due to the fact that they want to help the people as a whole. I assure hon. Members of the Muslim League and even my friend of the Communist Party that there is no intention on the part of the Government to use this weapon in a political way. It is not forged in order to put any party in power or to exercise any power which will strengthen the hands of the Government. To-day the Government is one that is responsible to the people of this country, and when it comes to an electoral struggle, if the Government have done any wrong, the electorate will just teach them a lesson. It is that safeguard of democracy which you can always rely on. If for instance this Act gets on the Statute Book and is used in a manner by any one sitting on these Benches, which is inimical to the interests of the public, then I am sure public memory is not short, and I am sure, as the person responsible for the exercise of such power in a wrong manner, I would be given a short shrift. That is the safeguard that you have for a measure of this kind. I am sure even my friend the Communist Member will perhaps be thankful for a measure of this kind, if and when his party occupies the treasury Benches (Voices from Muslim Benches: God forbid) when they will feel what a wonderful idea that such a legislation was passed, which makes Government easy. I can only quote the example of his own Spiritual Home, and that is that men have been tried and put to death there for reasons less stringent than this. Because, the State there felt that the young proletariat democracy was being sabotaged. May I not repeat that to him that I do not want the independence I have achieved sabotaged by foreign ideas?"

The motion was then put and carried.

SRI A. VEDARATNAM PILLAI:—"I want to know the programme, Sir."

MR. SPEAKER:—"As soon as this is over, I will let you know."

Clause 1.

SRI PILLALAMARRI VENKATESWARLU:—"Sir I oppose this clause."

MR. SPEAKER:—"It is too late now that I have already put the clause to the House it is not possible for me to allow the hon. Member to speak."

Clause 1 was put and carried.

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Clause 2.

SRI PILLALAMARRI VENKATESWARLU:—"I am opposing the clause, Sir."

MR. SPEAKER:—"I will allow the hon. Member three minutes."

SRI PILLALAMARRI VENKATESWARLU:—"I have first of all to protest at the time fixed, Sir."

MR. SPEAKER:—"You have no business to protest. I am not going to allow more than three minutes for the hon. Member."

* SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, so many Members sitting behind the Hon. Minister for Home have demanded a definition for this phrase 'disturbed area.' It is as vague as anything. Even in his reply, the Hon. Minister did not explain what is a 'disturbed area.' It is left entirely in the hands of the Government or in the hands of the Police. I appeal to the good sense of the Congress Members who demand a definition for this disturbed area to think once again whether it is not just on their part to oppose this clause. The disturbed area may be applied to any place. You may say that in a country where there is Proletariat democracy, they would even go to the extent of hanging traitors. I agree. I admit that to protect even this type of Independence which we have won, we must ban communalist organizations. But, here no definition is given. If the Hon. Minister wants us to believe him, why cannot he say that only those places where there are communal disturbances or disturbances due to foreign aggression, will be declared as a disturbed area. On the other hand, I find it has been left vague and we are asked to support it. It has been recently published in the papers that the Central Government has recently banned communal organizations and the R.S.S. organization. But the Madras Government have gone to the extent of banning the voluntary corps of the Communist party. Throughout India, except perhaps Bombay, no other Province has resorted to this step. Even the Central Government have never sent any orders to ban any organizations except the communal organizations, particularly the R.S.S. organization. Here we find the Hon. Leader of the House banning the Communist party voluntary organization. He wants us to believe him that he will not use it against any party. I would have appreciated it had it not been for the above incident. I oppose it for the reason which has just been mentioned. I think that almost every speaker at the end of his speech has supported the measure only in name, and not in practice. I appeal to the Congress Members to vote down this clause."

THE HON. DR. P. SUBBARAYAN:—"I have got only one thing to say. If I ban the Communist volunteers, it is due to the fact that I do feel that no private voluntary force ought to exist in the circumstances that prevail to-day."

Clause 2 was put and carried.

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Clause 3.

* SRI PILLALAMARRI VENKATESWARLU:—"I am opposing this clause, Sir. (Interruptions from Muslim League Benches.) Mr. Speaker, Sir, the League Benches may say that I am a good fighter (laughter). I say I am a better fighter outside this Assembly. I will explain why I am opposing. In spite of the fact that some of the League Members have opposed the Bill *in toto*, the League is not coming forward to oppose this Bill. But that does not mean that the rest should succumb to the steam roller majority of the Congress. Of course, I know my opposition is of no avail here, but I have to oppose this clause for the reason that in the elaborate speech of the Hon. Leader of the House, he made no reply to me as to when a particular area has to be declared a disturbed area. It is left in the hands of the Provincial Government to say that by a mere notification, perhaps drafted by an N.G.O. and signed by the Hon. Minister for Home, and then the police will fire upon an area where the trouble has risen between the zamindars and peasants. If you only know the economic discontent prevailing in our part of the country, you will find how much discontentment is prevailing in the country. Because of this there may be disturbances. I throw the responsibility for this on the shoulders of the capitalists and the landlords. That area will be declared a disturbed area, and my workers and working class men would be shot down by Dr. Subbarayan's police. I want an assurance that unless there is communal trouble or there is disturbance on account of foreign aggression, the area in which there is agrarian trouble or a strike by the Non-gazetted Officers, will not be declared a disturbed area. If he gives me an assurance that any place where a situation has arisen on account of economic distress will not be declared disturbed area, I would not oppose this clause, and there would be no need for me to fight out this clause."

THE HON. DR. P. SUBBARAYAN:—"I do not think the hon. Gentleman need be under any apprehension if it is an economic trouble. I have already said in the introductory stage of the Bill that no Government will try to put down anything that seeks to put before the country a policy different from that of the Government as long as they do not support such a cry by violence. If really economic changes are wanted and the kisans or labourers are in trouble, and they carry on agitation in a peaceful manner—like the strike in Coimbatore now, where I believe it is peaceful—you may be certain that the Government will not interfere." (Sri Pillalamarri Venkateswarlu: 'Why don't you make provision for that in the Bill.')

Clause 3 was put and carried.

Clause 4.

4-30 P.M. * SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, even those members who said that have given their whole-hearted support, have done so only in name because they

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actually opposed the provisions of the Bill. Nobody came forward except perhaps one member from Malabar who said that people should be punished with death for offences such as rape. At the same time, Mr. Speaker, if you are going to punish for rape or for burning of houses and for creating disturbances, they should be punished under existing law. If the society is in danger and if disturbance is apprehended among the people, then you must bring in such legislations. Even then, there are the provisions of the Civil Procedure Code and the Criminal Procedure Code which can be amended. Even if there is any communal trouble, I can understand the District Magistrate or even Dr. P. Subbarayan going there and giving an order of shooting because circumstances may take place which should be punished with death. But, I cannot understand punishment with death for such offences as rape or burning of houses and other things mentioned in this clause. In these cases, you cannot impose the death penalty. I may even support this clause if a distinction is made between this class of offences and communal trouble. I am unable to understand why they have also been included in this clause and therefore I oppose this clause."

THE HON. DR. P. SUBBARAYAN:—"I have nothing to add, Sir."

Clause 4 was put and carried.

Clause 5.

* SRI K. R. KARANTH:—"Sir, since I have not spoken in the earlier motion on the first reading I hope you will kindly give me a few minutes. My motion, Sir, is for the words "Head constable", the words "Sub-Inspector" shall be substituted. I have heard from the speeches of hon. Members and I know that this Bill has got the support of this House, but I must confess that it is only in extraordinary times, extraordinary powers should be given. It is not enough if we are simply guided by our own good intentions. My Hon. Friend Dr. Subbarayan, might be guided and actuated by the best of motives but we must see that the measure that we pass contains adequate safeguards. It may that my hon. Friend, Mr. Venkateswarlu, sitting there may have to execute the provisions of the Bill in which case quite different things might happen. Therefore, it is necessary that in all measures we must see that not merely the intention is there but that sufficient safeguards are also there. No doubt, times are difficult. But, even during the war, such powers have not been taken. The war is over. We are now living in times of great political turmoil and therefore, if these powers are taken it is very necessary that there should be every safeguard against their misuse. Therefore, when I saw in the Bill that the power is going to be entrusted to the head constable, when I first read this Bill published in the daily papers about three months ago, it took my breath away. That Government should be seeking power in this

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manner, the power of shooting ordinary crowds or mobs was unthinkable and I thought it was likely to be abused and therefore it is that I have brought forward this motion.

"Last year, I remember very well, when the previous Ministry was in power, there was the Public Safety Bill and it was passed because they were difficult times then. I know what was obtaining in the District of Malabar where pitched battles were being fought. In Tanjore, worse conditions were obtaining. I had myself occasion to see what had happened. Unfortunately the moment a Bill is placed on the Statute Book, it is likely to remain there for all time. Even though it was meant for a certain situation, we find it used also for other occasions. I would cite one instance, which took place recently. A large number of Hindu Mahasabha and R.S.S. men and the Muslim National Guards have been arrested. I can understand that if their cases had been gone into before they were arrested, but I cannot understand all of them being hauled up and kept to wait the convenience of the Chief Secretary to Government or somebody else before their cases are gone into. It is rather very painful so far as I am concerned. In Mangalore about a fortnight ago, nine persons, several of them respectable merchants and one of them a member of the Bar of thirty years' standing people connected with R.S.S. were all handcuffed and taken in a third-class compartment to the Vellore jail. I request my Hon. Friend, the Minister for Home, to say whether all this was necessary. If there was anything against particular persons, by all means arrest them but do not round up a large number of people in the whole Province and then say, at leisure we shall go into your cases. Sir, I must also state here what people say about it. They say that the Congress is doing just what it complained against the previous foreign Government. The lathi charge is no sweeter because the lathi is made in your own Province. (Hear, hear.) Civil liberty should be protected. In that respect, I beg of the Government not to be panicky. While I was in Mangalore, I read the statement which the Hon. the Home Minister issued over certain events which took place. He asked us to be calm and collected and not get panicky. The authorities in the Government of India would not have meant that the Government here should use this power to arrest all and sundry. I, as an individual, protest against that. I have read from the papers that several quiet men, who have taken part in those organizations, whatever their object might have been in those days—we know to some extent that some of them took part in them with the best of intentions—such quiet persons have been arrested. It was because our own Governments did nothing to raise such a volunteer corps. If the great enthusiasm in the country which came after August 15th or even earlier had been organized, the people would not have gone to such bodies or felt such frustration as they do now. Therefore, these communal bodies took charge of the situation and organized themselves. I do not in any way support what they did. It is enough to point out that I feel that the Government here has gone too far in arresting all those persons and then saying, we shall

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consider their cases at leisure. Sir, this was not the intention with which the Public Safety Act was introduced in this House and passed.

"Similarly, Sir, here, with respect to this Bill, I say it is going to be a very grave thing if you are going to entrust the head constable with this business of shooting. I have also to mention that there is no period fixed for the notification. So far as this measure is concerned, for instance, in clause 3 of the Bill, it is not stated for what period the notification is to be in force. It could have been stated that the notification is to last for three months. Therefore, I say that the Bill is likely to be misused. Once the Bill is passed, as another hon. Gentleman from another section of the House had said, it is likely to be misused. If you do not have money as he said, you do not spend but if you have the money you are likely to spend it. So also, if there is no measure like this, the head constable will take all peaceful measures to see that the disturbance is quelled by peaceful measures but once this measure is there, he is likely to use it against the people. Therefore, Sir, I hope that Government will see that even in exceptional times, they do not take extreme measures which are likely to be abused. Sir, it is all very well to say from the House here that the Police in the mufassal or elsewhere are doing their very best. I do not deny that. But, still I must tell the Hon. the Minister from my own experience of several years of life in the mufassal that things are not what they speak here. There is a feeling and in fact I have heard it said by many honest and good citizens that the Swaraj is for the officials and not for the people yet. There is a feeling that any sort of act on the part of officials, right or wrong, is going to be supported at the top. The sooner that idea goes out of their mind or is knocked out, the better for all concerned.

"Sir, without taking more time of the House, I will just read a few passages from what a great authority in England, Professor Laski, wrote during the year 1940 when they were in the midst of a severe war. We are to-day in the midst of a political turmoil next only to war. So, I would request the Government and the members to remember some of those passage because when there is emotion arising, we are likely to pass measures which are likely to be abused. With that, I shall finish. Professor Laski says:

No aspect of the war is more important or more delicate than that of civil liberty and in no aspect, certainly in a political democracy, is it more urgent to be vigilant about the powers a Government seeks to obtain. It is not only that the emotions of a war period make it far more difficult to set boundaries to legitimate criticism. Even more than the emotions of a war period is it necessary to take account of the inherent tendency of officials, first, to seek for a well-rounded and ample system of control, and, second, to seek its operation in such a way as to ensure the maximum despatch and secrecy in its exercise. Nowhere is the abuse of power so easy, or so dangerous, as in this realm. Every bureaucracy contains foolish men to whom no price is too high for

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unity in ideas, who are prepared, therefore, rather to suppress than to persuade. I assume that in time of war the duty to speak freely on matters of public interest is more, and not less, important, than in time of peace.

"Then, Sir, it is said:

4.45 P.m. *It is not enough to say that any individual case may be brought up in the House of Commons. The Minister will always protect the mistakes of his subordinates if necessary by the use of his majority . . .*

* * * *

The need for safeguards against these characteristics needs no elaborate exposition. Without them, whatever the assurances a Minister may offer about his intention, in the absence of such safeguards, stupidity and injustice there are bound to be. Our business is to secure from Parliament the most emphatic procedural devices we can against dangers which may well defeat the purpose for which most of us support this war.' "

AN HON. MEMBER:—"On a point of order, Sir, . . ."

SRI K. R. KARANTH:—"The point of order need not arise, because I have finished."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I second the amendment. In my main speech I have said that the clothing of the head constable with such wide powers is too much. Sir, this Act might not be used at all and it might be even withdrawn as the Hon. the Leader of the House is hoping. But it would be setting a very bad example to put on the Statute Book an Act like this. In a future generation people will think very lightly of the rights of the common man and think too much of the people who are to exercise these powers. I would request the Government not to create a bad precedent for the future. I am sure a large number of my Congress friends do not support this aspect of the measure and if they are given freedom to vote, they would vote against it. (Interruption.) I am glad of the assurance now coming that the Government are accepting the amendment. I do not therefore want to labour the point further."

THE HON. DR. P. SUBBARAYAN:—"Sir, I propose to accept the amendment, because I do feel that it is perhaps better to vest this power in officers of the rank of sub-inspector and above instead of from head constables."

"Sir, I was rather perturbed at the speech of my hon. Friend from South Kanara. I am as keen as he is on the preservation of civil liberties, but a strange occasion has arisen which has led to the arrests that he spoke of. In fact I have been considering some of the cases and as many as 50 people have already been released. I was sorry to hear that certain respectable people, whatever may be their political opinions, were handcuffed and taken to the station. Now that the hon. Gentleman has brought

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it to my notice, I shall write and ask the authorities concerned why this was done. I express my regret through him to his friends for such happenings, because I think that gentlemen of the kind who have been taken into custody can be trusted to behave in a manner worthy of their education and status. I myself feel certain that nothing wrong would have happened if they had not been handcuffed. That is why I am apologising through the hon. Member to the gentlemen concerned. I shall have an enquiry made so that we may know exactly what happened.

"Sir, I can assure the hon. Gentleman that the Public Safety Act was the only course open to us to apply in instances of this kind after the Government of India chose to ban the two organizations—the R.S.S. and the Muslim National Guards. In fact we thought about it and looked over things to see whether the ordinary law of the land could be used for this purpose without the rigours of the Public Safety Act. But considering the appalling tragedy that has happened, Government did feel that something had to be done. The only excuse is that it has been found that there has been a widespread conspiracy which has resulted in the loss of life of the greatest man of this country. And there is a fear that some other lives also are in danger and proper precautions have to be taken. As I said, the whole thing is being unearthed and as the Government find that these people are not concerned in these matters, they do not want to keep them a moment longer than is necessary. I accept the amendment."

The amendment that in clause 5, for the words 'Head Constable' the word 'Sub-Inspector' be substituted was put and carried.

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

'that in clause 5, after the words "fire upon" the words "order fire to be opened" shall be inserted.'

"'Firing upon' cannot be done by any single officer concerned. He has got to use his force, his constables; he has to order them to open fire. This is only a slip and the amendment is proposed to correct it."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"I second the amendment, Sir." (Laughter.)

MR. SPEAKER:—"Government amendments need not be seconded."

The amendment was put and carried.

MR. SPEAKER:—"Clause 5 as amended is for the discussion of the House."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, the hon. Member Mr. Karanth was able to persuade the Hon. the Leader of the House to accept the amendment, because the latter knows perfectly well that it is a verbal amendment only. It

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does not matter whether it is a head constable or a sub-inspector and there is not much difference between the two. If we think of a situation in which an area is notified as disturbed, do you think there will be only head constables there? Certainly not. Wherever there is a head constable, there will be a sub-inspector also. There is no use of accepting verbal amendments when the most mischievous part of the Bill is there. The most important part of the Bill is the power to go to the extent of killing people. If the idea of the Government is simply to disperse the people, they need not go to the extent of killing people. There is no need for this clause. So long as there is this power to shoot at people, the ordinary constable will shoot indiscriminately even at innocent persons. Therefore I do not think we can accept this clause. Most of the Congress Members have in a way condemned this clause. The hon. Member Dr. Ramachandra Rao has pointed out that this clause has gigantic possibilities of evil. Substituting the sub-inspector for the head constable will not remove the gigantic possibilities of evil and improve the clause. The Government should not have come forward with a Bill like this. I oppose this clause."

THE HON. DR. P. SUBBARAYAN:—"Sir, I do not think I need take the point any further, as the hon. Member has made no new point."

Clause 5 as amended was put and carried.

Clause 6.

MR. SPEAKER:—"I suggest we shall sit for ten more minutes and finish this Bill."

SRI PILLALAMARRI VENKATESWARLU:—"This is a most important Bill, Sir, however innocent it may appear. Every hon. Member has to express his views on this."

MR. SPEAKER:—"I have given an opportunity to all the Members. Shall we sit till half past five o'clock and finish the Bill?"

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Even the Members of the Government are not favourably inclined towards your proposal, Sir. Why not we have it to-morrow and consider the Bill at a little leisure. It is such an important Bill as this."

MR. SPEAKER:—"Shall we sit till 5-15?"

THE HON. DR. P. SUBBARAYAN AND MANY OTHER HON. MEMBERS:—"Yes, Sir."

SRI PILLALAMARRI VENKATESWARLU:—"Many hon. Members want to speak."

MR. SPEAKER:—"Nobody wants to speak except the hon. Member himself. We shall sit till 5-15."

SRI PILLALAMARRI VENKATESWARLU:—"Sir, in this clause I do not know why the Government should say that no

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prosecution, suit or legal proceeding shall be instituted except with the previous sanction of the Government. If the police officer has committed a mistake why should the matter be referred to the Provincial Government?

"He is not serious about things that are going on here. I 5 p.m. am asking him, Sir, why then he is afraid of the law courts. Every day you see when cases are launched against the Communist Party men, the ruling is going against them. If that is the reason, then I can understand. If it is not so, why should they be afraid of going before the courts. Of course the Leader of the House might say that no new points have been raised and that may be a way of escape for him. He was saying that our spiritual homeland is Moscow and I submit that is a thing which is irrelevant so far as this Bill is concerned. I fail to see what harm there is in the people of a locality or the near relatives of a person who was killed in a police firing taking the case before the court and bringing the officer before the court for abuse of his powers? Is this the way for a civilized Government or a popular Government to act and still continue as a popular Government? Nowhere in the world has such remedies been denied. Even in the Soviet Union, they have a right to go to the People's Court, a court elected by the people. I am prepared to place myself and my leader before the people, the ten thousand people in Bezwada to try me and Mr. Sundara Rao, whom the Leader of the House has indirectly accused. For the simple reason that they need not be afraid of their own judges, I oppose the clause."

THE HON. DR. P. SUBBARAYAN:—"Mr. Speaker, generally in measures of this kind, it is usual to give a certain amount of protection to officers concerned because they are undertaking a very serious responsibility. They should not be prosecuted on the mere whims and fancies of any individual. Therefore, there is this safeguard. That does not mean that sanction will be refused. They will not refuse sanction if they found that the request that is made is reasonable. I do not think the hon. gentleman need be afraid of this clause at all. He has made some reference to some person by name and I only wish that he would come out and not go *sub rosa*."

Clause 6 was put and carried.

The Preamble was put and carried and formed part of the Bill.

THE HON. DR. P. SUBBARAYAN:—"I move—

'that the Bill be passed into law.'

I do not think I need say more now because we have had a full debate on the matter and even my hon. Friends who are supporting the measure seem to be tired of hearing my voice and so I do not propose to make a long speech except to propose that the Bill be passed into law."

SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, I know members are as anxious to go out as I do. The

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point is that in spite of my persistent and consistent opposition to the Bill, the Bill has not been improved in any manner except a small verbal amendment of Sri K. R. Karanth and another proposed by Government. The basic principles of the Bill have not been changed and the Bill stands where it was. As I observed in my opening speech, it is not in the interests of the people that they want to have such extraordinary powers. Under the present circumstances, Government do not require any extraordinary powers. But instead of explaining how it is to the interests of the people the Hon. Leader of the House traversed round Mecca, Moscow, Berlin, Delhi and also stated that Moscow is our spiritual home, and roundly accusing the Communist Party of violence. Let me remind the House that during the period of two years I have been in this House, I never brought in the name of Moscow. But the Hon. the Leader of the House in season and out of season is never tired of mentioning London, as though it were his Mecca or Moscow, and would never be tired of considering it as his Delhi, it is a hated name and it is a place which has been the seat of an administration that has oppressed us all these years. We stand in no need to follow the principles enunciated in London and I hate and treat it with contempt. The Hon. Minister for Home has got wide departmental experience. He was in charge of Home Department even during 1930, as a head of an Independent Party. When the great Congress had launched its satyagraha movement, then in the name of keeping law and order, he tried to suppress the movement. Unheard of repression was then let loose. Was he successful? No. Now again in the name of the same party which he had tried to suppress, he is trying to suppress the Communist Party. It is evident he had failed to learn from his own experience, or else he will be disappointed. As he had failed to suppress the Congress Party, he is bound to fail even in the case of the Communist Party. The Communist Party could never be suppressed by any amount of repression. With firm roots among the masses it is bound to grow. Allow me to be plain in this matter, Mr. Speaker. It is not as a spiritual home, I refer to Moscow or I look to or at Moscow. Rather, I am full of admiration and I fully support the form of Government, that is ruling in Moscow over the whole of Soviet Union. To-day Moscow is the hope of teeming millions and millions of workers and peasants. Why is it so? Because there unlike in the Capitalist world, the power is in the hands of workers and peasants. I will certainly welcome that form of Government, i.e., the Government of the workers and peasants which is the Socialist form of Government.

"But to-day you find a clash of ideas, clash of principles and clash of interests in the world. The American dollar imperialism has already started to bring the whole world under its sway. It is under the leadership of Soviet Union, all the democratic forms in the world resisting this. The clash between dollar imperialism and people's democracy is inevitable. I and my party will certainly fight the sway of the dollar imperialism over our country. The day is not far off, when the form of

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Government established in Moscow takes its roots in our land. I wish and I am confident to transform Delhi into another Moscow. What I mean to say is that the Moscow Raj of the peasantry and the workers will certainly be established in India and even Delhi will be turned into another Moscow and I will be proud of it. The Hon. Leader of the House charged the Communist with fomenting violence. It is quite wrong. I challenge him to bring one case to show that we have been preaching violence. Our policy has been enunciated in our papers and without going through them, he merely in season and out of season keeps on harping on the point that we preach violence. He has banned our volunteer organization. I challenge him to show a single case of any of our volunteers had taken to violence unless our heads are broken and our women workers are molested; in such cases we resist and in such circumstances even Mahatma Gandhi has advised resistance. (Laughter.) If hon. Members have not followed what he said, I am only very sorry.

"Let him not take shelter under the so-called violence of the Communist Party. Our policy has been in an increasing measure accepted by the people and it is coming forward. If the Government mean to attack us, I suggest to them: 'Let them attack our policies'. I do not think there is any need to refer in season and out of season to the preaching of violence by the Communists, of Moscow being our spiritual homeland and other such things. Of course, the reports which the Government receive from the District Magistrates are accepted by them without question. The whole question is that on account of the policy followed by Vallabhai Patel in not suppressing the R.S.S. before the death of Mahatma Gandhi, he failed to notice that zamindars, capitalists and other such people are conspiring to put down the National Government. Instead of that, our papers are being suppressed and we are being attacked and our party volunteers are being banned without any justification. You may believe your District Magistrate's report. But there are Congressmen also who, as I have observed in my opening speech, pointed out that it is not the Communist people who provoked the disturbances but the 9,000 R.S.S. people who staged demonstrations, attacked the people and the police then interfered and arrested 51 of our group against one R.S.S. man. As I told you the statement is issued by the Secretary of the Provincial Youth Congress. I believe that this Bill is being brought forward in the name of law and order, to put down and suppress the Communist movement. I want an assurance that this Bill will be implemented in case when there is any foreign aggression, for instance from the Nizam. I do not believe that to put down the communal trouble, this measure is going to help you. There are other methods for that."

MR. SPEAKER:—"The hon. Member is frequently repeating what he said before. I will allow him only one more minute."

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SRI PILLALAMARRI VENKATESWARLU:—"On the previous occasion also my time was cut short. I shall be grateful if you will give me five minutes."

"Mr. Speaker, I can understand you giving me one minute. But I cannot accept the Leader of the House saying, I can have only one more minute."

MR. SPEAKER:—"It is I that said that you have one more minute within which to finish. The Leader of the House has nothing to do with that."

SRI PILLALAMARRI VENKATESWARLU:—"We hope we shall be able to bring the Muslim masses to our side. In spite of what the Muslim League leaders might say, the time will not be far away when the Muslim masses will be in the Communist Party on the one hand, the Government accuses us of being a menace to society and that our methods are harmful to the people. Even Mr. Patel says in the case of R.S.S. that people must be won over by persuasion. What I say is why do not they try that method in the case of the Communist Party also. When the policy of the Communist Party is against the interests of the people, naturally, it must have been all the more easier for the Government to win over the people to their side. They can as well expose the policies and programmes of the Communist Party. But never have they done like that. The reason for that is that the Communist Party is the party of the people and for the people. When its policies are only for the teeming millions, it is not only easy for the Congress to go to people with their present policies, but with such policies it would be impossible for them to win the masses. That is the reason why they resort to these repressive legislations. It is better for the Government to realize that repression cannot suppress the people's movements and withdraw such legislation."

MR. SPEAKER:—"The hon. Member has finished the time allotted to him and he will now resume his seat."

THE HON. DR. P. SUBBARAYAN:—"I have not got very much to say except to say that the hon. Gentleman's speech reminds me of a famous saying in Shakespeare 'Sound and fury meaning nothing.'"

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

MR. SPEAKER:—"I wish to announce the programme of the work of the House. The House will sit to-morrow and day-after and on Saturday for half-day in the afternoon. The Upper House sits on the forenoon of Saturday and on the 23rd. Thereafter we are meeting again on the 24th. There is no sitting of the Assembly on the 23rd."

SRI A. KAMESWARA RAO:—"We shall be grateful if the Hon. Premier will be here for at least half-an-hour so that we may at least see him."

MR. SPEAKER:—"The House is adjourned to meet again at 11 a.m. to-morrow."

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APPENDIX.

[Vide answer to starred question No. 18 asked by Sri D. V. Ramaswami (on behalf of Sri B. S. Mallikarjuna Rao) at the meeting of the Legislative Assembly held on the 18th February 1948, page 401 supra.]

GOVERNMENT OF MADRAS.
PUBLIC DEPARTMENT.

PRESS NOTE No. 1.

Dated Fort St. George, 3rd January 1948.

Government have considered the various questions arising out of the recent strike of the Non-Gazetted Officers and have taken the following decisions:—

(1) While Government cannot accept the propriety of the Association resorting to a strike, particularly after all services were declared essential services under the Maintenance of Public Order Act, Government do not propose to take any action for mere participation in the strike, except that those who absented themselves from work will not get any salary during the period of their absence. But Government cannot take the same attitude with reference to those who defied orders promulgated under section 144 Criminal Procedure Code, in the interest of maintenance of public peace, and those who are reported to have intimidated employees who did not join the strike. As has already been stated, Government cannot also condone the action of officers like sub-magistrates and tahsildars who were entrusted with responsible work. Government have also decided to express their appreciation of the sense of duty of those who stuck to their posts during the period of strike.

(2) Those who participated in the strike may be divided into the following categories:—

(1) The general masses of the non-gazetted officers who chose to join the strike;

(2) Tahsildars, deputy tahsildars and sub-magistrates among the non-gazetted officers who deserted their important posts and struck work;

(3) Those who are proved to be guilty of acts of intimidation against those who did not join the strike; and

(4) Those who defied and incited defiance of orders, issued under section 144, Criminal Procedure Code.

As regards category (1) above, the Government direct that those who joined duty within the first three days of the strike will be regarded as having been absent without leave for the days they were absent and that no salary be paid to them for the days of their absence. Their increments will not, however, be affected. As regards those who joined duty after the first three days, the Government direct that in addition to loss of pay for the days they were absent, their next increments be postponed by one week.

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As regards category (2) above, the Government direct that in addition to loss of pay for the days they were absent, their next increments be stopped for one year which should have cumulative effect. They should further be deprived of their magisterial work or work as taluk tahsildar and posted to be in charge of less responsible work such as land acquisition. They will not be given any special pay or allowance for work of this nature. With this punishment their suspension will be cancelled and they will be allowed to rejoin duty. All these officers should also be transferred out of their districts. Sub-registrars who were in charge of essential treasury and magisterial work who participated in the strike will be dealt with similarly.

As regards category (3), Government direct that those of the staff employed on a temporary basis who had resorted to intimidation should be sent away, i.e., discharged. Permanent men who are proved guilty of acts of intimidation should have their pay reduced by two stages in the time scale to which they belong. In cases where they are at the bottom of the time scale, their increments should be withheld for two years.

As regards category (4), Government direct that they should be kept under suspension if they are not already under suspension and a departmental enquiry should be held into their conduct in defying orders issued under section 144, Criminal Procedure Code. This enquiry will be held by an officer to be nominated by Government who will submit his report to Government for orders.

(3) Temporary men employed during the strike will be retained in preference to those who had been recruited previously under rule 9 (a) (1) of the General Rules and who participated in the strike.

(4) As regards Government servants who did not join the strike but stayed at their posts, the Government direct that a special entry should be made in their confidential files that they loyally stuck to their posts during the period of strike and that special consideration should be shown to them when dealing with questions of promotion. The Government have also decided that they should be given one advance increment but financial details in regard to this are being examined and further orders will follow.

K. RAMUNNI MENON,
Chief Secretary.

THE MADRAS LEGISLATIVE ASSEMBLY.

Thursday, the 19th February 1948.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Detention of R.S.S.S. persons, etc.

* 27-A Q.—ABDUL HAMEED KHAN SAHIB BAHADUR:
Will the Hon. the Home Minister be pleased to state—

- (a) the names of persons who have been detained
- (i) in the City of Madras, and
 - (ii) in Kurnool district
- on the banning of (a) R.S.S.S. and (b) Muslim League National Guards;
- (b) how many of the R.S.S.S. persons have been detained and how many of the Muslim League National Guards; and
- (c) how many of them under each category have so far been released?

THE HON. DR. P. SUBBARAYAN:—“(a) The following persons were detained:—

(i) MADRAS CITY.

R.S.S.S.

- (1) V. Rajagopalachari.
- (2) K. Ramachandra Rao.
- (3) R. Sanjivi Naidu.
- (4) T. Elumalai Mudaliar.
- (5) Gokulananda Das.
- (6) Seeman Gramani.
- (7) M. Appadurai Naicker.
- (8) K. Jayaram Naidu.
- (9) R. Jayavelu Mudaliar.
- (10) D. Kothandaram Reddiar.
- (11) P. R. Subbarayalu Naidu.
- (12) M. Vadivelu Mudaliar.
- (13) H. Krishna Rao.
- (14) Babaji Deshapande.
- (15) Y. Shivaram Jogalekar.

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Muslim League National Guards.

- (1) M. Jamal Mohideen Sahib, M.L.A. (Central).
- (2) M. Abdul Haffiz.
- (3) Syed Valiullah Madani.

(ii) KURNOOL DISTRICT.

R.S.S.S.

- (1) A. Venugopala Reddi.
- (2) Mirayala Krishnamurthi.
- (3) Akkiraju.

Muslim League National Guards.

- (1) Nawab Ithalathilla Khan.
- (2) Mahaboob Ali Khan.
- (3) M. M. Ghouse.
- (4) Abdul Karim.
- (5) Mohiddin.
- (6) Itewala Ismail.
- (7) Moosa Khan.
- (8) Salam Khan.
- (9) Ibrahim Khaleeli.
- (10) Dr. Fida Hussain.
- (11) Aziz.
- (12) B. Mohideen Sahib.
- (13) D. Jamal Sahib.
- (14) Mahaboob Baig.

“(b) Presumably figures for the entire Province are asked for. They are:—

R.S.S.S.	...	...	...	...	...	...	294
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Muslim League National Guards	...	...	...	...	...	...	44
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“(c) R.S.S.S. 55

Muslim League National Guards	...	...	...	...	...	...	None.”
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SRI N. VENKATASUBBIAH:—“ Is it a fact, Sir, that some of the people arrested for alleged association with R.S.S.S. are thoroughly innocent, and may I ask the Government to release them forthwith because they did not understand the implications of the R.S.S.S.?”

THE HON. DR. P. SUBBARAYAN:—“ Well, Sir, I know as well as the hon. Member that these people were taken by surprise. Their cases are being carefully gone into, and if the Government are convinced that they are not capable of doing any harm to the State as it stands to-day Government will certainly release them.”

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SRI ALLURI SATYANARAYANA RAJU:—“ Will the Government take necessary steps to see that from all the people that are going to be released, a sort of assurance is taken that they will resign from these communal organizations?”

THE HON. DR. P. SUBBARAYAN:—“ Yes, Sir, that is what the Government propose to do.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“ Are the Government aware that amongst the Muslim National Guards who are detained every one of them is innocent of any violence and none of them is capable of indulging in violence and many of them had no connexion with Muslim National Guards at all?”

THE HON. DR. P. SUBBARAYAN:—“ As I have said, Government are going carefully through the list and they will do whatever lies in their power to see that these people are set free, if Government feel they will not be a danger to the State.”

SRI N. VENKATASUBBIAH:—“ Is it not a fact, Sir, that one Mr. Akkiraju of Atmakur, a well known Congressman known to be pledged to the Gandhian way of life, was arrested for R.S.S.S. activity and representations have been made to the Government for his release by the President of the District Congress, Taluk and Village Committees and may I know what action has been taken thereon?”

THE HON. DR. P. SUBBARAYAN:—“ The hon. Member is correct in his facts, and the Government are considering the matter.”

SRI PILLALAMARRI VENKATESWARLU:—“ Is it a fact, Sir, that offices of other political organizations were also searched and their members arrested in this connexion?”

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

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—“ May I know why there have been some cases of release of R.S.S.S. men only and not of Muslim League National Guards?”

THE HON. DR. P. SUBBARAYAN:—“ Well, Sir, I said we are working under a formula. We have been releasing only those who are not a danger to the State.”

SRI G. KUMARASWAMI:—“ May I know how many of them have expressed their regret, and if so, may I know who they are?”

THE HON. DR. P. SUBBARAYAN:—“ I have not the list with me. Those who have been released have expressed their regret.”

SRIMATHI V. LAKSHMI AMMAL:—“ May I know why the four R.S.S.S. persons of Tinnevely, even though they have given the undertaking, have not yet been released?”

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THE HON. DR. P. SUBBARAYAN:—"The matter has got to be carefully gone into. Mere undertaking is not enough. Government must be convinced they are not a danger to the State."

SRI V. RAGHAVAYYA:—"May I know what is the exact position of the Government in respect of arrests? Is it because that most of the people detained, belong to communal organizations, or is it because the organizations to which they belong had anything, remote or near, to the assassination of Mahatma Gandhi?"

THE HON. DR. P. SUBBARAYAN:—"This is a question that I am not able to answer."

SRI A. KALESWARA RAO:—"May I know whether action is taken by the Government against these people for any violent activity, and if no violent activities are proved, will the Government release them?"

THE HON. DR. P. SUBBARAYAN:—"I am not prepared to commit myself to that proposition. All that I have said is, the Government will carefully go through this question and if they consider these people are not a danger to the State they will release them."

SRI A. KALESWARA RAO:—"Are the Government aware that the recent release of some Muslim National Guards has had a salutary effect in improving the communal relations between the two communities?"

THE HON. DR. P. SUBBARAYAN:—"I am very glad to have this information."

SRI V. RAGHAVAYYA:—"May I know if the arrests have been made because most of the people belong to communal organizations, and if so, may I know why communal organizations other than the R.S.S.S. and National Guards, which more communal than they, like the Hindu Maha Sabha and the Muslim League, have not been banned and brought to book?"

THE HON. DR. P. SUBBARAYAN:—"Under the general policy, the ban that was imposed was only on Muslim National Guards and the R.S.S.S. and so people connected with these organizations have been taken in. But if the Government find that even those communal organizations are also a danger to the State, then they will act. But so far they see there is no imminent danger."

SRI GUNTUR NARASIMHA RAO:—"May I know when even before the ban was imposed persons like Mr. V. Rajagopalachari have sent a letter dissociating themselves from the R.S.S.S. and in spite of the assurance given, may I know why these people have been arrested and put into jail?"

THE HON. DR. P. SUBBARAYAN:—"I am afraid the hon. Member is wrong in his information, because no such thing reached the Government. They were arrested under the

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order of Government, and as the hon. Member knows, when Mr. V. Rajagopalachari gave an undertaking, the Government felt he may not be a danger to the State and so he was forthwith released."

SRI PILLALAMARRI VENKATESWARLU:—"May I know when all this ban and arrests are in connexion with communal disturbances, why political organizations and volunteer organizations of the Communist Party were also banned in this connexion, particularly as they have no association with the R.S.S.S. and Muslim National Guards."

THE HON. DR. P. SUBBARAYAN:—"I think the hon. Member knew my opinion yesterday itself, when I stated that the Government have to put an end to all volunteer organizations."

SRI ALLURI SATYANARAYANA RAJU:—"Will the Government consider the advisability of keeping a close watch over the people who are to be released as they are members of communal organizations?"

THE HON. DR. P. SUBBARAYAN:—"The hon. Member knows as well as I do that these are matters of State. I am not prepared to commit myself to anything."

P. K. MOIDEEN KUTTY SAHIB BAHADUR:—"May I know whether these arrests have been made under orders of the Government or they are left to the discretion of the District Magistrate?"

THE HON. DR. P. SUBBARAYAN:—"That again is an administrative matter on which I am not prepared to give any information."

MUHAMMAD RAZA KHAN SAHIB:—"May I know whether it is the policy of the Government to ban Congress volunteer organizations also, which are of the nature of private army on a par with R.S.S.S. and Muslim National Guards?"

THE HON. DR. P. SUBBARAYAN:—"Congress volunteer organizations as far as I am aware are not of the nature of private army at all. They are a body of non-violent workers." (Hear, hear.)

K. M. SEETHI SAHIB BAHADUR:—"Is the action of the Government directed against volunteer organizations as such or only against organizations of the nature of a private army?"

THE HON. DR. P. SUBBARAYAN:—"Yes, in the opinion of the Government most of these organizations banned come under 'private army'."

SRI PILLALAMARRI VENKATESWARLU:—"Arising out of the answer of the Hon. Leader of the House that innocent persons will be released, may I know why Mr. Chundurru Venkata Reddi was released even though he is the Leader of the Hindu Maha Sabha?"

THE HON. DR. P. SUBBARAYAN:—"He comes under the formula I have already laid down, namely, that we do not think he is a danger to the State."

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SRI N. VENKATASUBBIAH:—“ Since detention without trial is a serious matter, may I request the Minister to take immediate steps to release those whom the Government do not think to be a danger to State? ”

THE HON. DR. P. SUBBARAYAN:—“ The Government dislike detention without trial as much as the hon. Member, and therefore they will take care to see that those who are not a danger to the State are not kept in custody. ”

SRI ALLURI SATYANARAYANA RAJU:—“ Are the Government aware that Chunduru Venkata Reddi who has been sentenced for R.S.S.S. activity has been financing it from the very inception of the communal organization which is responsible for the murder of Mahatma Gandhi? ”

THE HON. DR. P. SUBBARAYAN:—“ Now, Sir, I think he has learnt a lesson; he will take care of himself. ”
(Laughter.)

SRI A. KALESWARA RAO:—“ Are the Government aware that the Communist Party in Andhra is taking advantage of the political situation and collecting huge sums of money and arms in the neighbouring State and bringing them into our territory so that they may create another China here? ”

THE HON. DR. P. SUBBARAYAN:—“ This is giving information and not a question. ”

SRI V. RAGHAVAYYA:—“ With regard to the ‘ undertaking ’ may I ask what is the nature of the undertaking? Is it mere disavowal or repentence for past action or resignation from the organization or something else requiring their going on sack cloth and ashes? ”

THE HON. DR. P. SUBBARAYAN:—“ I have already said, dissociation from the organization is not enough. The Government must consider they are not a danger to the State. ”

MUHAMMAD RAZA KHAN SAHIB:—“ May I request the Government to release the people in detention as early as possible when they tender the necessary apology or give an undertaking to completely dissociate themselves from the organizations, as there are a very large number of persons in detention? ”

THE HON. DR. P. SUBBARAYAN:—“ I have already declared the formula laid down by Government. It will depend on whether the Government feel they are danger to the State. That is the primary consideration. ”

Indian Union Muslim League Conference at Madras.

* 28 Q.—SRI T. S. PATTABHIRAMAN: Will the Hon. the Home Minister be pleased to state—

(a) whether the Government are aware that the All-India Muslim League recently held at Karachi under the presidentship

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of Mr. Jinnah has instructed Mr. Muhammad Ismail, Madras Muslim League Leader, to convene the Indian Union Muslim League Conference at Madras; and

(b) whether the Government propose to ban the above conference?

THE HON. DR. P. SUBBARAYAN:—“ (a) Yes.

“ (b) The Government have at present no such proposal under their consideration. ”

SRI K. T. KOSALRAM:—“ Are the Government aware that the Muslim Leaguers are justifying openly the activities of the 11-15 a.m. Nizam and also the Kashmir invasion? ”

THE HON. DR. P. SUBBARAYAN:—“ The Government are keeping a very strict watch over these things. As far as I can see, none of the members of the Muslim League have taken any part in supporting the Nizam or the Kashmir invasion. ” (Interruption by Muhammad Raza Khan Sahib.)

SRI P. NATESAN:—“ Mr. Muhammad Raza Khan Sahib just now said: ‘ Don’t speak lies. ’ Is he not casting aspersion on the Members of this House? ”

MR. SPEAKER:—“ Let me hear from Mr. Raza Khan what he said. If he has used the word ‘ lie ’ he must apologize. ”

MUHAMMAD RAZA KHAN SAHIB BAHADUR:—“ I just said it as an aside to my friend Mr. Ansari. What I said was that it was a lie. If you maintain that I should apologize, I apologize with a request to you that these people should not be allowed to put such mischievous questions, as it will lead to trouble in the country. ”

MR. SPEAKER:—“ That is my lookout. As far as Mr. Raza Khan is concerned, he must apologize. ”

MUHAMMAD RAZA KHAN SAHIB:—“ I apologize, Sir. ”

THE HON. DR. P. SUBBARAYAN:—“ I really deprecate Members passing remarks against each other. After all, the Government are replying to the question. Personal attack by the Members on one another has to be deprecated, and I hope the hon. Gentleman will refrain from such activities. ”

MUHAMMAD RAZA KHAN SAHIB:—“ May I request the Hon. Leader of the House to see that his party members use some restraint as is being done by our party members? ”

THE HON. DR. P. SUBBARAYAN:—“ As far as I am aware, I am satisfied that the hon. Members on this side of the House are exercising equal restraint with those on the other side. ” (‘ Hear, hear ’, from Congress benches.)

SRI N. M. R. SUBBARAMAN:—“ May I know what the attitude of the Government is towards exclusively communal political organizations? ”

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THE HON. DR. P. SUBBARAYAN:—"The Government have not considered the matter. But as I have said time and again, I feel that the country would be very much the better if these organizations give up their communal complexion of their own accord and join the political parties."

SRI R. V. SWAMINATHAN:—"May I know whether the Government realize that allowing a conference of this kind to be held in this Province where peace is prevailing may lead to trouble?"

THE HON. DR. P. SUBBARAYAN:—"As far as I am concerned, I am not prepared to express an opinion at the present time."

SRI P. NATESAN:—"May I know whether the Government will take steps to abolish the Communist Party in this province?"

THE HON. DR. P. SUBBARAYAN:—"I have stated time and again that political opinions can be held and will be held. As long as they do not descend to violent activities, they are entitled to carry on propaganda among the public for what they consider to be the policy that should be followed."

SRI C. M. KOTHARI:—"May I know whether the Government are satisfied that the Communist activities are non-violent?"

THE HON. DR. P. SUBBARAYAN:—"That is a matter which is under careful investigation by the Government."

SRI P. NATESAN:—"May I know whether the Government have been able to discover by dangerous element among the Communist Party so far?"

THE HON. DR. P. SUBBARAYAN:—"It might be necessary to bring such persons before a court of law. So I am not prepared to say anything on the floor of this House which might prejudice their trial."

MUHAMMAD RAZA KHAN SAHIB:—"As there seems to be some misapprehension, may I inform the Government that what is proposed is neither a conference nor a convention but just a meeting of the members of the Council of the All-India Muslim League in the Indian Union, which will not be open to the Press or the public?"

THE HON. DR. P. SUBBARAYAN:—"I am prepared to take that information."

M. S. ABDUL MAJID SAHIB BAHADUR:—"May I know from the Hon. Leader of the House whether the right of association is not one of the fundamental rights enunciated by the Constituent Assembly?"

THE HON. DR. P. SUBBARAYAN:—"Yes, subject to any danger to the State."

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SRI PILLALAMARRI VENKATESWARLU:—"Are the Government aware that the blackmarketeers and the worst type of capitalists are encouraging these communal organizations and that they are responsible for the assassination of our greatest Leader and, if so, will they hang these blackmarketeers and worst capitalists?"

THE HON. DR. P. SUBBARAYAN:—"I am grateful for the advice of the hon. Member in the long speech he has made."

SRI M. S. PATTABIRAMIAH:—"Are the Government aware that there are communal organizations other than the Muslim League which are making mischievous propaganda and creating cleavages in the province?"

THE HON. DR. P. SUBBARAYAN:—"According to me, preaching class hatred is as bad as preaching communal hatred."

SRI P. NATESAN:—"Is it not a fact that every political organization, including the Congress, is subsidized by capitalists?"

THE HON. DR. P. SUBBARAYAN:—"I do not grant that with regard to the Congress organization, as I know that it is the only organization which depends on the will of the people and the four-anna subscription that it collects."

SRI A. KALESWARA RAO:—"May I know whether the revival of the Muslim League will not strengthen the activities of the Hindu Mahasabha and create disturbance in the province?"

THE HON. DR. P. SUBBARAYAN:—"I do not quite understand the implication because I do not see how the question of revival arises when the Muslim League has not yet been dissolved."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Home Minister be pleased to ban all propaganda instigating class hatred also?"

THE HON. DR. P. SUBBARAYAN:—"As I have already said, I am keeping a close watch. If things go beyond what I consider to be the legal limits, banning will follow."

SRI V. RAGHAVAYYA:—"Do the Government propose to declare the venue of the conference as a disturbed area under the Act passed yesterday?"

THE HON. DR. P. SUBBARAYAN:—"As I said yesterday, I hope that that Act will not be put into force as long as I am responsible for the peace of this province."

SRI P. NATESAN:—"May I know whether the Hon. Minister does not consider it undesirable to hold a conference in Madras to which neither the Press nor the public would be admitted as has been stated by an hon. Member just now?"

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THE HON. DR. P. SUBBARAYAN:—"Even though the Press and the public may not be admitted, the Government have means by which they can get the information they need."

MR. SPEAKER:—"The hon. Member who gave notice of the questions 29, 30 and 31 is not in his place. The answers will be printed in the proceedings."

Rationing of foodgrains in the Madras Presidency.

* 29 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Food be pleased to state what the definite areas are wherein informal rationing (rural or otherwise) and statutory rationing relating to foodgrains will be in force in the Madras Presidency after 4th February 1948?

THE HON. DR. T. S. S. RAJAN:—" (1) After 1st February 1948 informal rationing will be in force in the rural areas of Malabar and the Nilgiris districts.

" (2) Statutory rationing is now in force in Madras City and the Municipal areas in the districts of Anantapur, Bellary, Cuddapah, Kurnool, Malabar, South Kanara, Chingleput, Chittoor, Coimbatore, Salem, Madura, Ramnad, Tinnevely, Vizagapatam, Trichinopoly and South Arcot except Chidambaram.

" (3) The question of removing statutory rationing in Trichinopoly and Karur towns in Trichinopoly district, Cuddalore and Villupuram towns in South Arcot district, the four municipal areas of Vellore, Gudiyattam, Vaniyambadi and Tiruppattur in North Arcot district and all the municipal areas of South Kanara district is under the consideration of the Government.

" (4) Statutory rationing of millets has been removed in the districts of Cuddapah, Kurnool, Bellary, Anantapur and Chittoor. The question of removing statutory rationing of rice also in these districts is under the consideration of the Government."

Price of cement.

* 30 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Public Works be pleased to state the relevant factors the Government have taken into consideration in increasing the price of cement from Rs. 65 per ton to Rs. 87-8-0 per ton as per the recent G.O. Ms. No. 8, P.W. (General), dated 3rd January 1948?

THE HON. SRI M. BHAKTAVATSALAM:—"The price of cement is fixed by the Government of India on all-India basis. The increase in the price referred to was fixed by the Government of India and it was notified by this Government at their instance."

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Entertainments tax.

* 31 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Finance be pleased to state what exactly the necessity was for the Government in exempting in 1946-47 by special or general order a number of entertainments from liability to the entertainments tax under section 8 (2)?

THE HON. SRI B. GOPALA REDDI:—"Forty-four entertainments exempted from liability to pay entertainments tax under section 8 (2) of the Madras Entertainments Tax Act, 1939, during 1946-47, as against 204 during 1945-46. Some of these exemptions were covered by the general exemption granted by the Government during the war period in respect of shows intended for the exclusive use of the Military personnel. This exemption has since been withdrawn. In other cases, exemptions were granted as the proceeds of the entertainments were intended to be utilized exclusively for philanthropic, educational or cultural purposes."

SRI P. NATESAN:—"On a point of submission. Would it be possible for the Hon. Speaker to allow me to put the questions 29, 30 and 31?"

MR. SPEAKER:—"No, it is not possible. If the hon. Member wants, he can give notice of fresh questions."

Purchase of second-hand buses.

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

(a) whether it is a fact that the Government negotiated with Public Passenger Service, Limited, for purchase of second-hand buses of 1945 model;

(b) whether the Government have appointed any price controllers to fix the prices;

(c) whether it is a fact that the price of the above model was fixed at about Rs. 6,000 by the controller;

(d) whether the Government subsequently abandoned the purchase;

(e) whether it is a fact that these buses were permitted by the Government to be sold at Rs. 11,000 each; and

(f) for how long were the concerned buses on use on the date when the Government fixed Rs. 11,000 as the price?

THE HON. MR. DANIEL THOMAS:—" (a) The question of disposal of second-hand buses with the private operators in Madras City, who would be displaced as a result of the nationalization scheme, was discussed at a conference held by Hon. Minister (Prohibition) on 17th September 1947, with the representatives of the operators and the then Secretary, Central Road Traffic Board. The representatives expressed that the companies would not be disposed to sell

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their vehicles to the Government as the valuation formula laid down by the Government was disadvantageous to them. It was therefore agreed that ceiling prices should be fixed by the Provincial Motor Transport Controller in respect of the buses which the operators might wish to sell to the public on the basis of the formula adopted in respect of the sale of certain surplus lease-lend lorries of the S.R.V.S., Ltd., but with special provision to cover the value of bus bodies. The following are the ceiling prices fixed by the Provincial Motor Transport Controller in respect of the vehicles owned by the operators in the City:—

Year.		Chevrolet.		Ford.	
		RS.		RS.	
1943		9,000	..	8,500	
1944		10,250	..	9,750	
1945		11,500	..	11,000	
1946		12,750	..	12,250	
1947 160" W.B.		14,000	..	14,000	158" W.B.
195" W.B.		13,000	..	16,000	

The City operators later represented that they would be disposed to sell their vehicles of 1946 and 1947 models to the Government if the valuation formula was altered so as to permit depreciation being worked on a three-month basis for vehicles less than a year old and on a six-month basis for other vehicles. This was approved by Government. Two of the vehicles of the Public Passenger Service, Limited, of 1946 model were purchased for the Government Bus Service according to the formula approved by the Government.

“(b) The Transport Commissioner was authorized to fix the ceiling price in respect of second-hand vehicles of operators in Madras City, which were not made available to Government.

“(c) The answer is in the negative.

“(d) & (e) Please see the answer to clause (a) above.

“(f) Government have no information.”

SRI V. RAGHAVAYYA:—“Is it a fact that the 1945 model vehicles which the Government wanted to purchase at a lower price were subsequently allowed by the Government to be sold at a far higher price and, if so, do the Government adopt the Alladdin's Lamp episode in this matter?”

THE HON. MR. DANIEL THOMAS:—“I should like the hon. Member to explain the Alladdin's Lamp episode.”

SRI V. RAGHAVAYYA:—“Alladdin conceived the idea of selling new lamps for old, so that he might collect some treasure lamps which might have been thrown away in the basket. The law of nature is that old things fetch a lower price than new things. In this case, my information is that the price of old buses which was fixed at Rs. 6,000 was later on increased to

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Rs. 11,000 by the same Controller. My question is: Why did the Government think it necessary to fix a far higher price to the same vehicle whose price was fixed at about half the price only a few months earlier.”

THE HON. MR. DANIEL THOMAS:—“If it is the case of a real Alladdin's Lamp and not a mythical affair, the Government have no objection. So far as the increase in price is concerned, I have no information.”

SRI V. RAGHAVAYYA:—“In view of the fact that the Hon. Minister says that he has no information, may I request the Hon. Speaker to allow me to put this question some days later?”

MR. SPEAKER:—“The hon. Member can put a fresh question.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister be pleased to state what the necessity was for the Government to purchase second-hand buses at a high price?”

THE HON. MR. DANIEL THOMAS:—“In the arrangements for nationalization, the Government made an offer to the bus operators to take over their road-worthy buses at a fair price. The Government do not agree that the buses were purchased at over and above their normal value.”

SRI P. NATESAN:—“In view of the statement of the Prime Minister of the Indian Union made yesterday, do the Madras Government propose to proceed with the policy of nationalization?”

THE HON. MR. DANIEL THOMAS:—“The Prime Minister's speech on nationalization refers to key industries and not to motor transport.”

SRI C. M. KOTHARI:—“May I correct the impression of the Hon. Minister and say that Pandit Jawaharlal Nehru refers to not only the key industries but also says that he does not want to disturb the existing industries?”

THE HON. MR. DANIEL THOMAS:—“I do not consider motor transport organization as an industry at all. On the other hand, the Central Government have declared their intention to nationalize the air services.”

Starting of a cement factory at Kurnool.

* 33 Q.—SRI N. VENKATASUBBAYYA: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Government have permitted Rao Sahib Sri B. P. Sesha Reddi of Kurnool to start a cement factory in that district;

(b) whether it is a fact that he has approached the Government for financial and other help;

(c) whether any negotiations have been initiated between him and the Government;

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(a) whether any agreement has been reached between the Government and Sri Sessa Reddi; and

(c) if so, what are the terms of the agreement?

11-30 a.m. THE HON. SRI H. SITARAMA REDDI:—“(a) Yes, Sir.

“(b) Yes.

“(c) Yes.

“(d) Not yet.

“(e) Does not arise.”

SRI N. VENKATASUBBAYYA:—“May I know, Sir, if there is any proposal to instal a plant for the manufacture of cement and if so, what its capacity is?”

THE HON. SRI H. SITARAMA REDDI:—“The present proposal is to instal a plant with a capacity of 1 lakh of tons of cement in Kurnool.”

SRI N. VENKATASUBBAYYA:—“Sir, in view of the fact that a very abundant supply of raw materials is available in the district, is it not desirable to have a plant with a greater capacity?”

THE HON. SRI H. SITARAMA REDDI:—“I believe, it was originally proposed to instal a plant with a capacity of 50,000 tons, but after taking into consideration the usual quota that we are getting from the Government of India, we thought that the proposed plant should have a capacity of 1 lakh of tons; it is not possible to increase the capacity still further at present.”

SRI P. NATESAN:—“May I know, Sir, what is the extent of financial help that was sought for by Mr. Sessa Reddi from the Government?”

THE HON. SRI H. SITARAMA REDDI:—“The Government will have a controlling interest in the concern by supplying 51 per cent of the capital, by taking shares.”

SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister for Industries be pleased to say whether the Government will afford financial help to people to start a similar new cement factory in any other district?”

THE HON. SRI H. SITARAMA REDDI:—“Wherever the Government find it desirable to help industries financially, Sir, help will be given.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Sir, with reference to the statement made by the Hon. Minister for Industries that the Government are thinking of extending financial assistance to this industry, with a view to have a controlling interest in it, may I know whether it is in pursuance of their policy of nationalization, or because of the fact that private capital is not forthcoming that the Government thought it fit to extend financial assistance to this industry?”

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THE HON. SRI H. SITARAMA REDDI:—“It is with a view to the speedy industrialization of the Province that the Government propose to extend this help, Sir.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know, Sir, whether private capital is not forthcoming for floating this concern?”

THE HON. SRI H. SITARAMA REDDI:—“That seems to be the state of things at present, Sir.”

SRI C. M. KOTHARI:—“Arising out of the answer of the Hon. Minister, may I know, Sir, what kind of controlling interest is the Government proposing to take in the company and what is the capital of the company?”

THE HON. SRI H. SITARAMA REDDI:—“They are all matters under negotiations, Sir.”

SRI N. VENKATASUBBAYYA:—“Is it a fact, Sir, that Mr. Sessa Reddi has offered the Government to take 51 per cent of the shares and have a controlling interest in the industry?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, the Government have been asked to take 51 per cent of the shares and have a controlling interest in the company and these are the terms on which negotiations are proceeding.”

SRI C. M. KOTHARI:—“In view of the last statement of the Government in regard to this industry at Kurnool, will the Hon. Minister be pleased to appoint a small committee to examine and find out whether the prospects as stated by Mr. Sessa Reddi are true and whether the industry is going to be a success?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, the Government have carefully gone into the question and have decided about the need for the establishment of a cement factory in the Ceded Districts. They have also, after due deliberations and after getting the necessary data, have decided upon starting a factory at Kurnool and therefore there is no need for a committee to go into this question.”

SRI P. NATESAN:—“May I know, Sir, what is the paid-up capital of the proposed cement factory?”

THE HON. SRI H. SITARAMA REDDI:—“As I said, Sir, I have not gone into it in detail, but it may be about Rupees 1 crore.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“May I know, Sir, why private capital is so shy in this case, though it was not so in recent times?”

THE HON. SRI H. SITARAMA REDDI:—“Sir, I believe the hon. Member knows as much as I do, that capital is shy not only for this industry, but also in the case of every other industry, due to certain reasons over which I have no control.”

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M. MUHAMMAD ISMAIL SAHIB BAHADUR:—" May I know, Sir, what are those reasons, and whether the Government cannot do anything to remove those reasons? "

THE HON. SRI H. SITARAMA REDDI:—" Sir, as I said, the market conditions are such that there is not adequate money in the hands of people to go into share market."

SRI P. NATESAN:—" May I know, Sir, if the Government will be pleased to extend the same kind of financial assistance in the case of every other industry by taking 51 per cent of the share capital, which would require a capital of Rs. 1 crore? "

THE HON. SRI H. SITARAMA REDDI:—" Every case will be considered on its merits, Sir. If it is an industry which is essential for the Province, then its case will be considered, Sir."

SRI P. NATESAN:—" May I know, if the Government realize that when once a license is issued to an industry, it is supposed to be a very important industry for this Province? "

THE HON. SRI H. SITARAMA REDDI:—" When the Government issue a licence in respect of a particular industry, then it means that it is essential and necessary for the Province."

SRI V. RAGHAVAYYA:—" May I know what were the special reasons that have induced the Government to stretch the point in favour of Mr. Sessa Reddi? Is it on account of the capacity of the individual or the generosity of the Government or are there any special circumstances that have tied both the Government and the gentleman together in this particular case? "

THE HON. SRI H. SITARAMA REDDI:—" There is no question of stretching the point in favour of a particular individual, Sir. As I have already said, the Government are convinced about the need for starting the particular industry in this Province and they have therefore to make every effort to establish the same in this Province. There is no question of extending any favours to any particular individual as my hon. Friend has put it."

SRI GUNTUR NARASIMHA RAO:—" Sir, as the Government have been feeling that there is a shortage of cement all over the country, and that the Ceded districts should have one factory, they also recommended that another factory should be installed in West Godavari promoted by Mr. Satyanarayanamurthi, but the Central Government have not given permission to start it. Will the Madras Government be pleased to take early steps to address the Central Government and get the necessary permission for Mr. Satyanarayanamurthi to instal the same? "

THE HON. SRI H. SITARAMA REDDI:—" I would request the hon. Member to put a separate question on the subject."

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SRI D. V. RAMASWAMI:—" In view of the fact that the Government consider that the cement industry is an important industry for the country and should be nationalized, may I ask why the Government should not consider it desirable to start a cement industry of their own? "

THE HON. SRI H. SITARAMA REDDI:—" That is also one of the points that will be considered by the Government, Sir."

SRI K. LINGA RAJU:—" May I know, Sir, whether anybody else has applied for starting a cement industry in the Kurnool district? "

THE HON. SRI H. SITARAMA REDDI:—" I should like to have notice, Sir."

SRI C. M. KOTHARI:—" May I know the special qualifications of Mr. Sessa Reddi in respect of promoting this company? "

THE HON. SRI H. SITARAMA REDDI:—" I may just inform the hon. Member that the application from this gentleman was recommended quite a long ago. He knows as well as I do, that the Government will go immediately into the question of the capacity and the solvency of the persons concerned before entrusting the job to them."

SRI C. M. KOTHARI:—" May I know, Sir, whether the Hon. Minister is aware that licences are sometimes given to persons who have neither the capacity to bring in the capital nor the qualifications necessary for making the industry a success? "

THE HON. SRI H. SITARAMA REDDI:—" It is a matter of opinion, Sir."

SRI P. NATESAN:—" In view of the constitution of linguistic provinces in the near future, will the Hon. Minister consider the desirability of keeping this matter in abeyance for six months more? "

THE HON. SRI H. SITARAMA REDDI:—" No, Sir."

SRI PILLALAMARRI VENKATESWARLU:—" May I know, Sir, while helping these industries to come into being, whether the Government will also see that living wage conditions are guaranteed to the workers in these industries? "

THE HON. SRI H. SITARAMA REDDI:—" Yes, Sir, that question will also be considered."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—" Have the Government consulted our Communist friends before allowing industrialists to start industries, with regard to matters of labour? " (Laughter.)

(No answer.)

SRI P. NATESAN:—" As according to the Hon. Minister financial conditions are bad at present, may I know how the Government propose to raise the necessary money for subsidizing these industries and taking 51 per cent of the share capital? "

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THE HON. SRI H. SITARAMA REDDI:—"The Government are proposing to have an Industrial and Financial Corporation and the money that will be available from the Corporation will be utilized for such industries as are found necessary and essential."

SRI C. M. KOTHARI:—"As the Hon. Minister said that the investment of the Government in this industry will be about Rs. 51 lakhs, will it not be interesting to the House to know what will be the capital of the Industrial and Financial Corporation, from which this sum is proposed to be contributed?"

THE HON. SRI H. SITARAMA REDDI:—"That is a question that is being considered, Sir."

Report of the Rayalaseema Co-operative Enquiry Committee.

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

(a) when the report of the Rayalaseema Co-operative Enquiry Committee was received by the Government;

(b) when the consideration of the report began;

(c) whether the consideration has been finished; and

(d) if so, what the decisions arrived at are?

THE HON. SRI K. CHANDRAMOULI:—" (a) The first proof copy of the report was received towards the end of May 1946.

" (b) & (c) The remarks of the Registrar of Co-operative Societies were called for in August 1946 on the various recommendations of the Committee. These remarks were received in batches and the last batch was received on 6th January 1948. The more important of the recommendations of the Committee relating to the financing of agriculturists for long and short terms and the supervision of the village primary societies in Rayalaseema are to be considered at a conference of non-official co-operators from Rayalaseema and other places on 4th February 1948. The other recommendations are all under examination which has not yet been finished.

" (d) No decisions have been arrived at."

SRI N. VENKATASUBBAYYA:—"Since co-operative institutions in the Rayalaseema are badly in need of urgent help, is it not desirable that tentative decisions at least should be reached soon so that they may be placed on a better footing?"

THE HON. SRI K. CHANDRAMOULI:—"That is why the Government are trying to finish this matter as early as possible. We have already finished our deliberations and I think decisions will be arrived at very soon."

[* 35 Q.—MR. SPEAKER:—"The hon. Member who put the question is not in his place. The answer will be printed in the proceedings."]

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Introduction of compulsory primary education in certain villages in the Ernad taluk.

* 35 Q.—K. M. SEETHI SAHIB BAHADUR: Will the Hon. the Minister for Education be pleased to state—

(a) whether their attention has been drawn to the deplorable backwardness in education of the people of Wandoor and Waniyambalam amsams in Ernad taluk;

(b) whether they have received representations for including these amsams also in the compulsory area for primary education; and

(c) whether the Government propose to introduce compulsory primary education in these villages?

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

" (a) The Government understand that Ernad taluk is one of the areas backward in education in the Province.

" (b) No.

" (c) Ten villages have been taken up for the introduction of compulsory elementary education in the Ernad taluk. The question of introducing compulsory elementary education in the villages mentioned in the question and others in the taluk will be taken up in due course."

[* 36 Q.—MR. SPEAKER:—"The hon. Member is not in his seat. The answer will be printed in the proceedings."]

Decontrols of groundnut cake for export purposes.

* 36 Q.—M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Minister for Agriculture be pleased to state—

(a) whether the Government are going to decontrol groundnut cake shortly even for export purposes outside the Province;

(b) if so, whether the Government are aware that the producing ryots, especially paddy growers, will be adversely affected by such decontrol; and

(c) what steps the Government propose to take for the adequate supply of oil-cake at fair prices for the benefit of the ryots?

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

" (b) The question does not arise.

" (c) The Agricultural Department is procuring 60 per cent of the production of groundnut oil cake or the quota fixed by the Director of Agriculture for each mill whichever is higher at controlled rates. The quantity so procured is allotted to each taluk in a district by the Director of Agriculture according to the paddy area. The Taluk Committee fixes the village quota. The Agricultural Demonstrator distribute the groundnut cake to individual ryots according to the paddy acreage cultivated by them. The sale of

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groundnut cake is subsidized by not including in the sale price overhead charges up to 10 per cent of the cost price and the entire establishment charges. These steps are adequate to ensure supply of groundnut cake to ryots at fair prices."

Plague in Trichinopoly.

* 37 Q.—SRI PILLALAMARRI VENKATESWARLU (on behalf of Sri K. Anandan Nambiyar): Will the Hon. the Minister for Public Health be pleased to state—

(a) whether there are cases of plague attack for the last one month in the town of Trichinopoly;

(b) how many cases of attack and how many deaths; and

(c) whether the Health Department has taken necessary steps to stop its spreading to the suburban areas of Srirangam and Golden Rock?

THE HON. SRI A. B. SHETTY:—“(a) Yes.

“(b) 24 cases with 12 deaths.

“(c) Yes.”

SRI PILLALAMARRI VENKATESWARLU:—“May I know what action the Government has taken to prevent the spread of plague afterwards?”

THE HON. SRI A. B. SHETTY:—“All the necessary preventive measures have been taken, such as inoculation, disinfection of infected premises and cynogas fumigation, etc.”

SRI R. V. SWAMINATHAN:—“Was there any casualty among the Communist members?”

(No answer.)

SRI PILLALAMARRI VENKATESWARLU:—“On a point of order, Mr. Speaker, I cannot put up with this sort of insinuation.”

SRI N. VENKATASUBBAIAH:—“Mr. Speaker, this morning's newspaper gave the very glad and welcome news that Banganapalle State has come into our Province. I wish to know from the Government whether they have any information on this point and if so what arrangements they are going to make to receive the State into our Province?”

MR. SPEAKER:—“In matters like these, it is better the hon. Member puts a short notice question. Surely the Hon. Minister cannot be expected to reply to these questions off-hand. Anyhow, I have no objection to the Hon. the Leader of the House replying to this, if he has the information ready.”

THE HON. DR. P. SUBBARAYAN:—“Sir, all I am going to say is that as far as the Government are concerned, we have no official information although there were rumours afloat and therefore the Government are not in a position either to affirm or to deny what has been said.”

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

II.—GOVERNMENT MOTION *RE*: TRANSACTION OF OFFICIAL BUSINESS ON A NON-OFFICIAL DAY.

THE HON. DR. P. SUBBARAYAN:—“Mr. Speaker, Sir, I move—

‘that rule 17 of the Madras Assembly Rules be suspended and the House do resolve to transact Government business on that day.’

“I am afraid, Sir, that these motions are becoming as frequent as King Charles's head. I am only sorry that I am not in a position not to do this, because, a large amount of Government business has accumulated and because our Government is by deliberation, they have got to take every opportunity to get the necessary legislation through the House. I shall try to give a non-official day during the course of the next month if it lies in my power, though I do not give any promise in the matter. It all depends on how rapidly we are able to get through our work. If you look into the history of other deliberative assemblies, you will find that we are acting in a more generous manner than is done elsewhere. That is my reason Sir, for moving this motion to-day.”

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—“Mr. Speaker, Sir, I have as usual, to record my protest against the continued attempt of the Government in depriving the house—the non-official side of the house—of its valuable right of transacting non-official business in the House. The hon. Leader of the House has, of course, expressed his regret at his having to do this thing. But however, that expression does not help us Sir. Even the promise which he began making, has been withheld in the end and he said that he could not give any assurance that a non-official day will be allotted during the budget session. He frequently quotes the example of other deliberative bodies. But the conditions under which those bodies are working are different from the conditions under which we are working to-day.

“Here, as I have told you more than once very valuable (non-official) business emanates from the non-official side of the House^{11-45 a.m.} and the Government themselves, more often than otherwise, have agreed that those items of business were useful. So they agreed to the transaction of the business and agreed to those measures themselves. In view of all this, I think the Government must desist from taking away this one privilege of the House so repeatedly as they are doing now.”

The motion was put and carried.

III.—GOVERNMENT BILLS.

(i) THE MADRAS AIDED INSTITUTIONS (PROHIBITION OF TRANSFERS OF PROPERTY) BILL, 1948.

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“Mr. Speaker—

‘I introduce the Madras Aided Institutions (Prohibition of Transfers of Property) Bill, 1948, and move under rule 111’

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of the Madras Assembly Rules, that the concurrence of the Madras Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of twelve members to consider the Bill, eight members from the Assembly and four members from the Council.'

"Sir, this is a small Bill but rather an important one. It affects many of the educational institutions in the country which are receiving grants. So, Sir, I would like to explain in brief the position of the Bill itself.

"At present, the Government give grants for school buildings, building sites and play-grounds. Chapter VIII of the Grant-in-aid Code lays down the rules to be observed in this connexion. Rule 54 (i) of the Code says:

'Whenever a scheme is approved and Government sanction a grant, the management shall be required to execute a deed of mortgage of the property concerned or a deed of acceptance in respect of the grant payable in any one of the appropriate forms of deed prescribed in the Appendices. The Director of Public Instruction may however grant exemption from the execution of the deed in cases where the grant does not exceed Rs. 10,000 if he considers that the execution of the deed is unnecessary.'

"Rule 56 says:

'The Manager of any institution receiving a grant shall refund the grant or a portion of it as specified below, if the land or building in respect of which the grant was made ceases to be used for educational purposes approved by Government within a period of thirty years from the date of payment of the grant where the grant does not exceed fifty thousand rupees; fifty years from the date of payment of the grant where the grant exceeds fifty thousand rupees but does not exceed one lakh; and 99 years from the date of payment of the grant where the grant exceeds one lakh of rupees. The amount to be refunded shall bear the same proportion to the total grants as the unexpired portion of the period for which the building or land is secured against diversion bears to the total period. If the Manager fails to make such refund, the Government may recover the amount by such means as they think fit.'

"Certain cases have come to the notice of Government in which educational institutions which have received Government grants for acquisition of lands as well as for putting up buildings have later on tried to sell these lands because of the high prices that are obtaining now. It is common knowledge that the price of lands and buildings have gone abnormally high in the last few years. Lands which have cost Rs. 500, 15 years back in the neighbourhood of towns, now cost nearly Rs. 50,000 per acre. Generally also there has been an enormous increase in the cost of lands. Some of the managements have sought to take the benefit of this rise and sell the lands which were acquired through Government grant. At present, under the existing rules, the Government can insist only upon a return of a proportionate amount of the grant given, i.e., if Rs. 20,000 have been given as grant, 20 years back,

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the land may now be worth nearly Rs. 2 lakhs. But if the managements choose to sell it, they have to return to the Government only Rs. 6,600 and odd. If the period exceeds thirty years, even that amount need not be paid and the property originally purchased or built for educational purposes can be sold to anybody or put to use in a manner not contemplated when the grant was given. Under the existing law, the Government do not have the power to prevent such sales from taking place to the disadvantage of the educational institution. And so, it is necessary that the law should be changed so that educational and other institutions which receive Government grants may continue to utilize the lands and buildings for which grants were received for purposes for which they were received.

"The main objects of the Bill as may be seen from the Bill itself, is to provide that where an educational or medical institution has received Government aid for acquiring any land or constructing any building, the management of the institution should not transfer the land or building without the specific permission of Government. This only brings our rules with regard to grants in a line with English practice as provided in the English School Grants Act, 1855. The relevant portion of section 1 of the English Act states:

'1. Where any grant hath been made or shall hereafter be made out of any sums of money heretofore granted or hereafter to be granted by Parliament for the purposes of education in Great Britain, under the advice of any Committee of the Council on Education for the time being, to the trustees, managers or other persons applying on behalf of any school with the consent of the trustees or persons holding the legal estate thereof, for or towards the purchase of the site, or the erection, enlargement, or repair of the school, or the residence of the master, or mistress, or the furnishing such school or residence, no sale, exchange, or mortgage of the premises in respect of which such grant hath been or may hereafter be made, in exercise of any power contained in the conveyance or other deed relating thereto, or under any other legal authority, shall be valid unless either the consent of the Secretary of State for the Ministry of Education for the time being in writing under his hand be given to the same, or the amount of the grant which shall have been made as aforesaid shall be repaid to the Treasury . . .'

"The House is aware that of late, there has been a ban on capital grants to schools and colleges. The present revenues of Government do not permit a large amount of grants being given for this purpose out of revenue account. Suggestions have been given on the floor of the Legislature whether these capital grants which are for permanent lands and buildings for the benefit of generations, could not be met from loans. Whether these grants for permanent properties such as lands and buildings of institutions can be met out of loans, is now under consideration of Government. This practice of meeting capital expenditure out of loans

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is prevalent in other countries also. But when it is to be met out of loans on the ground that the benefit of these buildings is shared by more than one generation, it is also necessary for us to see that these buildings are continued to be used for purposes for which these loans have been borrowed and distributed." (Interruption.)

MR. SPEAKER:—"Order, order."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of order, Sir. I see some disorder on the Treasury Bench ever since the Communist Member has gone over there."

MR. SPEAKER:—"It is not a point of order at all. The Hon. Minister can continue his speech."

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"When the matter was put before the Auditor-General, he pointed out that unless in every institution for whose buildings or lands grants were given, Government have an interest to see that the lands and buildings will not be alienated, he will not be in a position to approve loans being taken for the purpose. He was perfectly correct in his opinion that when loans were floated for a particular purpose, it was necessary that it was ensured that the purpose was properly served. If the purpose of these loans is to be properly served, we must take steps to see that the institutions which receive these capital grants for lands or buildings are continued to be used for the purpose for which grants are given and are not alienated, transferred or mortgaged without the permission of Government. The object of this Bill is to provide for these safeguards."

"There are certain other provisions in the Bill which I may explain while passing. While the corresponding English Act refers only to educational institutions, this Bill extends it to medical and other institutions also. Power has been taken to apply the provisions of this bill to any other institutions for which capital grants will be given by Government. The Bill also covers cases in which lands or buildings belonging to Government have been transferred to institutions for educational or medical purposes."

"Section 3 (2) provides the conditions under which the Government may grant permission for the alienation of properties for which capital grants have been given."

"In the working of the House Rent Control Acts, cases have been found where the issue of a mere order has not always served the purpose in taking over possession of property. Penal clauses have been found to be necessary for the enforcement of these orders and consequently penal provisions have been incorporated in clause 6, sub-clause 3 of this Bill."

"These are in main the provisions of the Bill. I do not like to take the time of the House by referring to the similar powers

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laid down in the Grant-in-aid Codes of some of the other provinces in this country. These provisions are necessary and healthy for the proper growth of our institutions and I hope the House will approve of them."

"Sir, I move—

that the Bill be referred to a Joint Select Committee consisting of members of both the Houses."

(Sri N. S. Varadachari rose to speak.)

MR. SPEAKER:—"I must first place the motion before the House. The hon. Member may resume his seat."

"The motion before the House is that under rule 111 of the Madras Assembly Rules, the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of twelve members to consider the Madras Aided Institutions (Prohibition of Transfers of Property) Bill, 1948, eight members from the Assembly and four members from the Council."

SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, I only desired to ask why every Bill, especially one of this nature which is so simple, should be referred to a Joint Select Committee. I shall certainly raise the question of the privileges of this House in regard to this matter. I think we should agree only in exceptional cases for Joint Select Committees of both the Houses to be constituted. This House has the power to pass or reject a Bill, to discuss it thoroughly and examine it. The second House is only an Upper Chamber, a revising chamber. They have the power of revision. If there are very important Bills, then, of course, we ought to refer them to Joint Select Committees. The Bill as it reads seems to be very simply. The Bill provides—if I am wrong, the Hon. Minister will correct me—that if money is taken for a particular purpose by educational institutions, whether for teaching colleges or for institutions where occupational education is given, like medicine, etc., that money should not be diverted for other purposes than those for which the grant is made. In fact, it should be made absolutely impossible to use the grant made by Government for buildings, etc., for other purpose and make a profit. It is a very simple proposition and it need not require the assent of a Joint Select Committee. I deprecate this practice of reference to Joint Select Committees and it should be the undoubted right of this House to agree to Joint Select Committees only in very rare and exceptional cases. Sir, I am looking forward to the day when the Upper House will cease to function altogether, when we shall have only one House for the whole of this Province. I see that the Ministerial Benches do not agree. But the majority in the Constituent Assembly did not feel like that. If I remember aright, the majority said that this matter ought to be referred to the Provinces and that provincial opinion should make a final decision in regard to this matter of whether to retain the Upper House or not. I am of the opinion, Sir, that the Upper House is hardly

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necessary in a country like India. Whatever may be the merits of the case for retaining the Upper House, it should be retained only as a House of revision. Wherever the compelling force of such revision is felt, it would be rightly deemed necessary, especially in cases of complicated legislation. I certainly do not agree that a Joint Select Committee is necessary for simple matters. I therefore ask the Hon. Minister to see if he cannot really get the Bill through this House and also get it through the Upper House. The Upper House would not certainly raise any serious objections to a measure of this sort. This is my submission, Sir."

12 noon. KUMARARAJA SIR MUTHIAH CHETTIYAR OF CHETTINAD:—
"Sir, while I entirely agree with the previous Speaker that there is no necessity for a Bill of this type to go before a Joint Select Committee—I was myself ready to get up and speak on that—I do not think that on this occasion, the impression should be given that this House is against the existence of the Upper House itself. That is a different question. Sir, when the question of the constitution of Joint Select Committees was put before this House, as a general proposition, it was agreed to under good cheer. (Interruption.) Whenever a measure is brought forward involving questions of far-reaching importance, or the Bill is of a controversial nature, and the Upper House is likely to make some changes, it is better to have Joint Select Committees straightway. Only in those cases, Joint Select Committees should be thought of. In a Bill like the present one, where the object of the Bill is very simple, that is buildings, on which public money has been spent, should be kept always for the public purpose, the Upper House will have nothing useful to say. The Hon. Minister himself would accept it. Therefore, to save the time of the House, it is necessary to avoid such committees. It should not become a routine as my learned Friend Mr. N. S. Varadachari said. It should rather be the exception than the rule. When a Joint Select Committee is constituted, the public should realize that it is a far-reaching Bill, and that the Assembly has rightly agreed to set up a Joint Select Committee. I think, on this occasion, it should be made clear that the time of the House should not be taken up by constituting Joint Select Committees. For constituting a Joint Select Committee, a motion has to be moved now in this House, then it has to be moved in the Upper House, and then it should come here. Then the Select Committee has to meet, and ultimately what happens is—you would realize that—the total number of hours available to this House is cut short, and incidentally non-official days are also cut out. If time is saved by avoiding Joint Select Committees, perhaps the Leader of the House would not be forced to devote non-official days for official business. So, Sir, you, as the protector of our rights, should see that, in future, resort to Joint Select Committees will be only in cases where the Bills are of a far-reaching character or are controversial in nature.

"Sir, one other point I would like to emphasize is that the existence of the Upper House should not be questioned on this

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occasion. There are views held on both sides regarding the existence of the Upper House. I am one who feels that as we stand to-day, probably it is doing some good, and it will be time some years later to prove that the Upper House is not necessary. I think, for some years to come, the Upper House will be of some use to us. As a matter of fact, one or two members have suggested that there should be another House, which should be of a consultative nature. (Interruption.) Yes: a third House. I shall now take up this opportunity to describe what the third House should be. The third House should be something like the Privy Council, and it should meet for the purpose of giving advice. It may come into existence after ten years from now. I think the second and third Houses are necessary. Many elderly politicians here who are sitting may not find seats in the new Assemblies, and they would have to go out. So, a third House is necessary. Ex-Ministers and ex-officials in that body will like to express their opinion to the then Ministers or the Government. I only wish to say that for some years to come, I feel that the Upper House has a part to play. Let us not mix up that issue with the present Bill."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Sir, I wish only to add a few words to what has already been said against the form of the present motion. I also agree with them that it is only in rare cases that this method of resorting to Joint Select Committees should be adopted. This House must be given the opportunity of expressing itself exclusively over matters which come before this House. The Upper House will have its own opportunity. This right of giving its consideration and letting the Upper House know what exactly its own view is, must be retained by the Assembly as much as possible. That is all I wanted to say and in view of the remarks that have fallen from my hon. Friends and also in view of my request, I would ask the Minister to see whether he cannot alter and amend his motion. (Interruption.) Things can be done, Sir. Government can do so many things. This also can be done. He may show by amending his motion that he respects the views and the privileges of the House.

"Sir, an irrelevant matter has been introduced into the discussion, and that is about the necessity or otherwise of the Upper House. Since, however, views have been expressed on that point, I would add one or two words on that subject. I want to point out to you that there is a considerable volume of opinion in the country—at least among the thinking men—that the Upper House must be there, and should continue to exist as a matter of check over the legislations that are being passed by the Legislative Assembly of this Province. Nothing will be lost by retaining the Upper House. It would only enable as much consideration as possible being given to important matters which will affect the whole life of the Province. Therefore, Sir, when that question

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comes up, I think my friends will find that a large body of thinking men—right thinking men—will support the idea of continuing the Upper House. With these words, I request to know whether the Hon. Minister for Education will see the possibility and advisability of amending his motion, Sir."

* N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, I do not entirely agree with the hon. Member Mr. N. S. Varadachari when he casts reflections upon the Upper House of this Province. I should say that it will be the height of unwisdom to speak that our Province should go without an Upper House. I am sure that the Upper House will be felt to be still more necessary in the years to come when adult franchise will bring into this House elements, about which the less said the better. But, Mr. Speaker, with regard to the motion which the Hon. Minister for Education has moved, I say it is a Bill which is long overdue. I am sure every section in the House will give entire support to him. We know cases of several temptations in these days of rise in prices where many educational institutions have gone in for transfer of property, and the trustees have abused their trust. We only want a guarantee that under this Bill, the Government would at least fortify the trusts which have properties, for which loans have been advanced by the authorities. One thing, which I must say in this connexion is that it is all right with regard to the educational institutions that have received building grants under the Grant-in-aid Code in years gone by. But there is a serious agitation in several parts of our Province with regard to the future policy of the Government regarding this Grant-in-aid with reference to secondary schools and colleges which are not receiving any building grants. I only appeal to the Hon. Minister for Education to come forward with another measure very soon and see that secondary schools and colleges which are not receiving any such encouragement for building purposes are also admitted to that benefit. In a country where there is so much need for the spread of higher education, it is better it is done very soon, especially by a Minister who has done so much to alleviate the grievances of the teachers and who has also kept his assurance in many matters of educational reform. I earnestly hope and pray that very soon he will come forward with that measure, and thus relieve us of distress which we are experiencing in putting up buildings for educational institutions."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, it is really surprising that when this Bill on education and educational institutions has come up for discussion, we are discussing the advisability of having the Upper House, and whether it should be associated in a Select Committee. I request the Leader of the House to put an end to this question of having the Upper House or not in this debate."

MR. SPEAKER:—"That is over; let not the hon. Member revive it."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Since it is a very important matter, and since the Constitution of India and the Provincial Constitution are being drafted, I request the Hon. Leader of the House to give an assurance that he will give an opportunity to this House to express its views."

THE HON. DR. P. SUBBARAYAN:—"I am afraid Mr. Varadachari raised a hare which I have got to hunt down; which is rather unfortunate. Whether the Upper House should form part of the New Constitution or not, is a matter for the Constituent Assembly to decide. When the New Constitution is published—which I hope will be on Monday next—hon. Members will know whether this Province is to have an Upper House or not. I cannot take the matter any further."

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, the House will see that there are two motions in my name. One I have chosen to refer to a Select Committee of this House, and the other to a Select Committee of both the Houses. I am sorry the importance of this Bill has not been recognized. If hon. Members have listened to my speech, they will see that after thirty years an institution which gets a grant of Rs. 40,000 is free to do anything it likes. This Bill affects not only those people who are under existing mortgage, but also those who have been receiving grants even before. I should think that this Bill is a very important measure. It affects the existing rights of institutions of various kinds. Originally, it was proposed to bring in only educational institutions. But it was considered by my colleagues that medical and other institutions also should be brought within the scope of this Bill, and, therefore, I thought that a measure like this, which affects the interests of a lot of institutions, should be referred to a Joint Select Committee of both the Houses, so that it could be drafted properly."

"It is not my intention to waste the time of the House any more than is absolutely necessary. Now, Sir, I find not many points have been raised on this Bill itself. I do not think it is necessary for me to speak at any length in replying to the debate. The one matter which Mr. Anwar referred to is about grants being given to institutions. I have referred to that in my speech about educational institutions. The Government are considering the matter of giving capital grants out of loans. Till now they have been met from out of revenue. The amount of expenditure that we have to meet for capital expenditure for educational institutions, for elementary schools, for technical schools, and for colleges, etc., is so tremendous that it cannot be met from out of revenue, especially in these days when we are not very fortunately off."

"As these institutions are intended for posterity, we have contemplated that this can be done by floating loans. As soon as the Bill is passed, Government will consider the question of floating loans. Unless the Government acquire an interest in those properties, Government cannot under law, float loans for capital

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grants to these institutions. I have nothing more to say except to state that it was advisedly referred to a Joint Select Committee."

SRI N. S. VARADACHARI:—" May I ask the Hon. Minister that if the Bill relates to a matter of financial policy, it is certainly not right for a Joint Select Committee to sit in judgment on the matter. The finance of this Province and its financial policy are the peculiar sphere of the lower House and the other House should not be allowed to interfere with that right or privilege and I claim this right through you, Mr. Speaker. I consider that we and we alone should determine the financial Bills of this Province. If the Hon. Minister raises this financial point, then it is all the more desirable that he should at once withdraw his motion and he should take the opinion of this House on matters vitally affecting the financial policy to be laid down . . . "

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

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—" No new taxation is contemplated under this Bill. If such a new taxation is contemplated, then it is the right of this House to have it introduced here. What this Bill seeks is to take over the rights of certain properties in order to give capital grants, and therefore, there is no question of any financial policy being laid down under this Bill."

The motion that the Bill be referred to a Joint Select Committee was put and carried.

(2) THE MADRAS HINDU RELIGIOUS ENDOWMENTS BILL, 1947.

MR. SPEAKER:—" The Hon. Dr. T. S. S. Rajan will now move the motion that stands in his name."

THE HON. DR. P. SUBBARAYAN:—" We are not moving that motion now."

(3) THE MOTOR VEHICLES (MADRAS AMENDMENT) BILL, 1948.

* THE HON. MR. DANIEL THOMAS:—" Mr. Speaker, Sir—

' I beg to introduce the Madras Motor Vehicles (Madras Amendment) Bill, 1948, and move under rule 111 of the Madras Assembly Rules that the concurrence of the Legislative Council be obtained in setting up a Joint Select Committee of both the Houses consisting of twenty-one Members to consider the Bill, fourteen members from the Assembly and seven members from the Council.'

" In introducing this Bill, Sir, I wish to make a short survey with regard to the motor transport in this Province. The Bill, Sir, I submit is one of considerable importance and it introduces a change in the present position of transport services in the Province. It introduces a new enterprise on the part of the State

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to own, control and manage the transport services in this Province. I would submit, Sir, that it needs no emphasis on my part to state that the transport services in the Province and in the country as a whole, form a very important element in the national economy of the country. Sir, in these days, when our social life could advance only with our industrial life and when commerce has become the life-centre of the social and economic life of the nation, the provision of adequate transport services, adequately and properly co-ordinated rail and motor services, is one of the essential things for the progress and advance of the country. Sir, the advantages of a good and efficient transport service are well-known. The main and fundamental point of view to be taken into consideration is the question of public convenience and public safety. I submit, considered from that point of view, the provision in this Bill to take over the ownership and management of bus services, has received a very wide support. I would submit, Sir, that this question of state ownership of transport services has been before the country for a number of years. So far back as 1932, the Hyderabad State took over the motor transport services and completely made it state-owned. That service is still continuing to-day as an efficient transport service with adequate co-ordination between road and rail transport services. Some years back, the Travancore took up the nationalization of transport services and critics have stated that it is an unqualified success. I have got a book in my hand written by a scholar of the Annamalai University on the motor transport services in Travancore in which he has stated that the nationalization has been an unqualified success.

" I may say that in some other parts of the country also, this policy of nationalization of transport services has been implemented. The Punjab Government has taken over and is running the transport services for several years past. Hon. Members are aware that quite recently, the British Parliament have passed an Act nationalizing the motor transport services in Britain. Mr. Bachelor is up and quite ready to throw his opposition against nationalization. On account of that system of nationalization, all the transport services including the lorry transport and other services have been nationalized on a gigantic scale in Britain. Recently, Sir, I also saw in the papers, the Central Government, the Government of the Indian Dominion, are also contemplating the question of nationalizing air travel services.

" Sir, so far as the Madras Province is concerned, the Post-War Reconstruction Committee made some attempt in December 1944. That Committee met at the end of 1944 and in that Committee, with reference to the nationalization of transport services in this Province, Mr. S. V. Ramamurthi moved the following resolution:—

' The Committee conveys to the Government its considered view that in the post-war period, public transport services in the Presidency should be owned and managed by the State. It

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recommends to the Government that immediate steps be taken by the Government to work out detailed plans for taking over the existing bus services and drawing plans for working out the services on a uniform standard.'

Sir, that is exactly what the present Bill seeks to do. I may also state that Sir R. K. Shanmugham Chetti was also a member of that Post-War Reconstruction Committee and I can quote him as an authority. In seconding the resolution, Sir R. K. Shanmugham Chetti said that he has no hesitation in declaring that the public transport services must be state-owned and state-managed. I wish to draw the particular attention of Mr. Bachelor to this statement. The question of nationalization should be considered from the point of view that the public transport services should legitimately come under the control and ownership of the State. I therefore speak with some authority on the basis of very weighty pronouncements on the question. That report of the Post-War Reconstruction Committee was considered by a Cabinet Sub-Committee and a plan was evolved to nationalize the bus services in this Province. Sir, the question of the desirability of nationalization of motor transport is a fairly established matter so far as the benefits of the scheme are concerned. We can readily come to this conclusion if we have a look at the way in which the motor services in the Province are maintained. Sir, in the last twenty years or so, the motor services have come into operation in various parts of our Province. The railways have now become State-owned and State-managed. I submit, Sir, for proper organization and for proper running of the transport services, one of the basic things that is necessary is proper co-ordination of road and rail transport. Now that the State has become the owners of the railways, it naturally follows that the State should also take up the ownership and management of bus services so that there may be a completely organized, co-ordinated and self-sufficient transport system in this Province. I submit that in the existing conditions, such a system is very desirable. There has been competition between private operators. With these private operators, the quality and standard of efficiency of the services differed very greatly. There are of course a few services and managements who run their motor services on an efficient and organized basis. But a majority of the private operators naturally care for their own private gain for the money that they have invested and certainly, those services cannot be said to be satisfactory. There is a good deal of overloading in most of these bus services. Complaints have been received even from hon. Members of this House and the House is aware that there are many complaints on matters such as accommodation, capacity and adequacy of the services. There is a good deal of overloading and cut-throat competition between these various bus services owned by private operators. The hon. Members will also realize that one of the elements of a well-run bus service is the question of safety. Sir, motor accidents are reported in the newspapers almost every day. A bus run by an incompetent driver or a careless driver is a danger to the public. Therefore, the organization of a good service of well-trained, competent and careful drivers is necessary, also

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service amenities and courtesy to be shown by the conductors towards the general public, all these are things which are conducive elements to the efficiency, comfort and convenience of the transport services. So, in these matters, so far as the efficiency, adequacy and safety are concerned, I would submit that State-owned and State-controlled bus services will be very much advantageous from the point of view of the general public. I should also like to say that many of these accidents are due to improperly maintained and badly repaired vehicles. The private operator naturally runs his buses to the very last ounce of its working capacity. Sometimes, he does not carry out the repairs which are necessary in the interests of public safety. Sir, there is one other important matter which my hon. Friend Mr. Batchelor will not question and that is the improvement of roads in the province. A good, adequate and well-maintained road system is the nerve centre of our social and economic life. Most of the villages are not connected with the towns and cities and in times of shortage, adequate possibilities of intercourse between the villages and the towns is very important in maintaining the balance of the social and economic life of the province. From all points of view, the taking over of the bus service is necessary for the welfare of the province.

"Sir, in order to implement the resolution of the Postwar Reconstruction Committee, in December 1946, the Government appointed a Cabinet Sub-Committee to go into the question of nationalisation of bus services. They made a report in June 1947 which was considered and accepted by the Cabinet as a whole. According to the plan, Madras City was to form a separate and convenient unit for starting the nationalisation scheme. From 15th October 1947 the Government began taking over the bus services in Madras City and nationalization will be complete here by the end of March 1948. So far back as March 1947 some Government buses were put on the road, just to relieve congestion on the routes where the volume of traffic was heavy. From October 1947, a definite scheme was introduced by which private operators are being displaced. Up to date 160 buses have been put on the road and there will be 70 to 80 more by the end of March. There will be 250 buses in the City. About 40 to 50 will be held in reserve. At present there are about 200 buses of private operators. Anyone who comes to Madras must realise the terrible congestion not only in the buses but also in the trams. The trams are overcrowded and it is a positive source of danger also. We hope by the end of March there will be a co-ordinated system of transport in the City of Madras.

"Sir, I have received several acknowledgments from gentlemen in Madras as well as visitors from outside as regards the convenience, comfort and efficiency of the Government transport buses. I am sure some hon. Members of the House would have had occasion to travel in these buses and they would also agree with the opinions expressed by these gentlemen. So far as efficiency and convenience and adequacy are concerned, I would submit that the experiment tried so far has met with a fair measure of success. From the financial point of view also,

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there has been a reasonable measure of success. As this is a commercial undertaking, it is neither wise nor good business to actually publish the figures now, when we are in the beginning of the scheme and various factors will have to be taken into consideration as time goes on. But on the authority of the officers of the department, I may say that we expect a return of somewhere about 12½ per cent on the capital invested. Our programme is to take Madras first, and then the ghat services between Coimbatore and Ootacamund and Madura and Kodaikanal, including the City services of Madura and Coimbatore. Later on we will take the 24 districts. We have considered various alternative suggestions. A large number of private operators have invested capital in these bus services. It would be neither wise nor sympathetic to turn them all out by one stroke of the pen. It is therefore proposed to take over the bus services in the districts gradually on a five-year plan. We shall first take ten important districts in the first instance and take over 20 per cent of the buses in those districts and run Government buses on certain specific routes alone. Gradually new districts will be taken over and additional routes taken in the old districts. In five years it is hoped that nationalization will be complete all over the province. Allowing for all sorts of liabilities and unforeseen things we have a fair and reasonable assurance of a return of about 12½ per cent on the capital invested. Sir, the improvement of roads and village communications, the building of more bridges and the provision of adequate and safe transport service for the people are very commendable objects. Hon. Members know the present state of the finances of the province. By the introduction of total prohibition we are losing more than 17 crores of rupees, nearly one-third of the revenues of the Province. October 2nd happens to be the birthday of Mahatma Gandhi and if he had lived he would have reached his 80th year. On that day the whole Province will go dry. To make up the revenue lost thereby, it is impossible to find new sources of revenue unless we are able to take up public utility services. After all taxation has a limit and we cannot tax so much as to ruin commerce, industry and agriculture. We have to find new sources of revenue which will not be in the form of direct taxation. Taking over public utility services will give fresh revenues for the Government in order to finance nation-building activities. (At this stage the Deputy Speaker occupied the Chair.) Madam, on the lines of the present Madras Bill, an Act has already been passed by the Bombay Legislature and it has received the assent of the Governor-General. The United Provinces and the Central Provinces also are proposing to introduce legislation of this sort for the nationalisation of transport.

“ Sir, the original Motor Vehicles Act is an Act of the Central Legislature and the present Bill seeks to amend that Act so far as it applies to the province of Madras. In this matter there is concurrent power of legislation for the Centre and the Provinces. The substantial provision in this Bill is clause 2 which says:

‘ The Provincial Government may by notification in the Fort St. George Gazette declare that it will engage in the business of

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road transport either throughout the Province or in such areas herein or on such routes or portions thereof in the province as may be specified in the notification.’

“ The next provision which is contained in the same clause necessarily follows from the policy of the Government taking over the bus services. Under the present Motor Vehicles Act, permits are issued for longer or shorter periods and at the time when Government makes a notification taking over the bus services on certain routes, there will be some private operators on those routes with unexpired permits. Those permits will have to be cancelled. Power is taken in this clause to cancel those permits. Then the question of compensation arises. Under section 299 of the Government of India Act when any private property is acquired for a public purpose, compensation should be paid. But so far as bus permits are concerned, the position is different. It has been construed by legal experts that these permits are not property but only license enabling a private party to run buses on certain routes. The very fact that it is a licence or permit implies that it can be cancelled by the authority who issued it. But that is purely a legal point of view.

“ I do not wish to stand on technicalities; the Government are desirous that a certain amount of compensation should be provided for bus-owners who have unexpired permits issued before a particular date. Under section 13 Government would be enabled to frame rules laying down the scale of compensation. Various scales of compensation have been suggested by various authorities; the Government of India have given certain suggestions and the Government of Bombay have adopted certain suggestions. On a consideration of the various proposals, Government have come to the conclusion that the most equitable scheme of compensation both from the point of view of the operator and the point of view of Government would be the Bombay scale and it is proposed to adopt it with suitable modifications to suit local conditions. It would be on the ascending scale; it would be higher in the case where the unexpired period is longer and if less, proportionately it will be reduced. One thing has to be stated in this connection. The compensation would be available only for such permits as have been issued prior to 2nd September 1946 and which are in operation at the time of the Government taking over the route. The policy of Government to take over the bus services has been made known at that time to the general public. More or less from that time or from December 1946, instructions were issued by Government that only temporary permits would be issued in view of the proposed nationalization of bus services. In December a Communiqué was issued definitely announcing the intention of Government that only temporary permits would be issued. On and from the date of that Communiqué that is sometime in December 1946, the position was made absolutely clear to bus operators regarding the policy of Government in the matter of nationalization of bus service and also the permits issued thereafter were only of a temporary character for a period of four

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months in view of the intention of Government. Therefore, those of them that obtained permits in September or December 1946 took their permits with their eyes open. But those that took permits before that time stand on a different footing for they did not know what the scheme of Government is. In the light of that view, they should be given equitable compensation. Regarding the others, they were fairly warned. We say a time-limit will be prescribed after which permits obtained will not be given any sort of compensation. That is so far as compensation is concerned.

"I have to say a word with regard to section 6. Under section 45 of the Motor Vehicles Act the authority for issue of permits vests in the Regional Transport authority and now it is sought to be vested, under certain conditions, in the Provincial Transport authority. There are long distance routes where express services run through two or three districts. It is not desirable that in such cases the Regional Transport authority should be vested with that power and it is proposed that such powers might be vested in the Provincial Transport authority.

"Under section 58 of the Motor Vehicles Act the period for which a permanent permit can be issued is three to five years and it is proposed to take away the limit. The reason is that if it is allowed to stand it will interfere with the scheme of gradual and progressive nationalization of bus services in the districts. For instance in June 1948, we may propose to take over a route in Chingleput and the service may extend to further routes. So if the permits in respect of the other routes run for three years the scheme of Government will be impeded and so powers are taken so that it may be issued for a year or two as the Government is in a position to take over.

"Clause 11 deals with the issue of temporary permits. Under the Act, various circumstances have been detailed under which temporary permits for a period of three years could be given. Government have taken the view that by the introduction of their scheme of nationalization, a situation might be created under which the circumstances warranting the grant of temporary permits will arise. If a private operator is taken off the road and if permanent permits are not to be renewed and the Government themselves are not in a position immediately to put their buses on the road, the needs of the public will have to be taken note of. Therefore, it was that the Government then in power issued orders regarding the issue of temporary permits. But the matter was taken to the High Court by the S.R.V.S. The petition was dismissed by a single Judge but the matter was taken again in appeal to a Bench of the High Court and the High Court Bench took a different view. They considered that the circumstances specifically set out in section 62 of the Motor Vehicles Act did not authorize the issue of temporary permits and also it was further held that there is also no authority for Government to issue general instructions in that matter. The judgment of the High Court was already anticipated: the Bill was ready by June 1947 whereas the High Court gave their ruling two

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or three months later. Provision has been made in this Bill for the purpose of issue of general directions to Transport Authorities and also to issue temporary permits in certain circumstances. The power to give general directions is there in clause 3 and it is exactly in line with the recent Transport Act passed by the British Legislature and this is a well accredited line of Legislation.

"Clause 12 provides for revision and clause 13 deals with the question of compensation and clause 14 is necessary for validating orders and permits issued under instructions given by Government.

(At this stage an intruder was trying to make a forced entry into the House by the eastern gate and a Police Sergeant removed him.)

"I submitted, Sir, that the policy of nationalization is well established and it is too late in the day to question it. Both from the view point of convenience of the public and of public safety and also in view of the development of new sources of income to the State and seeing that it will go much to help nation-building activities and the improvement of our road communications, the principles underlying the Bills are sound and beneficial and I, therefore, submit that my motion may be accepted."

* MR. B. W. BATCHELOR:—"Madam, Deputy Speaker, if 1 p.m. the Hon. Minister thinks that I am going to attack him I may say that he is mistaken. If I have a few harsh things to say about this Bill, I hope he will realize that I am only appealing to his better nature.

"Before discussing the amending Bill before this House, let us cast our minds back to the purposes behind the parent Act.

"The intentions of the Act of 1939 were—

(1) to control the use of motor transport in the hands of commercial enterprise;

(2) to obtain uniformity of procedure in the granting of licences, permits, etc.;

(3) to prescribe standards of safety and efficiency on a uniform basis;

(4) to control fares and rates having in mind the protection of railways against competition from a growing and virile industry which in many kinds of traffic offered better service to the public which the Railway Company at that time regarded as unfair;

(5) to lay down conditions for the transfer of ownership of such services.

To obtain uniformity of procedure, after passing the Act the Central Legislature set up a committee and that committee formulated rules under which provinces were recommended to act with such changes within the framework of the Act as local conditions might require.

"The whole purpose of this Act was to permit the service of public transport to be carried on by commercial enterprise with a complete system of safeguards for the travelling public. Only

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under certain fundamental rules could the industry, or any part of it, be suspended or put out of business by the misconduct of operators.

"In moving the Bill the Hon. Minister offers, as one advantage on account of the nationalization, a safer public service. I say that the Act of 1913 contains all the necessary provisions for the safety and comfort of the general public. And it is only a question of administration and it cannot be brought to this House as a reason or as an advantage only offered under Nationalized Bus Services.

"The amending Bill amounts to nothing less than expropriation without compensation, and in saying this, I do not overlook the proviso to clause 2. But I find there is nothing in this clause or elsewhere in the Bill to suggest that compensation is payable in cases where licences expire and are not renewed.

"The issue of temporary permits running for a few months cannot help. The operator cannot be expected to be satisfied with a short issue of that sort and with his investment running into many lakhs of rupees. Even if the licences are cancelled, we do not see within the Bill the principle on which the compensation is going to be paid. This is a vital matter with which every operator is concerned. Yet the people of this Province who have invested their money not only in the vehicles but on expensive equipment to service them, did so in the belief that they would be living under a Government which would continue to act in good faith towards them. If the Government's intention in this matter were fair and reasonable they would write the principles under which compensation would be paid, into the Bill. This amendment is therefore not merely a breach of faith, it is a breach of sound parliamentary principle, since it is incompatible with the objects sought to be secured by the parent Act of 1939. That Act, as I have said, was to secure the development of Road Transport under private enterprise and in doing so it certainly succeeded. But the abandonment of such sound principles and practice in furtherance of the programme of expropriation which the amending Bill is designed to permit is going to recoil on the Province in a number of undesirable ways. What private enterprise in future will feel secure to promote and develop existing or new industries? Is it the wish of this House that all further development by private enterprise should be scared away, and future left to State controlled industry? I can assure the House that this will be an inevitable consequence of this unjust measure. I say that the State is not ready either with men or with financial resources to replace private commercial enterprise. The Bill should be opposed therefore on these grounds, if on no other. But there are other grounds.

"How does this Ministry propose to deal with Ex-Servicemen's interests? These men were encouraged to participate in Road Transport enterprise by means of scheme drawn up by the Re-settlement Officer of this present Government. I understand that the Committee responsible for administering Ex-Servicemen's funds

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have made a loan of Rs. 20 lakhs and that many Ex-Servicemen have contributed large sums from their gratuities, earnings and savings. This House is entitled to a promise from the Hon. Minister that these investments will be fully secured, and the best form such a promise could take would be to write in the Bill.

"The blanket powers which the Government propose to take under clauses 3 and 4 are a natural consequence of clause 2. Having cancelled or refused to renew an operator's license, or offered only so short a term of extension as to be ludicrous if it were not so harsh in the grievous loss inflicted on their victims, Government naturally are at pains to muzzle criticism. Though we live in an age which pays lip service to Democracy, not always do these elected by the popular vote pay even this limited homage. For clause 3 of this Bill gives Government the power to replace the Provincial or Regional transport authorities by a single person, and him a Government official. Thus, not only will the selected victim be "taken for a ride" but the hon. Member in charge of Transport in the best traditions of dictatorship secures that his squeals of anguish will not be heard while he is "given the works". I do not know whether the slang of the Chicago Underworld is in order, or entirely appropriate to the dignity of this House: If not I apologise. It has been powerfully suggested by the provisions of this Bill.

"There are other important issues. In a previous session, the hon. Member for Transport was asked for figures by which the taxpayer might be able to form some opinion as to the profitability or otherwise of the use of the funds he has provided for Road Transport. We heard from him a few minutes ago that it was not wise to publish the figures. He tantalises the House by expressing the pious hope that the investment on capital will yield a return of 12½ per cent. I advise the House that it should not be taken in. This House has never been given full information on the grounds that the experiment had not been tried for long enough. Before proceeding with the amending Bill, Government should now place before the House a full, detailed and complete financial statement of the results to date, showing the amounts lost in license fees, petrol tax and all other moneys, which would have accrued to Government if the same vehicles had run the same mileage in the hands of private operators. Such a statement should include a complete balance sheet and profit and loss account to date (showing clearly the budget expenditure against budget estimates, with the number of vehicles concerned in both cases), and of course the income-tax amounts lost to the Central Government's revenues which the private operators would have paid. Only after full facts are disclosed has the Government the right to come to this House with any such proposals.

"If, as I doubt, the House could be satisfied as to the ability of Government to run what is undoubtedly a highly technical

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industry, requiring much experience and skilled assistance, then would be the time to come to the House with straightforward proposals for nationalization on a fair and equitable basis.

"But to ask for the expropriatory powers of this Bill is to ask this House to condone barefaced injustice and to subvert the progressive and sensible provisions of the 1939 Act from the very purpose for which they were designed.

"When in 1939 it was seriously proposed that Railways and Provincial Governments should muscle into the profits of Road Transport, negotiations with operators began in Delhi and terms for participation were arranged. In some Provinces newly formed Road-rail companies purchased the existing operators. But when funds were asked for in the next budget of the Central Government for capital for the new Road-Rail Companies, the Congress Party rejected the demand on the grounds that existing members of the Industry should not have their livelihood endangered! Is it not the same party which to-day shows such a callous disregard for the same operators? If so, why did the Party in 1939 refuse to allow this sensible plan of development to proceed? This is certainly a question to which this House and the public have a right to an answer before the Government can again come before the House asking for budget provision for the very purpose for which they refused it in 1939.

"Perhaps it is easier to suggest an answer from this side of the House than for the hon. Member in charge of the Bill. I would not like to add to his embarrassment. The thought must at some time have occurred to the hon. Member who is losing so much revenue from Excise, and to his colleagues "How much can we get out of the prosperous Motor Transport Industry?" If a public company consisting of the railways, the Provincial Government and perhaps even a few existing operators were to take over the Industry the Central Government would still expect income-tax on any profits earned. Then probably the thought followed "why not use our authority as a Provincial Government to take it over without cost by refusing to renew licenses?" So follows the notification to nationalize the Industry, and the budgetary provision to take over all the city routes.

"This method of expropriation has been suitably exposed and condemned in a recent High Court judgment still fresh in our minds; and it is necessary for me to add to what was said so rightly then.

"But duties and responsibilities lie on this House which are higher and more serious even than those of the High Court. The High Court is there to interpret the law as written by the Legislatures of India. In these responsible bodies lie the final courts of appeal, the ultimate authority, the destinies of this Province and its inhabitants. You cannot divest yourselves, even if you would, of this burden. Acts of injustice as well as of justice lie within

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your power. I appeal to this House to reflect on this matter. If you allow expropriation to proceed against a defenceless body of owners, where will it end? It is a sacred responsibility which lies heavily upon you to seek and to ensure justice in all your acts. Your powerful majority should be used as a trust towards that end. I therefore oppose this Bill."

* SRI N. S. VARADACHARI:—Madam Deputy Speaker, I have listened with interest to the speech of my hon. friend Mr. Batchelor and it almost looked as if he was lodging a protest against what he called—not appropriately—expropriation of private interests. I shall deal with that aspect of the problem.

"The first thing to remember is that the transport system of the Province has a high priority in the scheme of nationalization of essential services. Apart from other Provinces having adopted it to which allusion was made, it is the declared policy of this party and this policy must be steadfastly adhered to and of all the essential social services which could be taken up without much inconvenience to private enterprise even if it be the technical service, which Mr. Batchelor claims it is, I think the transport system of the country, especially road transport, ought to come up first. It has many advantages. Safety is perhaps one of the many reasons that induced Government to launch on this policy on the advice of the party. There will be no going back on this policy, because it ensures not only safety, not only a fair amount of road transport carried on efficiently and well, but also a fair amount of revenue to Government, which, if not entirely earmarked for certain purposes, would enable it to carry out many items of the constructive programme. It is necessary that the railway systems which are already nationalized and the road system, which is not yet nationalized are to be co-ordinated and to this end some one should take the first step. And if Madras has taken the first step—perhaps it is not correct to say so—and if other provinces also are following in the wake of Madras, it is because the whole country has come to feel, that with the progress of ideas, this particular service should entirely be State-owned and State-managed. I ask, Sir, Mr. Batchelor, why is there such unseemly competition in this highly technical trade among operators. He has listened to questions on the floor of this House, why this permit was refused, why this man was allowed to operate in spite of breach of rules and so on. My answer is very simple. Even by running on tolerably efficient lines, (I do not ask for the utmost efficiency) the bus service in the Province ought to pave more than its own way. I have taken some pains, and that in consultation with certain private employers, to analyse the running costs of a bus per running mile and the amount of income that it will fetch per running mile. Mr. Batchelor would then ask me, whether as a layman, not knowing the highly technical nature of this service, I have taken into account amounts which ought to be deducted year after year for depreciation, for taxes, for provident fund and pension and anticipatory provision for the remodelling of workshop when nationalization grows apace."

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MOHAMED ABDUL SALAM SAHIB BAHADUR:—“ On a point of information . . .

* SRI N. S. VARADACHARI:—“ I am not yielding. If I give this information to hon. Members, I trust, they will take it that the return of 12½ per cent anticipated by the Hon. Minister is very reasonable. In the City, the service cost of operating a bus per running mile cannot exceed nine annas, and the return per running mile, if no pilfering takes place and if proper check is maintained, cannot be less than 13 annas, Sir.”

MR. B. W. BATCHELOR:—“ On a point of information, Sir. Will the hon. Member tell us whether his researches into the results of bus traffic in the City so far lead him to conclude that full amounts are being collected by the Government for nation-owned bus transport?”

SRI N. S. VARADACHARI:—“ I am glad to answer this question. I do say there is much headway to be made. There is much more check to be maintained, and if nationalization has to succeed, it has to be worked with the utmost efficiency and care. I am not claiming for the moment that nationalization becomes a success with the passing of an Act or with the calculation of profits made theoretically on the basis of information supplied to me, not by Government department but by private operators. I expect, Sir, that if nationalization takes place in a planned and orderly manner in this province at the end of five years the net revenue, after allowing for all I have indicated before, would not be less than 15 crores per year. We can put in new buses to replace old ones, we can give more comfort to passengers, we can have a programme of expansion for workshop in order to effect heavy repairs and also perhaps to construct bodies of buses and effect such other changes as to make buses thoroughly fit and suitable to the conditions of our own Province. I do not wish to go into further details, but it gives me encouragement to say that this would be a very prosperous and fruitful source of revenue, which, Government ought on no account give up whatever, the influence private operators may carry with one and all of us.

“ Some time ago a report appeared in the Press that Government were examining the question whether it would be wise to lease out certain select routes to private agencies. I do not know whether that is correct. Whatever that may be, I think, Sir, that is not the proper course. The proper course would be for us to have a systematic plan, well laid out in advance, to map out, as it were, the whole plan. Sir, if you go into the transport office, they should be able to show you ‘ here is the transport department proper, here is the financial expert’s office, here is the technical expert’s office, the commercial expert’s office,’ and then point out spots on the map showing that such and such districts will be taken up next for nationalization, and such and such routes will be taken up in such and such an area and so on,—everything worked out with precision and care. If that is done, as it has been done in private enterprise concerns, and

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if private enterprisers do not become enemies immediately they are asked to serve in nationalized service, I feel confident that this programme will achieve the measure of success which I anticipate for it.

“ Let me come out with one more statement. Government should have a plan this way: It has taken the city of Madras; it is going to take up the routes and services in Madura and Coimbatore with the routes leading to the hill stations. Then, Sir, instead of dissipating energies, the service should fan out from these three cities, take up the neighbouring areas, so that workshops may be located in these areas when expansion is made possible. Like that, they will fan out and fan out till the whole province is taken up; and at the end of five years neither private operators nor the State will have to repent about nationalization.

“ I ask Mr. Batchelor, ‘ what is the lifetime of a bus?’ This is with reference to the point with regard to compensation. If it can be put down as five years, why should he object? If Government give enough time to private operator to step out voluntarily, and without much loss, then I should say he ought to have no objection with regard to the compensation laid out by Government. The compensation will be in allowing him to run the bus for such period till the State takes it up. It may be some years before his service is taken over. And I would suggest to Government instead of encouraging appointment of new operators old operators should be employed wherever possible, so that their time of eviction may be postponed as far as possible. That would be enough compensation. In fact much trouble has arisen on account of the import of new operators. I certainly wish to say this, that Government ought in future carefully consider new applications and not encourage them if old operators are still to be found, whose interests are liable to be taken over and who may have to be compensated in the scheme of nationalization. The compensation may not be in money payment, because there is no compensation to be paid for a mere licence. But the moral obligation rests on Government, that if a licence is liable to be cancelled it should be allowed to continue so long as it is possible for the Government to continue it. This shifting of licence from one area to another should be carefully kept in view in advance. Thus we can secure equitable treatment for the private owner and at the same time not mar the pace at which nationalization ought to be speeded up.

“ If it is agreed that this is a sound policy we should see to it that the utmost care is maintained in the standard of administration of the department. (Hear, hear). I also feel, I must say, that such care is already shown, and to the extent there are defects it is the duty of every one to assist the Government in putting things right and in bringing to bear that expert knowledge which will help in re-shaping the transport service of the province and co-ordinate it properly to railway transport. Efficiency is the need of the hour. We must not allow our path to be deflected by considerations other than those which efficiency would entail. This is a very difficult department. Every pie

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lost must be carefully looked into. We must anticipate things and arrange accordingly. For instance, a bus, running on a line, becoming sick, would, if time was allowed to be wasted, be losing valuable earning, which will go to swell the profits of nationalization. Heavy repairs and stores must first be attended to, and nationalization itself should become a commercial department. For every pie to be spent, the department should not have to wait for Government sanction. In fact, a self-sufficient arrangement should be made within well-set-out limits for the department. Apart from that, sufficient sums of money should be entrusted to them to carry out works which are needed most for the purpose of nationalization. A system of commercial accounts, a system of commercial audit and above all relaxation of ordinary rules, which will transform the department from one of slow motion into one of swift appreciation of situations is the utmost need of the hour. I hope if the Hon. Minister will take this friendly advice from me, I feel certain he will thank the party for its very sound decision on nationalization of bus transport in the province."

The House adjourned for lunch.

(After lunch--2-30 p.m.)

The House re-assembled with Mr. Speaker in the Chair.

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Mr. Speaker, Sir, the Hon. Minister for Transport and Mr. N. S. Varadachari laboured hard to show that the Government are right in nationalising industries and more particularly the transport industry. The question before the House is not whether to have nationalization or not. The question is the shabby way in which the Government are dealing with the matter. I wish to remind the Hon. Minister for Transport and this House that very recently a Press Note was published saying that the right to ply buses on routes in the Madras City not taken over by the Government would be auctioned and given to the highest bidder. The Minister for Transport rushed to the press saying that he was not going to do that. From this it can be seen that there is a lot of confusion in the department. Nobody knows where we stand and it is really a problem for the public and the persons interested in transport to know what the Government want to do and why they are doing things in this shabby way."

THE HON. MR. DANIEL THOMAS:—"May I submit that the Government are not responsible for unauthorized reports of the press and that well-informed members should not give credence to them?"

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"It is not my intention to hold the Government responsible for all the press notes. But I have taken it as an illustration to show that there is confusion in the department."

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MR. SPEAKER:—"May I know wherefrom the hon. Member obtained the news?"

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of order. May I know whether an hon. Member is obliged to give the source of his information with regard to any reference that he makes on the floor of this House?"

MR. SPEAKER:—"The point is whether the hon. Member is referring to the news in the press note to which he referred and which the Hon. Minister contradicted."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"I quote this only as an instance to show that the public in this province are not aware of what the Government want to do in this direction. If the Government are really anxious to have nationalization, it is better that they come out with an independent Bill and not with amendments to every section of a Bill which was passed about ten years ago. I think it would have been in order if the Government had brought forward this Bill before they took charge of some of the buses in the City. Why have the Government taken into their head to proceed with the work, take charge of the buses, and then, when there were some legal difficulties, come forward with this Bill? Let me remind the House that the origin of this Bill is a recent High Court judgment. The High Court said that this Government had no right to issue instructions as they pleased in all matters and that they were wrong in having done so. So the Hon. Minister has brought forward a Bill wherein he wants to take power to give instructions to all transport authorities in all matters and in all circumstances and for any purpose. If the Government want to have nationalization, they can come forward with a Bill. Why have the Government taken over some buses, spent money, and then come forward and say that they want this power? When did they realize that they want the powers sought in the Bill? This House has heard both the Minister for Transport and Mr. N. S. Varadachari. Out of the one hour and 45 minutes that they took, they devoted considerable time to saying that it was better that the Government took up the power. They have not explained why they have proceeded with the work, spent money, and then seek for powers now. The Government have very peculiar reasons. When they introduced prohibition, they said that they would begin first with the districts and then only take up the City. In nationalizing buses, they say that they will begin first with the City and then only go to the districts. Does not the Minister know that the bus services in the City are better than those outside? If the Government are really anxious to help the public, should they not begin with the districts and then come to the City? God alone knows what the reasons are for the Government to decide to begin first with the City. Then nationalization is not done in one sweep: it is done in stages. Every Minister and hon. Member of this House knows what lot of difficulties are experienced in getting permits for new buses. If they want to take over a route and if there is a vacancy, they

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should immediately take it over and not create further confusion. I know there are provincial, regional and district transport authorities. Every day and every hour it can be seen that members of the party in power are unfair in the granting of permits. Very recently Desabaktha Konda Venkatappiah referred this matter to Mahatmaji and, as it is a matter of public importance, it was discussed. The Hon. Minister has appointed members of his own party as members of these boards. I am asking the Minister whether he has appointed even one member of this House outside his own party as a member of any one of these provincial, regional and district road traffic boards. In one case in my district, a member of this House was there. He granted permits to A, B and C. Then he was made a member of the Central Road Traffic Board. There was an appeal. It was a big problem whether this member should have his say in the Central Road Traffic Board or in the District Road Traffic Board. Why do you create this confusion? Bus operators who are removed from the routes which are taken over by the Government can be shifted on to other routes as was suggested by Sri N. S. Varadachari. If there are vacancies, the Government can do so even now. What is the five-year plan? Next year also you are going to take charge of some buses. You want to pay compensation according to the number of years. Are you not asking a bus-owner to hand over his bus within one or two years? There should be a method even in madness and there should be a method in taking over the buses. Every day there come to these transport authorities applications for the renewal of permits. Even to-day there are plenty of applications pending. The applicants say: 'We have leased the bus for five years and we want to renew the permits. Why do you come in now, because we did not know this when we invested Rs. 8,000 or so. You allow us to buy a bus this year and ask us to get out next year.' If only our Hon. Minister goes into the history of transport for the last one year in the Chingleput district where we have got a lot of power politics and where members right from the Constituent Assembly down to this House are playing an important part, he will see that there are hundreds of petitions pending in that district. I know that very important persons are connected with it. Power corrupts and absolute power absolutely corrupts. In this Bill the Government want absolute power. We are in favour of nationalization. But why don't you do it straightaway? For instance, Chingleput district is not far off. Buses can easily come to Madras and return. The same workshop, the same engineer and the same staff can be utilized. Why do you create confusion and give scope for criticism and corruption? It is clear that from the very beginning the Government are not very serious about nationalization. They are doing it in a half-hearted way. When you are taking a running concern, you are taking away a property. Perhaps foreseeing how shabbily this Government would be doing things, the framers of the 1935 constitution provided a safeguard in section 299. Here are experts asking whether permit is property or not and whether compensation should be paid or not. Here is a Minister who says that

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it is only a permit. Permit means a licence. If a licence is granted to me, in pursuance of it I spend money and purchase workshop, machinery, tyres, tubes, etc. If it is not property, what else is it? I do not know whether the Government realize the seriousness of the situation. Under this Bill it is possible to cancel the licence of a bus operator even if he had been operating even for a very long time on giving one month's notice. Is this not expropriation and grabbing at things? The Government have thought of issuing an ordinance for appointing Home Guards. As they had no time to convene the Assembly, they prorogued the House and a number of questions lapsed. Why did they suddenly think of having Home Guards? Even to-day nothing has been done. In the same manner they have come forward with this Bill. They want to cancel the existing rights of people who have been there for the last fifty years and even more and who have invested a lot of money, after giving one month's or three months' notice. That means their workshop is gone and the entire staff is gone. On the one side you go on patronising your own people in granting permits and appointments and on the other side you say 'one month's notice.' Of course, this House is ready to say that the licences can be cancelled even without notice. This is highly objectionable and will entail a great loss to those who have been in the line since a very long time.

"The Hon. Minister for Transport argued very eloquently that if the Government took charge of the buses, then everything would be all right. We know what is the state of bus transport in the City at the present time. There is no improvement at all. There is still the same overcrowding there. I would ask the Hon. Minister in charge what improvement he has effected by taking charge of the bus-transport. Let him take the opinion of experts and see whether the situation has improved in any way. Let him appoint a committee to go into the whole question of bus transport before proceeding with this measure.

2-45
p.m.

"Sir, I thought that Mr. N. S. Varadachari is an expert only on the subject of Forests. Now he comes forward and argues as if he is an expert in this matter also. He said that this is a business where people were minting money and that he had studied this subject and has done research work also. The Hon. Minister in charge who has spent Government money on the nationalization of the bus transport says that he is unable to give the exact figures, but that in his opinion the Government are going to get 12½ per cent return on their capital. One gentleman who says that he is an expert in this matter expressed that money could be minted, while the Hon. Minister in charge says another thing. Why this hurry about the nationalization of bus-transport? Why should we not proceed slowly and find out how it is working and how best we can proceed with it? We see before our very eyes that the public have not got any extra facilities since the Government have taken over the buses.

"Again, Sir, the Hon. Minister for Transport is not sure about the facts and figures he has furnished. It is a matter of common

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knowledge that this bus business is minting money, but if the Hon. Minister says that it is not so, then either he is wrong or there is something wrong in his very department itself. Merchants who were running the buses before and those who are running them even now are getting enormous profits, and if the Government buses do not do so, then there must be some slackness somewhere. On what data are we to proceed, and how can this House grant such powers to the Government?"

MR. SPEAKER:—"The hon. Member has already taken 16 minutes."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, the Hon. Minister took half-an-hour to explain the advantages of nationalization. But take for instance the case of the telephone service in Madras, which the Government have nationalised only recently. How is it working after the Government have taken charge of it? Is the service in any way better? People have to wait and wait before they can get their calls answered. The Hon. Speaker knows very well what difficulties he feels and how long he has to wait to get his calls on the phone. A few months ago when the Madras Telephone Service was in charge of a private agency, everything was all right. Now this House and the public outside know what difficulties they have to experience in the service and after it has been taken over by the Government its efficiency has been decreasing.

"Then Sir, there is no system in the Government programme. This Government want to amend the Motor Vehicles Act of 1939 which was passed nine years ago by the Central Government and invest crores of rupees in the new venture. We know already how they are proceeding with the Zamindari Abolition Bill. The Hon. Minister for Revenue is anxious to rush forward with it to get a name. Here the Hon. Minister for Motor-Transport wants to rush through this Bill. He has already rushed through his scheme even before he has proceeded with this Bill. It was only when the High Court has knocked them on their head that they have come forward with this Bill and want these powers from the House."

THE HON. MR. DANIEL THOMAS:—"Sir, for the information of the hon. Member, I can say that the High Court has affirmed what we have done and has said that we have every right and power to get through the scheme."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Sir, the Hon. Minister need not quote the orders of the High Court to explain the powers of the Government or the powers of the House. The powers of the House are not questioned and we are supporting this Bill. But the absurd manner in which they are doing things, the manner in which they are operating the buses, the way in which they are nominating persons and issuing permits, the vagaries they are playing in appointing their own men and the way they are dealing with applications and with appeals—all these things are so horrible and disquieting and inefficient that we cannot but criticise them. My hon. Friend Mr. Batchelor has clearly pointed out how these permits are issued. He said that the permit is simply a piece

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of paper. The Hon. Minister says that he has consulted his legal officers in the matter and that there is no objection to it. Should we not give at least one month's notice to the private bus-owners before terminating their permits? Sir, there are so many other defects in the system and I have so many other things to say, but for want of time, I shall stop with this. I submit, Sir, that it is better that the Government come forward with a new Bill instead of amending the existing Central Act, which would only bring in a lot of trouble and difficulties later on."

SRI V. M. RAMASWAMI MUDALIAR:—"Mr. Speaker, Sir, I think no arguments are necessary at this stage to convince the House that the policy of nationalisation of bus and lorry transport is an essential part of the transport programme of any advanced party or Government. As a matter of fact, Sir, the House will remember that very recently railways have been completely nationalised and so long as railways are national property and a national asset, it only stands to reason that motor transport which is its very close rival and competitor should also be nationalised to avoid unhealthy competition. Even apart from this, I would urge another reason why bus transport about which my hon. Friend Mr. Batchelor has said so much and argued in favour of its retention in the hands of private commercial interests, as it has been all along, should be nationalised. I say that it ought to be nationalised for the very simple reason that it is a monopolistic trade, so to say. It is not a case of free trade in the sense that any person can run a bus service. It is a protected trade. Only a few persons are allowed to run buses on particular routes and others are prevented from running into competition, with those buses, because the number of buses to be run on a particular route is limited by the Government. It is in the interest of the State, that this monopoly should be broken and I do not see why this trade should not be nationalised. I may also remind the hon. House that the very argument which my hon. Friend Mr. Batchelor has used, namely, that even during the Advisers' regime in 1942, a sort of arrangement was in force between the bus operators and the Government, by which a certain portion of the shares floated by the bus concerns was to be subscribed by the Government, is itself one in favour of nationalisation. It was, if I remember aright, that 51 per cent of the shares should be taken up by the Government. (At this stage, the Deputy Speaker occupied the Chair.)

"Madam Deputy Speaker, I was just saying that that arrangement shows that even during the Advisers' regime, they were halfway towards nationalisation of bus transport in the Province. I need not labour this point any further and now I propose to confine myself to the ramifications of this Bill.

"Now Madam, if we grant that the Madras Government are justified in launching upon the nationalisation of bus-transport and in furtherance of which they have made a beginning in the City of Madras by introducing State buses on certain routes, then certain things follow. There are two bodies of authority provided for in

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the scheme of the Central Act of 1939. One is the Regional Transport Authority which formerly used to function in respect of each district or each group of districts. Over them, we have got the other authority, namely, the Provincial Transport Authority. These two are statutory bodies which are entrusted with judicial and quasi-judicial functions. I want to bring this point home to the Government, namely, that these two bodies are statutory bodies having certain independent functions which they have to exercise in their judicial and quasi-judicial capacity. In the interests of the public, their functions should not be interfered with by executive Acts, unless there are very important and state reasons for such interference. That was exactly what was elaborated in the recent decision of the High Court when a writ of *certiorari* was asked for by a local Bus company, namely, the S.R.V.S. Company in Madras. The High Court held that the whole scheme of the 1939 Act makes these two bodies, the Regional Transport Authority and the Provincial Transport Authority independent bodies, independent of the Provincial Government and that certain definite functions are entrusted to them and that the Provincial Government should not interfere with their functions or their decisions by executive ukase. I think, Sir, it is very necessary to preserve the independent and judicial status of these two bodies, except for certain supervening reasons of State. I certainly concede the point of the Hon. Minister that the question of nationalisation by the State is a supervening reason, where interference may be called for. Under the present Act such interference cannot be made. That is the recent decision of the Madras High Court. And therefore it is, that Section 43 has been proposed to be amended by clause 43-A of this Amending Bill, namely, that 'such transport authority shall give effect to such orders and directions'. I think that the power that is attempted to be taken is too general and wide in its scope. I have known of cases where such a direction has come against the decision of the Regional Transport Authority of the Provincial Transport Authority. I think, it is very wrong that there should be such an interference. I would therefore suggest to the Hon. Minister that while I have no objection to the amendment that he seeks to introduce after section 43 of the Central Act, namely "The Provincial Government may issue such orders and directions of a general character as it may consider necessary, in respect of any matter relating to road transport, to the Provincial Transport Authority or a Regional Transport Authority, and such Transport Authority shall give effect to all such orders and directions", such orders should be in the matter pertaining to the question of State policy and should not relate to any matter of private interest.

"Madam, if necessary, I may give just one instance of a case which I had to deal with in my professional capacity where such an interference by an executive order has come to flout the decision of the Regional Transport Authority and the Central Transport Board. The matter was taken up before the Home Secretary and the Hon. Minister in charge. After a good deal of consideration and discussion, the order was changed and the decision of the Transport

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Authority was upheld. I suggest that such an executive interference will give rise to much criticism and there is also the possibility of private influence being brought to bear on the Government in such matters.

"Another consideration is this. Where the Regional Transport Authority and the Provincial Transport Authority both have concurred in certain decisions, the interference by the Provincial Government with their decisions will upset the whole arrangement. I therefore submit, that while I have objection to giving all the powers necessary in the furtherance of the policy of nationalisation of bus-transport by the Government, such powers should not be used in any other respect, particularly in respect of private interests.

"Then, Madam, there is another matter to which I wish to draw the attention of the Government in connection with the vexed question of compensation. As I stated at the beginning, this is a monopolistic trade with protection given to a few people who have interests round about it. The State must therefore recognise their right and must pay proper compensation, if that right is sought to be taken away from them. In this connection I may also quote the utterance of our late revered leader Mahatma Gandhi who in one of his latest pronouncements said that if the monopoly of petrol and bus-transport is taken away, then things will settle down to proper conditions. Therefore, the sooner private monopolies are taken away, the better it will be for the country and for the people at large.

"Madam, there is another matter to which I would like to invite ^{3 p.m.} the attention of the Hon. the Minister for Road Transport, namely, the question of compensation. I had something to do with the growth of bus transport in the Province. There was a time I remember in 1932 when I was connected with a local body, namely, the District Board of North Arcot, when bus permits were given freely to anybody who asked for it. Slowly as time advanced more and more buses came on the road and restrictions were placed. Vested interests cropped up. In spite of whatever Mr. Batchelor might say or whatever Mr. Salam might say, we see today that the bus interests have not lost in being engaged in the trade. Everywhere they have made money and are still making money. It is a fact which cannot be denied by anybody. If nationalised, all this benefit will accrue to the State. On the question of compensation I would urge that it may be payable according to the present market value of the buses on the road and that would be put out of the road by reason of the State's policy. May I remind the House that there is parallel instance in regard to this in the coconut gardens. People owning coconut gardens derived huge revenues by letting the trees for tapping. In my district each tree used to fetch Rs. 20 per year. Only marked trees were allowed to be tapped and thus there was a monopoly in this trade. When Prohibition was introduced this monopoly trade in the trees has gone and we know that people who own coconut palms have suffered on account of the Government's plan. Their income of Rs. 20 per tree was by reason of the State

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preventing the letting of all trees for tapping. This inflated the prices and that became a protected or monopoly trade. When prohibition was introduced in the districts the income from coconut gardens decreased by a 100 per cent can these claim compensation? No.

"The next point which I would like to urge upon the Hon. Minister is the one which has been brought into prominence by reason of the very recent judgment of the Madras High Court delivered two days ago. Under the constitution of the Madras High Court writ of *certiorari* or *mandamus* is available only to persons who come within the original jurisdiction of the Madras High Court. As such we have recently had two examples where certain abuses of powers by the Government have been brought to the notice of the High Court and their actions have been set aside. One of those is the S.R.V.S. case. In the recent case in which judgment was delivered the other day the High Court has pointed out that there must be some safeguard for the Muffasal bus operators who have invested large sums of money so long as they are allowed to operate in the Province, against certain vagaries particularly of the Road Transport Authority or any other authority concerned. This safeguard is available by way of the writ of *mandamus* in the Madras High Court. But the limitation is that in order to invoke the jurisdiction of the High Court these companies should be plying their trade within the original jurisdiction of the Madras High Court, namely, the City of Madras. Therefore the bus operators who are outside the City of Madras are left without any remedy. Therefore His Lordship the officiating Chief Justice and his Colleague who heard the case two days ago have suggested that it was highly necessary that some safeguards should be provided against the vagaries of these authorities."

THE HON. MR. DANIEL THOMAS:—"It is not vagary. It is an error of judgment."

SRI V. M. RAMASWAMI MUDALIAR:—"Madam I am prepared to accept the correction. These are stated to be not vagaries but mere errors of judgment. I say that some provision must be made for the purpose of correcting the errors of judgment, which will affect very vital interests of the bus operators not only in the City of Madras but also in the mufassal. I believe the Hon. Minister for Home will bear this in mind."

THE DEPUTY SPEAKER:—"Is it the Hon. Home Minister?"

SRI V. M. RAMASWAMI MUDALIAR:—"I mean the Hon. the Minister for Prohibition, Madam. I said 'Home' because this subject is dealt with in the Home Department. In consonance with the wishes expressed by Their Lordships, the highest judicial authority in the Province, I hope the Hon. Minister will do something for the protection of the mufassal bus operators from such errors of judgment which are likely to occur and which will affect their vital interests."

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"There is one other matter, Madam, and I shall be done. The Government also seek power to do away with the Regional Transport Authority and to appoint a single officer. True, they may be so advised. But I would respectfully submit that even as the Regional and Provincial Transport Authorities are, I am of the opinion, that there must be a larger association of non-officials with these bodies. So far as the Regional Authorities are concerned there are about four officials and only one non-official associated with it. I want more association of non-officials in these bodies which exercise judicial and quasi-judicial functions. In the suggested amendment the Government wants to take power even to do away with that meagre representation of non-officials in these two bodies and they want to appoint a single official. I think this will be detrimental both to the interests of the public and the interests of the trade to place ourselves under one official who virtually will be a limb of the Government. That is my one criticism to the suggested amendment to section 44, of the Central Act by clause 4 of the Bill."

"It is very necessary, in view of the fact that the Hon. the Minister for Prohibition has said that the scheme of nationalisation envisages a five-year period, that during this period we must walk clear of all criticism and as far as possible have an independent body as the appellate authority, so that no criticism may be levelled against the Government either of partiality or of any political manipulation. In the best interests of the Government themselves, they will do well to clear themselves of a charge of this nature."

"The general criticism which I have offered in regard to clause 4 will apply to clause 12 also. For entrancing the good name of the Government they will do well to give all those functions mentioned in the suggested new clause to an independent authority and the Government should not interfere in matters like this. Of course the Government must have the supreme power so far as the implementation of the State policy of nationalisation is concerned and that power it will have under clause 3. The safeguard should also be there that they should not use the power in furtherance of any private interest of whatever nature it may be. With these few remarks I support the Bill."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"Madam, Deputy Speaker, I believe that the subject that is before the House is of great interest to the public, particularly in view of the fact that for a very long time past the transport services of the Province have not been very satisfactory. The policy of the nationalisation of the motor industry has been agitating the minds of the public for a long time. There have been diverse views expressed on the subject as to whether this industry should be nationalised or whether it should not be so done. There have been various opinions expressed on the subject. Some of us have felt that nationalisation was one of the fundamental needs for improving the transport services of the Provinces and for preventing the possibility of any private agency or private promotor taking advantage of it and making it a monopoly trade. If nationalization has been agreed to by some people it is because they have found out that it is the only alternative to monopoly as the anxiety on

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the part of some capitalists in this particular industry has always been to get hold of the whole industry for their own selfish ends. The result has been that this industry which was practically helping the poor promoters of bus services in the different parts of the Province has gradually gone into the hands of the monopolists. To-day it has been found necessary to nationalise the industry in order to break the combination brought about by capitalists.

3-15 P.M. "Of course there are advantages and disadvantages in nationalization. Nationalization would mean the control of the industry by the State in combination with a few individuals or one concern. There is the second alternative of a complete monopoly of the industry by the State. The third alternative is to form a commercial concern in which the Government can take 50 per cent shares and allot 50 per cent shares to the public. The 50 per cent should be allotted in such a way that not one individual should be able to get more than five shares. If such a condition is prescribed for the selling of the shares and if the Government takes 50 per cent of the shares and bring into existence a limited company, that concern would be able to manage the industry far better than the Government themselves. Nationalisation has commenced only recently and the Government might have found out what are the difficulties in it. It is an admitted fact that the services run by the commercial concerns are far better than those run either by the local bodies or even by the Government. That has been the experience of people. Even in the buses that are run by the Government in the City there are many defects. Of course there will be defects elsewhere also. But so far as the bus service in the City is concerned there are many defects. Of course the attention of the Hon. Minister has been drawn to two or three things, namely, leakage, etc. I have myself seen as a traveller by bus what it is. It is not often that one travels without buying a ticket. He pays for it but he does not get his ticket. That happens. Now I find that there is greater check. But that also causes great hardship to the bus travellers, for these amiable gentlemen, the Inspectors who have come into existence stop the buses for such a long time that people would rather prefer the tramcar to the bus as quicker transport. That is one thing, and the second thing is the conduct of the conductors themselves. I bring this to the notice of the Hon. Minister. These are all, of course, smaller things. If, as I have suggested, a combined concern—a commercial concern, in which Government have some shares—should manage these services, they could certainly expect better control, better safety, and better comfort to the passengers than what can be had under all out Government management. Perhaps, it is not too late for the Government to revise their policy. Instead of pursuing this policy of nationalisation and complete control by the Government, Government can accept the suggestion that I have made of handing over the management to a commercial concern, which will not have the whole thing to themselves. They may have no monopoly, but only some shares in the concern. Then the management will certainly work better. Government control also will be there at the same time. As it is,

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you may have any number of transport boards, management boards, etc., with officers, who in all their life did not have any experience of this motor industry. The commercial aspect of the question is non-existent in the case of these officers. They may be all right with the work in their various offices. But for work in a commercial concern one must have good business experience. The experience of a Government officer is different from that of one in a commercial concern.

"Then, Madam, when you gradually take over the buses which are now run by private managements, what happens is that the conductors and drivers who are engaged by them are not taken in by the Government, but new people are employed. These new drivers and conductors are not able to do their work as efficiently as the conductors and drivers of private managements.

"Madam, this motor transport industry has had a chequered career in this Province. In the first instance, it was in the hands of a few individuals, who, for want of other avenues of eking out their livelihood, took to this industry. There are many cases of persons in the districts who have taken to this industry, in the absence of other means of livelihood. As the Government intend taking away that business from their hands, the result will be that all these people are thrown out of employment, and are left without any avocation. In this country, where professions for unskilled men is limited, it is rather hard that Government should take away the means of their livelihood, by taking away one or two buses or lorries which they have at present. The minimum number has been increased to five. If that policy had been adhered to fully, it may have been a very sound policy. Government control would have been better. In spite of the hardships they suffered on account of the various controls, still they were able to get on and they were making some profit. As a matter of fact, they were giving better service to the people, because they belong to the district in which they run their buses. I do not know when nationalisation takes place whether the Government officers would be able to give that amount of service to the people which the local people have given.

"Then, Madam, there is the question of compensation. It was referred to by Mr. Batchelor and Mr. Varadachari and others. It is very easy to dispose of the question of compensation by saying that we will pay for the remaining period of the licence. I do not think, the matter stops there. After all, an individual, or a combination of individuals, engaged in this industry, is called upon to give up that industry all of a sudden. In the case of the City, practically all of a sudden private buses were taken off the road by Government. I do not think sufficient notice was given to them. As we go on expanding nationalization of motor transport industry in this Province, the result will be that people would be put to great loss. Not only they are deprived of their profession, but they are also not given adequate compensation for all the services they have brought into existence the moment they undertook this trade. It is no joke to run a bus without the necessary equipments, such as maintaining a workshop, a garage, and

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other things. All these things would have cost a great amount of money. These people had to invest large sums of money in order to run buses or lorries in a particular area or particular routes. If Government calculate the value of a bus or lorry, which has run for some time, and give compensation only for the remaining part of its life, I do not think that that will be a satisfactory compensation. That would be, as my hon. Friend Mr. Batchelor put it—expropriation, pure and simple. I do not think that Government should stand charged with depriving the people of their livelihood without paying them adequate compensation, and without making good the loss that these people would incur consequent on nationalisation. Compensation should not be merely on the basis of the value of the vehicle, but it should be on the total investment that the concern or individual had to make to run the whole show.

“ I do not want to take any more time of the House. I only wish to say this. Apart from taking over the motor transport service in certain areas by Government, there will be districts and towns where private agencies would be running the transport services. Government, I am sure, are taking both aspects of the question into account. I think they are not only dealing with the nationalization question, but they are also providing for proper facilities to be offered to the licensees to run these services in various parts of the Province in a manner which will be advantageous not only to the citizens, to the passengers and to the users of these vehicles, but also to the owners of these vehicles. I think the interests of all the parties involved in this industry should be equally taken into consideration, and they must be given all possible facilities to run the services efficiently. They should run the services in such a way as would be satisfactory to the public and advantageous to themselves.

“ Then, Madam, the period of four months fixed for licensees will work hardship. It is not a sufficiently long period for an enterprising private agency to invest large sums of money in the business for that period of four months, only to be told at the end of that period that they are not required, and that the whole show would be conducted by Government.”

THE HON. MR. DANIEL THOMAS:—“ I may say for the information of the hon. Member that there is no proposal to limit the licence to four months.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“ Madam, I find that the minimum period is four months. I do not think that a person to whom a licence is given for only four months would run the show at all, because he will have to engage servants, put up a workshop, and attend to certain other things also. All this is only for four months, and at the end of that period, he will be told that Government would take over the transport services. I believe, Madam, this will work a hardship on that person. I think Government will do well to revise the period of four months, and give a longer period to the licensees so that they may settle their accounts in such a manner as will not involve them in a loss.

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I am afraid Government also will stand to lose if they come forward to pay compensation at the end of four months, because the amount of compensation will be heavy. Government can save sufficient amount of expenditure by adopting the method of giving a longer period of licence. With these words, Madam, I support this Bill—I do not oppose—as it is a safe alternative to monopoly, which was slowly growing up in our Province to the detriment of individual owners of bus services.”

SRI V. RAGHAVAYYA:—“ Madam, Deputy Speaker, the measure which has been introduced to-day calls itself by a name which unfortunately has been of late clouded with more glamour than reality. The Hon. the Minister for Prohibition has taken care to explain to us the many advantages of nationalization. I would have no quarrel with him if he has explained it in a few words but since he has taken a very long time to explain the several advantages of this measure, I would suggest to him that he himself must not get disappointed if things go in the wrong way. He knows that a nationalized democracy is going to be such a great boon to us. Two things are necessary for nationalization. The people must feel that it is for their benefit. Secondly, every pie that a State industry brings must be spent for the nation as a whole. Both these elements are absent here. Madam, I have learnt from a very high authority that the nationalization in Madras has not been very successful. I should be very happy to hear from the Hon. Minister that it is profitable. Let me point out that a very high authority, whom the Hon. Minister also claims to be high enough, told recently that it has been a losing concern.”

8-30
p.m.

THE HON. MR. DANIEL THOMAS:—“ Question.”

SRI V. RAGHAVAYYA:—“ Yes, Sir. You may question. The highest of the persons who is controlling him and me has said like that. I am referring to the Prime Minister himself. There is a feeling that, so far as the nationalization in Madras is concerned, it has not been profitable from the monetary point of view. If there is anything wanting, it is for the Government to set right things. No doubt, there have been complaints stating that this conductor has not issued a ticket and that driver has not been stopping the bus in a particular place and so on. But, these are small things which can be brushed aside but there is one very important thing and that is this. You expect the sympathy of the public of Madras in order to put this nationalization on a profitable basis. A national transport or any national industry should evoke a voluntary interest in the minds of the people. Even if the conductor does not issue a ticket, people must be interested and they must report it to the Government. I ask, why should the conductor fail to issue a ticket. He is bound to. In other countries, where there is nationalization, people take a living interest. A living interest will be created only when you share the profits with the employees. If the Hon. the Minister for Prohibition wants to make this a really national industry—a nationalist industry rather, it is nationalist because the drivers and the conductors are Indians.

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though it is not a nationalist industry in the sense that the vehicles and the materials are imported from outside—then, he should share the benefit with the employees. If he does so, there is no reason why these conductors and drivers should play false with him and not co-operate with him in making the scheme a profitable concern. I may make a suggestion to the Hon. Minister that the employees should share the profits of these nationalized industries with the Government so that they may make it really profitable. As one of the hon. Friends on the opposite side said, why not share the profits of this concern with the employees so that the conductor or the driver or the inspector or anybody connected with these nationalized industries will get one-fourth the total profits. Then, I am sure the checking which is now useless would be done with great vigilance, and would be more effective. Again, there will be no strikes in this industry if such a procedure is adopted. The industry will be profitable and it will be useful to everybody and everybody will take interest in it. Not only the employees but the public also will take interest. That is one way of securing a really nationalized industry. The second thing that I would suggest to the Government is that they should assure the public that the whole profits got out of this nationalized industry would be spent for really public purposes. Nobody will take any interest in an industry unless it brings some benefit to the public. Even if you say that you are going to improve the Coom or that you are going to provide higher and softer cushions in first-class compartments or that you are going to pay higher salaries either to the G.Os. or the N.G.Os. though all these are good enough, people will not be interested. It is not by such things that you can evoke the natural and genuine and spontaneous interest from the public. You can evoke their interest by doing something which will touch their heart and will make them feel that they have a real contribution to make to the industry. If any cushion is spoiled or if a ticket is not purchased or if any damage is caused to the ceiling, everyone must feel that it is a damage to the national interest. Unfortunately, our self-Government has been very easily earned. That amount of consciousness has not been created in the public minds in this country. It may take a century or even more for the people to realize that the people and the Government are one. What I suggest is that you must create such public consciousness so that the public may co-operate with you.

“Madam, having given some ideas about nationalization, I should draw the Government's attention to some of the defects in this Bill. You have provided in this Bill a clause for payment of compensation. The clause dealing with the payment of compensation is a bit defective and may lead you to further trouble in the High Court or in other courts. You have added to explanation (b) of clause 2 the following proviso:—

‘Provided that where any permit (other than a temporary permit or a permit for a spare transport vehicle) was in force on the 2nd September 1946 and is cancelled under this clause, the holder of such permit shall be entitled to such compensation as may be prescribed.’

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The word ‘compensation’ here is very unhappily used. If you mean that you are going to pay a permit-holder for the loss sustained by him on account of this legislation, then you are correct, but if you mean paying money to the permits not used, then this is wrong.”

THE HON. MR. DANIEL THOMAS:—“The proviso does not mean it at all.”

SRI V. RAGHAVAYYA:—“Then, may I know what it means?”

THE HON. MR. DANIEL THOMAS:—“It means that compensation will be paid for the loss sustained for the unexpired portion of the permit.”

SRI V. RAGHAVAYYA:—“Even then, you are wrong in another way. (Laughter.) Because, you give the permit-holder a caution and you tell him in advance that nationalization is contemplated by this Government and ask him to use the permit for some time so that he may get compensation for the unexpired portion. You give him a chance so that he may get some income by way of compensation. Thus, if you are going to squander the nation's money, I say, with your poor resources, with your miserable finances and huge indebtedness, you will be placing the Province in a miserable position. God forbid such a nationalization scheme and such a scheme can take care of itself. You have to pay this money to the permit-holders simply because they have used these permits for some time and prevented from using them further on account of this legislation. Are you going to compensate every man in the land who loses his life or loses his property in a communal ryot brought about on account of the inefficiency or want of preparation of the Government? You are not compensating him. You leave him in the lurch. Then, why are you so solicitous to these permit-holders who have not been helping you and who have collected three times their share during the war years? Why are you so solicitous to these permit-holders? It is usually known, very often in the mufassal—I do not know of the City—that if you ask for a ticket for a distance of twenty miles, you have to pay for the full distance of one hundred miles over which the bus runs. That has been the rule everywhere. Black-marketing has been going on in this business as rapidly as it has been going on in every other department of this Government. Now, late in the day, you wake up to see the injustice you have done to a single sufferer and you want to compensate him for any loss that would be sustained by him.

“Then, as regards the buses, they can sell those buses to whomsoever they like. If they are good, you can buy; if they are bad, they can be thrown away as useless things are thrown away. As regards compensation, who is the authority to determine this compensation? You are leaving it to the Courts. If you are going to leave it to the Courts, you are really throwing yourselves to the wolves because I may tell you that you have not got the

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sympathy of anybody in the land. People do not appreciate you. I hope at least the permit-holders will sympathize with you but the Courts seem to think that you are very hostile."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"On a point of order. Can an hon. Member address as 'You' and say, people do not appreciate you. Is he not reflecting on the Chair?" (Laughter.)

THE DEPUTY SPEAKER:—"The hon. Member means only the Ministers and the Government and not the Chair."

SRI V. RAGHAVAYYA:—"Madam, the Government to-day are in a very unhappy position. Flamboyant revolution with broken heads and bleeding limbs has been so common when communal interests enter into politics and you tend to carry a sort of hallucination and glory of a victor. Such being the case . . ."

THE DEPUTY SPEAKER:—"I advise hon. Member to address the Government and not say, 'you'."

SRI V. RAGHAVAYYA:—"I mean the Government, Madam. This Government having so many disadvantages with them do not get even the sympathy of the people. That being the case, why don't you be more careful in the wording of your language? In clause 4 proviso, you have stated:

'Provided that if the Provincial Government think fit, the Provincial Transport Authority or a Regional Transport Authority may consist of a single official.'

Madam, why should this authority be a single official?"

3-45 p.m. "Madam, the Motor Transport Department is one of the three worst corrupt departments, the other two being the Food and Cloth departments. These three have combined to dig the grave of many Ministries and I wonder if they are not already at work undermine this Ministry also. I will give you one instance. You appointed a person some time back as the supreme head of your Transport Department. Luckily he is not in this Province now; he has gone to enrich another Province; he has purchased five cars for his own use and sold them in black-market. I am referring to . . ."

THE HON. MR. DANIEL THOMAS:—"I would point out that these personal allegations against individual officers are not relevant to the discussion of the Bill. They may be brought to the notice of the authorities concerned separately."

SRI V. RAGHAVAYYA:—"I only desire to warn the Government that they cannot succeed in their programme of nationalization unless they do away with black-marketers in the Government itself. Madam, if you agree that there is some relevancy, I will pursue the matter. If not, I am not in the least anxious to wound the feelings of the Minister or his officials. The point I wish to make is this. To-day there are several Gazetted Officers under the very same roof of the Secretariat under which most of

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us are staying, who have purchased cars against the rules, sold them in black-market and made thousands on each car—have made 10,000, 12,000 and 15,000 rupees. I know their names. I have given the names to the authorities and I do not know what steps they have taken to investigate the biggest of frauds. If an I.C.S. officer can, without any fear of the Government, purchase a car and sell it against the rules, can use Government's influence for the same and take the cars set apart for the Government, if such a person is at the head of the Motor Transport Department, I wonder really what will be the profit to the nation on account of the nationalization of the industry."

THE DEPUTY SPEAKER:—"I do not think it is right that the hon. Member should cast a reflection on the Government officials."

SRI V. RAGHAVAYYA:—"I am not casting any reflection on the Government officials. I am casting aspersions on the Government itself, because the officials are but the limbs of the Government and the limbs are by themselves helpless. If the limb does the mischief, it is the Government that is responsible for it because it has allowed the limb to function like that. My object is not to hit the officials but to warn the Government. You want to nationalize this industry, invest some lakhs and crores of rupees and expect a return of crores of rupees for the exchequer. If you are not going to entrust this business to some responsible and honest people who are above corruption and who are imbued with patriotism and a desire to see that nationalization becomes a success, you are doomed to failure. Not only now, but for ever."

THE DEPUTY SPEAKER:—"When the hon. Member is criticising the Government, let him say, 'The Government' and not 'You'."

SRI V. RAGHAVAYYA:—"I am sorry, Madam. I mean the Government. The Government may have been sleeping till now. But let them put things in order before they proceed any further. I can give you scores of instances where very responsible officials have done this. It is high time that you washed the Aegean stables and put them in order. You will be answerable for every pie that is collected from the public. I do not want to wound the feelings of Government Members further. They seem to be very touchy. But I tell you that a grave is being dug surely and steadily. These Government officials do not care two pence for your safety. As a Member of your own Assembly and as one who has been all along with you, is it a sin on my part to draw attention to this?"

"The other point I would like to touch upon is about the arrangements made for deciding this compensation and for manning the Transport Boards. In clause 4, it is said that the Transport Authority may consist of a single official. Sir, it is these single officials who have ruined the country. Whether they are N.G.Os. or G.Os., I have not had many instances of glorious careers. Why are you anxious to manage with single officials?"

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Why not put three officials, so that through their mutual quarrels there may be justice in the land. Why not the Government have the District Superintendent of Police and the Collector, who rarely agree with each other, and also the District Forest Officer or the P.W.D. Engineer so that we may know whether the buses are in proper order or not? Put three officials instead of one. For Heaven's sake, do not take non-officials into the department. This is a business concern. The Co-operative Department has come to bankruptcy on account of the non-officials. Even the holiest of holies are subject to suspicion and trouble. Why do you entrust the work to non-officials? It is only the businessman who knows where he loses and where he gains. If you have any Member of the Legislative Assembly into any of these bodies which have got the sole right of giving permits for bus routes and all that, please remove them forthwith. I do not want to make any general allegation against all of them, but these bodies are unfortunately the seed-beds of trouble and disaffection; they are bee-hives humming with undesirable activities. The sooner you get rid of the non-officials the better for the administration. M.L.As. do not suffer in greatness simply because they are not in this committee or that committee. The complaints that have been pouring into your department would have been a head-ache to you. There is an inglorious competition for power, influence and what not. When you are dealing with a business concern, whose object is nationalization, a false step taken in the matter will ruin nationalization in several others and pave the way for a discouraging and disconcerting future in regard to several other industries which have got to be nationalized. This being the first in the programme of nationalization I urge on the Hon. Minister for Prohibition to take ample care and put things in order so that they will be fool-proof, knave-proof and corruption-proof.

"Madam, the Minister for Transport should have known by this time that fifty buses have been ordered from an Italian firm belonging to Milan. The name of the firm is unpronounceable. It has a branch at Bangalore with a chauffeur or driver or some one as a shareholder. It is through the agency of this firm at Bangalore, the Italian firm has been asked to supply fifty buses to the Madras Government. The Madras firms have offered to supply buses at Rs. 15,000 each, whereas the buses for which an agreement has been entered into with the Italian firm cost Rs. 34,000 each. (Interruption.) I know the difference between a cow and a buffalo, how the buffalo is useful in its own way and how the cow is useless in its own way. A petrol bus running at 15 miles gives greater mileage per gallon. It is more economical. The offer of the Madras firms was rupees fifteen to seventeen thousand each. These Italian buses have been ordered at Rs. 34,000 each. I have not seen the Italian bus. I learn that one was brought here and demonstrated to the Government. As a result it was found that the costlier one was not more economical and does not give greater mileage. If the Hon. Minister refers to past records, he will find that this is the opinion of responsible officials in the department itself. I again repeat that this is the

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opinion of responsible officials in the department. They have said that this Rs. 34,000 bus is useless, is very heavy—about $4\frac{1}{2}$ tons—and will ruin the Madras roads. Any other businessman would have thrown away these buses and not welcomed them."

THE HON. MR. DANIEL THOMAS:—"Will the hon. Member please name the responsible officials so that I can pursue the matter?"

SRI V. RAGHAVAYYA:—"I will not do it, for the reason that I do not want the honest people who are still in the department to be pursued when the Government are unable to bring to book criminals who are still flourishing. I was not allowed to give the names of criminals. For the same reason, I am not ready to give the names of these people. When criminals are let loose, honest men should not suffer. But that does not prevent the Hon. Minister for Prohibition from enquiring into the matter. I do not think it is possible for the Government to contradict this fact. Only it must be gone into. I also learn that the Italian firm has been asked to supply a technician, an Italian from Italy. Again the Italian firm is the only firm which can supply the spare parts. Therefore once we buy these 50 buses, for 15 or 20 years, we would be tied to the Italian firm and would be landing ourself in terrible cost.

"Sir, I understand that after 50 buses were ordered, in July 1947, the higher authorities opened their eyes and found out that any more order would be ruinous. Notwithstanding this, a limb of the Government placed an order for fifty more buses. I have got reliable information to say that Government stepped in at this stage and stopped this contract. If the Government had not acted in time, the Madras Government would have had to import 100 buses resulting in proportionate loss.

"If this is the way in which the Transport Nationalization is 4 p.m. to go on in this Province, I shall put a simple question to Government. Do you want to save money or do you want to lose money? If you are not keen on losing money, why don't you take expert advice and why don't you investigate the matter still further so as to avoid further losses? Well, there is another thing, Madam, which I should like to refer and that is about the importing of buses from Bombay. I learnt that about 75 buses have been imported from Bombay and the only official who had gone to see them at Bombay, placed the order for these buses and got them to Madras. Is that the one gentleman who, according to me, purchased five cars and sold them in black-market and he was the only man who was sent to Bombay to select buses and order on his own authority. The Madras Government blindly accepted the offers given by that company. I learn that there is no contract yet entered into between the company and Government. Well, Sir, if these things are distasteful to the concerned department, it may be welcome at least for future guidance. Things will not be always palatable; things will not be always sweet when one is to do his duty. He has to do that without fear, favour or frown. I am

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told that for building bodies, a Madrassi businessman has offered to do it at a cost of three to four thousand rupees, but the Madras Government has agreed to pay Rs. 7,000 to Rs. 8,000 for a Bombay firm. Why this huge waste of money; why is this negligence, utter carelessness and bankruptcy in business talents? No wonder the gentlemen opposite there, very keen businessmen who made tons of money in the past and present, come here and cavil at us and ask us: 'how are you going to make money; what is your estimate about it?' We prove to be bad businessmen. We may be very good Ministers; we may make excellent lawyers; we may argue a case to win or to lose, but in the knack of business, it is better that we consult some businessmen and do in a businesslike method. I have nothing to say on the question of nationalization. It is a very good thing. It is a very useful thing; it is a much-needed thing in the country's present state of affairs, but only there must be nationalization cent per cent and the thing that has been shown to us by the Minister in the shape of this Bill has not given much encouragement to me. To think that there is going to be such a good nationalization of this industry will leave us on the credit side at the end of the business."

SRI PILLALAMARRI VENKATESWARLU:—"Madam, Deputy Speaker, I rise to support the Bill with some reservation. When I say with some reservation, it means I give my support to the principle enunciated in the Statement of Objects and Reasons, viz., the Government's policy of nationalization of Motor Service in this Province. I welcome and support it and I wish this Government to carry out nationalization in respect of every department and industries as well. My hon. Friend, Mr. Raza Khan, says that Government will die if it embarks upon nationalization of industries. I disagree with him. On the other hand, the Government prospers and gains in prestige if it takes up nationalization. If they fail in this scheme, they must recede to the background and some other person capable of carrying out this policy must occupy the Treasury Bench. Mr. Raza Khan says that the Government will die if it introduces the scheme of nationalization. Naturally he will be always on the side of capitalists. He will plead for those who have profit motives. Next, the European Member, Mr. Batchelor, strongly opposed this principle saying that if it is adopted, there will be no efficiency and people will be put to a loss. Everybody is talking in the name of the people. The capitalist, if there is any scheme for cutting down his profits, says that people would be put to a loss. But at the same time, he will be putting the people to a loss by doing all sorts of mischief. The principle that the people would be put to loss if the Government were to nationalize is entirely wrong and on the other hand, people will welcome the Government to take them over. It is the people who gain if there is nationalization. Till to-day, they have taken up the bus service only in the City. I ask, why not in other parts. Particularly, in the parts from which I come, the transport system is at its lowest ebb. The capitalists, no doubt, say that it is very, very efficient. If anybody wants to have experience of it, let them travel in a motor transport

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in my parts. There is every sort of corruption going on. People cannot travel in comfort. They have to travel hanging on the sides without proper accommodation. There is no control in the matter of rates fixed by the Government. Instead of half-anna per mile they are charging one anna or two annas and they do it consistently and persistently. I do not know how friends coming from the Andhra districts say that the private enterprise is being run efficiently. There is efficiency only to grab profits, to exploit the people, to exploit the workers serving under them and not to improve facilities and to help people. When my friend, Mr. Salam, says that there is efficiency in his place, I am surprised, coming as he does from the Andhra districts. Every one of us is feeling that the Government must take over and says us from the capitalists.

"Then, there is the talk of petty owners, the man owning one, or two or three buses. In every piece of legislation, whether it be the Zamindari Abolition or the Inamdar Abolition, the question of petty Inamdars, petty Zamindars and Mukhasadars are raised. But the purpose is only to torpedo the main provisions of the Bill. Here also is the same. If the question of petty owner is to be taken into consideration, I would suggest that they can be appointed as conductors or as clerks in Government service. I can appreciate it. They can help them in that way instead of allowing them to exploit the people. I wish hon. Members compare the Motor Service in the city with that prevailing in the districts under private owners. You find that it is much better. In the City, things are better. I do not propose to say that it is entirely satisfactory. But my point is that it is much worse in the districts and we are not able to put up with it. Government say that they have a Five-Year Plan. I cannot understand it. Why should we wait for five years; why not take up the question forthwith? Not only the public are suffering but even the workers are suffering. The Government have given an Adjudication Award in a dispute and I say that in none of these companies has this Adjudication Award been implemented. The workers will be happy and will congratulate the Government and appreciate the Government's action if they rescue them and take over them from the petty bus owner capitalist. From every aspect and from every angle of view, it is clear that there is no need for private enterprise hereafter. Because they are not doing any service to the nation as a whole. They are not useful to the workers. They are not useful to the people; nor even to the passengers. But at the same time they are only useful to themselves. I cannot agree with those who say that with nationalization, efficiency will deteriorate. In this City, the Government have taken over the Telephone Service. If there are defects, it is not due to Government taking over. It lies somewhere else. If there are defects it is the duty of the people to correct the Government and put them on the correct path and torpedo the principle of nationalization which to-day is most important. In all parts of the country industries are in the hands of private individual capitalists. And unless this system goes and nationalization is

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introduced, our country which is poor, cannot prosper and will have to continue to be poorer and poorer for all time to come. It is high time for Government to come forward immediately with plans for nationalization. Unfortunately, we do not find that principle in this Bill. Even though in the Statement of Objects and Reasons it has been said so, if you go through the clauses you find in clause 2 (a) that the Provincial Government may by notification declare that it will engage in the business of Road Transport either throughout the Province or in such areas as may be specified in the Notification. They are going on in a piecemeal fashion. Unless Government immediately nationalizes the Transport Service in each and every district; there is no hope for the people and the people will be put to a loss. Because it is in the hands of private individuals, so many are running lorries and they do black marketing in all sorts of things. I agree entirely with the Government in regard to nationalization but I say, they must go the whole hog and complete the business. It must not be done piecemeal. There is no question of merely experimenting with nationalization because it is a thing to the interests of the people and will improve the conditions of the working class and provide cheap transport to the people. It is the job of the Government to do it immediately. We need not wait. People are not in a position to wait for five years. In a period of five years anything may happen. And if they want to do it and help people, it is the duty of the Government to carry out the policy of nationalization.

4-15 p.m. "This Act will not be of much encouragement. From the beginning I am of the opinion that Government ought to have brought forward another piece of legislation for nationalizing at least the motor transport. Instead of doing it Government have thought it fit to amend the existing Act; and that itself is defective and interferes with the principles. We must, therefore, bring a separate piece of legislation and we can do it more effectively by it. Or else Government may be landed in trouble.

"I have a word to say about compensation. One can understand it in case one's property was taken up and even for that in the case of zamindars and inamdars, I was against it and I will not propose any compensation for them. Even that position does not obtain here. The Government issued them a permit and the Government can any day take away or cancel that permit and for that small piece of paper, you want to pay compensation. The Hon. Minister says that those who had a permit on the 2nd September will be paid compensation. I cannot understand why this date is considered so sacred as to give compensation. My point is that no compensation need be paid. Even under the provisions of the Government of India Act which governs the question of compensation there is no need to give compensation; we can take away or cancel the permits without paying any compensation unless the Government think that they have large revenue surpluses to part with in favour of these petty individual capitalists. I do not see any meaning or any necessity to pay

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compensation and the Government is perfectly entitled and is competent to cancel these permits. Not even a single pie need be paid.

"Another question is about the buses that will remain in the hands of the operators. Are we to allow them to remain in the hands of the bus owners. They have already earned much money from the buses and Government can take them over if necessary for a very, very nominal sum of money. So also with regard to workshops which the private owners are maintaining. If we want to do a thing, we must do it thoroughly and exhaustively or else private individual capitalists will certainly torpedo our plans. If you leave loop-holes in the Bill and yet think that you can do things effectively, you are mistaken. We will be landing ourselves in trouble. We have to go ahead and see that the whole industry is nationalized. For that this piece of legislation may not take us anywhere. It is not as if we must go from district to district and route to route; Government need not be panicky in going ahead with nationalization scheme. There are already buses running on the routes and Government can immediately take them over. Why should they wait, what is there to experiment? There is nothing to experiment and the only thing is that we must be determined to remove the bus transport from the hands of private capitalists. We see that to cancel permits not less than a month's notice should be given. I wish to know why it has not been specifically stated. As it is worded, it would permit of a notice period of one year. If that is so, I am unable to support the Bill. I suggest it must be definite, say a month and without any compensation. If we take the buses, I believe, we shall be faced with competition from the tramways. That competition must be handled not by paying crores of rupees as was done for the Madras Electric Supply Corporation, because we have not even enough money to pay salaries to Government servants. I do not propose to pay any compensation, particularly to the tramways which is a foreign concern. We can cut short the electricity or even we can run more buses and at cheaper rates and we have to defeat the tramways and see that it goes out of the way. Another thing has to be remembered in the matter of nationalization. The principle behind nationalization has to be realized. It must be for enabling people to travel at cheaper rates and it should not be for profit motive. The people or workers should not be made to feel that certain private capitalists have gone and the Government in the form of another capitalist has come in. Nationalisation, as far as I understand, shall be in the interests of the people and it is not for profit. Simply to say that prohibition has cost us a lot and we have to take to nationalization to cover the deficit is wrong and the principle should be that it is only through nationalization that we can serve people; that we can have cheap transport; that we can pay the workers. That should be the principle and if that is the principle, the whole country will, I am sure, be behind the Minister. But if he says that it will take five years or ten years, I fear as was observed by my hon. Friend, Mr. Raghavayya, they will be laying themselves open to severe criticisms

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which should better be avoided. When we are about to nationalize why should there be permits for new routes? I am unable to understand this. I have to say a few words about the future stages of the Bill. Unless those who are for nationalization are there including Communists, those persons who are interested in private trade will certainly torpedo the main principles of the Bill. With these words, I support the Bill."

* SRI A. KAMESWARA RAO:—"Madam, Deputy Speaker, as one who believes in the socialist system of economy, I support this measure. Unfortunately as in the case of every good measure—as even in the case of democracy—in its wake there is misuse of principles. So also in the nationalization of motor transport, there are certain bad effects which I would like to bring to the notice of the House and the Ministry. First of all the Ministry has not taken any steps to prepare the ground for nationalization. What are the pre-requisites for nationalizing an industry or a utilitarian service like road transport? You must have good roads, good staff and that staff must be trained well to look after the business as its own. There are no good roads. In the City of Madras from this corner to Brodies Road, there is not one bus-stand and there is no sun-shade. Young men, young women and young girls and beautiful women have to stand in the scorching sun for the bus for hours. If strong people can tolerate it, they can afford to wait but not these people. The same is the case even in Mount Road side. When railways were nationalized, we witnessed widespread ticketless travel. In Government buses also, most of the servants and Policemen ride free saying that they are Government servants and the bus service is a Government bus service and no precautions have been taken to root out ticketless travel. Even the examiners that are appointed connive with the conductors to fob off much income by not issuing tickets to many passengers. If you continue to manage the business in such a way, I am afraid you will soon become bankrupt and you will prove to be a bad businessman and it will be a damper on the nationalization activities of future Governments if they wish to nationalize other industries. About the condition of roads in the district, you would have noticed that for the last ten years and even after the war, the roads have not been repaired and any bus that is run on such roads for five years will become absolutely useless, and rotten, and even if you get the best buses from Rolls Royce they may be useful for only one or two years. I would have very much wished that instead of starting nationalization from very much wished that started from the mufassal. The condition of travel in buses has become absolutely impossible in rural parts. We see people travelling not in the buses but on the top, about the sides and on the foot-boards and even women have no place to sit and people are being handled like cattle. In that connexion, I wish to say what happened once when I was travelling in a bus. I was sitting in the front seat. Probably the conductor knows I am so and so. He charged me twelve annas. After some time, he said that the bus would not be going as it was already five o'clock. People began to clamour saying that they

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had this business and that for which he said: 'Then pay me Rs. 1-8-0 and the bus will go' and it really happened and it proceeded on the journey. It is absolutely necessary that we start this nationalization from the mufassal and then come to the city. In the city you have good roads and you can control easily if anything bad turns up. Before nationalizing, the roads should be repaired and also there must be bus-stands everywhere. I have the experience of having been to Germany and other places and the roads are well built concrete roads and travelling is fast and comfortable there. They have bus-stands every ten or five miles and people can take cool drinks, beer, sandwiches, etc., and arrangements are made for all these amenities at the cost of Government but, of course, the people have to pay for the purchases. The smoking apartments and non-smoking apartments are different and smoking is allowed in buses. You have to see that all these pre-requisites are first fulfilled and then only you must start nationalization. Many hon. Members have observed that this is a bad business and you are going to get into a muddle and you are going to become bankrupt. For that it is necessary that you must be careful regarding the officers you select for the work; they must be such men who have got an insight into that business and who know what their business is. My friend Mr. Salam says that the Hon. Minister is only appointing his own party men. On the contrary the policy that is being followed by our Ministry is the old policy of party Governments to bribe their opposition and brow-beat their own party men. (Mr. N. Muhammad Anwar Sahib: 'Question.') Of course I do not mean in the sense of bribing men. They try to appease the Opposition first and then only they listen to their partymen. You must not be satisfied with only nationalization of these buses. Immediately you must take up the work of nationalization of other utility services and industries side by side. You are going to introduce Prohibition in the entire province by end of October 1948 and how are you going to fill the big gap in the finance and balance the budget. All these two years the Government have not done anything substantial to the people. People are still being told that this will be done, that will be done and the other thing will be done, but nothing tangible has been done so far. It is only as self-criticism I say and nothing else, and not for the Opposition Benches to take advantage of it. May I ask the Government what section of the people have they satisfied till now? We have not satisfied anybody. In the zamindari areas the ryots are feeling that they will be able to get out of the drudgery and slavery of zamindars. For the last two years they are waiting for that day to come. But month after month is passing, and vested interests who are unfortunately in the Congress also are trying to postpone that day. People have come to feel it is all tall-talk of Congress Government and nothing will come to fruition. So, Sir, in this nationalization scheme also you have to be very very careful. You have to see that a committee of non-officials, M.L.As. or others including one or two business people (and not more than that) should be set up. All these people must have had something to do with transport business. No sleeping partners and sheer profiteers, should find a place in it.

4.30
P.M.

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"I wish to bring to the notice of Government one more point. By nationalization you will be dissatisfying bus-owners, but all the same, remember, you have to satisfy the ordinary common man who gets into these buses, he has to be made to feel that he is quite safe when he gets into the bus and he will reach his destination surely and that safely also. I want the Government to consider immediately the possibility of taking over all the utility services, small and big industries, into their own hands. Unless you do that, you cannot bridge the gulf in your budget without difficulty. Merely increasing the entertainments tax and things like that are of no use. It is just like fishing in a small pond."

THE DEPUTY SPEAKER:—"You have been saying all along, 'you must do this, you must do that and so on. I have no hand in the administration.'" (Laughter.)

SRI A. KAMESWARA RAO:—"I mean only Government. So, with these words I support the Bill, and I hope the Hon. Minister will take more pains to see that this nationalization will be real nationalization."

MOHAMED RAFEEUDIN AHMAD ANSARI SAHIB BAHADUR:—"Madam, I am not going to take up the time of the House by saying anything either for or against nationalization. For one thing, much has been said both for and against it, and for another thing, Government have taken it up as a settled fact. The Minister has said that the Government is committed to nationalization. Therefore, what is the use for me to say anything either for or against nationalization? Therefore, I think, I had better draw the attention of Government to certain things which call for immediate and urgent attention."

"You have started nationalization, and you are doing it on a five-year basis. What is to happen to the bus-owners during the interim period? You are going to start from the City of Madras and take one district after another. The bus-owners know for a fact that nationalization is coming, and so they have no longer any need to cater to the needs or to the convenience of the public. They think it is now time for them to earn as much as possible and get out when that time comes. Already even as matters stood till now, even before nationalization policy was announced, the condition of the bus service was to say the least deplorable. Speaking from personal experience of my own district, Nellore, I can say that I entirely agree with the remarks of Mr. Venkateswarlu, that the way in which bus services are run in the districts is scandalous. They have only one idea before them, and that is to earn as much profit as possible and spend as little as possible on the running of buses. When that was the case then, now when they know that there is no future for them, I need not say what the condition of the bus service will be hereafter. Several buses now on the line are not in good working order. Perhaps they are run by some arrangement with the motor vehicles inspector, whose business it is to see to the running condition of the buses. Once you get into a bus, you are never sure, you will reach your destination. The conditions under which the employees

[Mohamed Rafeeudin Ahmed Ansari Sahib]

are made to work are also scandalous. There are no proper workshops, there are no sheds to park buses after running hours; and they are parked in the streets, in open spaces and grounds, whether they belong to the municipality or the district board. Stringent instructions are issued to the employees that they must overload the bus. They are asked to submit a specified sum of collection at the end of every day, which is not possible without overloading the bus. If they are caught for overloading they are prosecuted but the employer goes scotfree. So I appeal to the Minister in the name of the employees and in the name of the travelling public to see that during the interim period the efficiency of the bus service is not impaired."

"Another matter which Government should bear in mind is to safeguard the future of the bus employees. I hope they will all be absorbed in the nationalization scheme. Then with regard to the traffic boards, of course I do not say that Muslims as a community should get a representation in them. But it is a curious fact, however, that whereas before the constitution of the present traffic boards, you could find Muslims serving in traffic boards, now after their present constitution, there is not a single Muslim in them. I do not want a representation to my community as such, but I do feel that here and there some Muslims who command confidence of the public may be appointed to these traffic boards. I support the suggestion made by hon. Friend that since in the traffic boards as at present constituted there is not much representation of non-officials, Government, when they think of enlarging these boards, should give more representation to non-officials. And I hope the Minister will see his way to appoint Muslims here and there. With these remarks, Madam, I cannot say that I support the Bill. I only say, with these remarks I resume my seat."

SRI P. KAKKAN:—"கனம் சபாநாயகி அவர்களே, இப்பொழுது கொண்டுவரப்பட்டிருக்கும் மோட்டார் திருத்த மசோதாவை நான் மனப் பூர்வமாக ஆதரிக்கிறேன். அதுவும் இந்த சமயத்தில் இந்த மாகாணத்தில் அதாவது எல்லா ஜில்லாக்களிலும் மதுவிலக்கு வந்திருக்கும் சமயத்தில் அரசாங்கத்திற்கு (நஷ்டமான) வருவாயைத் தேடிக்கொள்ள இந்த மசோதா கொண்டுவரப்பட்டதற்காக நான் இதை வரவேற்கிறேன்."

"ஆனால் மோட்டார் பிரயாணத்தை தேசியமாக்கும்காலத்தில் இப்பொழுது சென்னையில் முதலில் சர்க்கார் பஸ்களை எடுத்துக்கொண்டதனால் கஷ்டமே இல்லை. மாகாணத்திலுள்ள டவுன்களிலும் கிராமங்களிலும் முதலில் எடுத்துக்கொண்டிருக்கவேண்டும். அதுவும் முதலில் கிராமங்களிலும் பிற்பட்டு டவுன்களிலும் எடுத்துக்கொண்டிருக்கவேண்டும். களிலும் பிற்பட்டு டவுன்களிலும் மக்களைவிட கிராமத்திலிருக்கும் மக்களென்றால் டவுனில் இருக்கும் மக்களைவிட கிராமத்திலிருக்கும் மக்களுக்குத்தான் அதிக வசதி செய்து கொடுக்கவேண்டும். கிராமங்களில் அதிக பஸ்கள் ஓடினாலும்கூட சிறிது கஷ்டத்தோடு பிரயாணம் செய்ய வேண்டியதாக இருக்கிறது. பிறகு டவுன்களில் எடுத்துக்கொள்ளவேண்டும்."

"இப்பொழுது monopoly என்று சிலபேர்களுக்குமட்டும் லைசென்ஸ் கொடுத்து ஒவ்வொரு பாதையிலும் ஒவ்வொருவருக்குக் கொடுக்கப்பட்டிருக்கிறது. அந்தமாதிரி கொடுத்திருப்பதால் அவர்கள் லாபம் அடிக்கிறார்கள். அதை முதலில் சர்க்கார் எடுத்துக்கொள்ளவேண்டும். அந்த பாதையில் ஒரு தனிப்பட்டவர் கொள்ளை லாபம் அடித்துக்கொண்டு போ

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State-controlled. If that is logic, why should we not nationalize the bullock-cart which is the real national transport of this country? It is not possible to go to every smaller item of transport and nationalize it. I say this because, when the Government venture into the domain of nationalization, they are venturing into a domain which is full of risks. They say that they have nationalized the buses in the City of Madras. I put it to the Hon. Minister for Transport whether people are really satisfied with this nationalization. I know buses are running on several routes of this City. But if only you consult the passengers, they will tell you harrowing tales of waiting and waiting for hours to get a bus as on a route like Triplicane to Fort St. George, because the number of buses are very few and often they break down. Therefore, I say that you have not succeeded with bus transport. As a businessman, I tell you that a Government cannot run a business concern successfully. (At this stage, the Speaker resumed the Chair.) In a business undertaking there is the cost of establishment and the cost of maintenance. I tell you that the cost of maintenance by the Government will always be higher than the cost of maintenance of a similar service by a private enterprise. The Government always go in for contracts and hand over their buses for repair to others, and naturally they will get heavy bills. That is not the case with private enterprises. They get their things done at the cheapest rate possible and they also give efficient service. If you want to nationalize the bus services, what about the tramway service in the City of Madras? That is also one of the links in the transport system. How horrible it is! It is ante-deluvian and barbarous. I have seen several of the civilized countries not only here but also in the near East. They have been running wonderful trolley buses. They are silent, efficient and smooth and people are satisfied with them. You have not nationalized the tramway service and you want to extend your activity to the whole Province. As has been pointed out by some of the Hon. Members of this House, the condition of roads in the mufassal is really pitiable. What will happen to your State buses that are going to ply over these rotten roads? There will be a heavy strain upon the tyres, upon the very mechanism of the buses, and the Government will have to spend thousands and thousands of rupees out of the public exchequer. Secondly, I submit that the fares will not be as competitive as one can get from a private enterprise. When the Government find that they are not able to make both ends meet, they will naturally raise the fares. I tell the people of the Province that ten years hence they will be paying ten times the fare they are paying to-day and even more. Running bus services on behalf of Government is going to be a losing undertaking. Therefore, they should not nationalize the bus services.

“ Mr. Venkateswarlu, the hon. Communist Member, said that the private owners who are displaced by nationalization need not be compensated. He says that they have been given only a paper, a permit, and for that there is no compensation. It is really unfortunate that not only the Communist Member but several of the hon. Members of this House do not understand what follows

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the issue of a permit. Private individuals invest thousands and thousands of rupees not only on buying buses but also on creating organizations to repair them in the hope that they may earn some profit and at the same time give service to the people. Now you come and say that compensation will be decided by the sweet will and pleasure of the Government. Sir, this is expropriation pure and simple. We have seen on the floor of this Assembly that several Bills, which are of a similar nature, have been passed. If Government are going to exploit the situation and rob the people of their legitimate rights, then the people will follow the same standard. Already we find that there is a great landslide in the morality of the public and the businessmen of this Province. Things are taking a bad turn. Therefore, I say, let the Government set a better standard of virtue to the people of this Province. If they want to nationalize the bus services, let them also think of the compensation that they have to pay. As I said, nationalization of bus transport is going to be a losing business. I am not arrogating to myself the role of a prophet. But I can say this much to the Government that they are going to lose heavily in this undertaking. If only you study the history of nationalization of similar services in other countries, you can easily understand the implications of what I say. Take Australia for instance. There, the Government have undertaken several nationalization schemes to give service and help the rate-payers. But to-day, unfortunately, they are in a great fix. Let us not once again go through the same process and ultimately leave the Province in a rickety condition. If you really want this Province to progress and to help the poor man-in-the-street, see that private enterprise is given a chance. Nationalization should come only in the wake of private enterprise. If other Governments have taken up nationalization, they have done so only after private enterprise has reached the zenith or peak point. In our country, we are just groping in the dark. We have not nationalized heavy industries, and the country is still in a highly backward condition with regard to industrialization. If the Government are going to undertake the responsibility for nationalizing each and every thing, they are making a grave error. Therefore I say let us not venture into new fields and ultimately lose the revenues of this Province. The Hon. Minister for Transport has said that this Province has already lost 17 crores in implementing the policy of Prohibition, and he says that in order to compensate for the loss, we have to nationalize industries. I tell you, you are going to add a further gap in the revenue losses. Encourage individual enterprises as is being done in advanced countries and if you are not satisfied with them, then nationalize. In a country where full play has not been given to individual enterprise and when the country is in such a backward state, there is no use in running after the nationalization of smaller industries. Industrialization is the crying need of the hour. Unless we industrialize the Province, we cannot give to the people what they want. When you compare the average income of an Indian with the average income of an individual living in other countries like America, you can understand the hopeless state of the country. There are several mineral deposits

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lying unexploited in this Province and the Government are not showing as much interest as they ought to show. Only recently they have discovered iron ore and lignite. Here is scope for exploitation by the Government; they can invest money, send their experts and add to the wealth of this Province and improve the condition of the people. Leave the small industries to the people.

"Somebody said: 'Don't allow monopolies.' Who has created monopolies in this Province? It is this very Government who said that you must have a fleet of twenty buses. Now you are bringing forward legislation of far-reaching effect. In the place of old monopolies, you are creating another monopoly which is not going to work in the best interests of this Province."

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

THE MADRAS LEGISLATIVE ASSEMBLY.

Friday, the 20th February 1948.

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

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Retrenchment in the Judicial Department.

* 38 Q.—[MR. SPEAKER:—“The hon. Member who put the questions is not in his place. The answer will be printed in the Proceedings.”]

M. A. MUHAMMAD IBRAHIM SAHIB BAHADUR: Will the Hon. the Home Minister be pleased to state on what lines the Government propose to take action towards retrenchment in the Judicial Department?

THE HON. DR. P. SUBBARAYAN:—“The possibility of retrenchment in the staff and reduction in the number of courts, without prejudice to efficiency and progress, is being examined.”

Murder of Velayudha Padayachi.

* 39 Q.—SRI P. KAKKAN: Will the Hon. the Home Minister be pleased to state—

(a) whether it is a fact that the Board School teacher of Udayarpalayam named Velayudha Padayachi was murdered;

(b) whether it is a fact that the Revenue Divisional Officer and the panchayatdars who were present during the inquest have reported that Mr. Velayudha Padayachi was murdered; and

(c) if so, what action the Police officers have taken so far to find out the murderers?

THE HON. SRI M. BHAKTAVATSALAM (on behalf of the Hon. Home Minister):—“(a) Investigation so far made shows that this was a case of suicide by hanging.

“(b) The Revenue Divisional Officer did not report that it was a case of murder though he seems to have had suspicion to that effect; but the panchayatdars were of that opinion.

“(c) The result of the Police investigation so far is given in the answer to clause (a). The case is however being further investigated by the Police.”

SRI P. KAKKAN:—“கனம் தலைவர் அவர்களே, இந்த வேலையுதப் பண்டியாச்சி என்ற ஆசிரியர் காலையில் குளிக்கச் சென்றபோது கொலை செய்யப்பட்டார் என்பது கனம் மந்திரி அவர்களுக்கு தெரியுமா?”

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THE HON. SRI M. BHAKTAVATSALAM:—“இந்த விபரம் இது வரையில் எனக்கு கிடைக்கவில்லை.”

SRI P. KAKKAN:—“இந்த வேலையுடைய பையாச்சியவர்களை அவர்கள் வாயில் துணியை வைத்து அடைத்து அதனால் கொலை செய்யப்பட்டார் என்று தெரிந்து கனம் Revenue Divisional Officer அவர்கள் அந்தத் துணியை பரிசீலனைக்கு அனுப்பி அந்தத் துணியில் இரத்தமும் எச்சிலும் இருந்தது, அதனால் கொலை செய்யப்பட்டு இறந்தார் என்று அத்தாக்கி எழுதப் பட்டிருக்கிறது என்பது கனம் மந்திரி அவர்களுக்கு தெரியுமா?”

THE HON. SRI M. BHAKTAVATSALAM:—“போலீஸ் விசாரணை இன்னும் நடந்துகொண்டிருக்கிறது என்று சொன்னோன். போலீஸ் report வந்த பிறகு கனம் அங்கத்தினர் அவர்கள் சொன்ன விவரங்கள் எல்லாம் எவ்வளவு தூரம் உண்மை என்று பார்த்து தகுந்த நடவடிக்கை எடுத்துக்கொள்ளலாம்.”

SRI P. KAKKAN:—“அவர்கள் தற்கொலை செய்துகொண்டார் என்று மந்திரியவர்கள் சொன்னால் தற்கொலை செய்தவர் நிர்வாணமாக முள் இருக்கும் மரத்திலிருந்து தொங்கிக்கொண்டிருப்பாரா அப்படி தற்கொலை செய்கிறவர்?”

MR. SPEAKER:—“நீங்கள் கேள்வியாக கேட்கலாமே தவிர இருக்க முடியுமா முடியாதா என்று வாத்தம் செய்யக்கூடாது.”

THE HON. SRI M. BHAKTAVATSALAM:—“தற்கொலை செய்து கொண்டார் என்று நான் சொல்லவில்லை. போலீஸார் இதுவரையில் செய்த பரிசீலனையிலிருந்து புலப்படுகிறது. மேலும் பரிசீலனை செய்து கொண்டிருக்கிறார்கள்.”

SRI S. PARAMANANDA RAYAR:—“Is it not a fact, Sir, that the Circle Inspector of Udayarpalayam wanted to shield the offender by persuading young girls not to give evidence?”

THE HON. SRI M. BHAKTAVATSALAM:—“I have no information, Sir.”

SRI S. PARAMANANDA RAYAR:—“Are the Government aware that the head constable of Udayarpalayam has also been involved in the murder and what action the Government propose to take in the matter?”

THE HON. SRI M. BHAKTAVATSALAM:—“I submit, Sir, that the whole matter is under investigation and investigation is still proceeding. Questions like these will prejudice the investigation, Sir.”

MR. SPEAKER:—“As the Hon. Minister says that investigation is proceeding in the matter, it is not advisable to put further supplementary questions on the subject.”

SRI P. KAKKAN:—“மேலும் விசாரணை செய்வது அதே போலீஸ் காரர்களைக் கொண்டா அல்லது C.I.D. போலீஸ்காரர்களைக் கொண்டா என்று தெரிடவேண்டும்.”

(No answer.)

Vacant site in the Government House at Mount Road.

* 40 Q.—**BEGUM SULTAN MIR AMIRUDDIN:** Will the Hon. the Minister for Public Works be pleased to state—

(a) the extent of the vacant site in the Government House at Mount Road; and

(b) how the Government intend to utilize the same?

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THE HON. SRI M. BHAKTAVATSALAM:—“(a) Forty acres. This area does not include the yards around the buildings, car parks, roads, ponds and playgrounds. Of this extent about 20 acres lying mostly around the big oval pond do not contain trees. The remaining 20 acres contain trees such as palmyrah, banyan, etc.

“(b) Government have not yet come to a decision on the question. An extent of about 10 acres has been placed temporarily at the disposal of the Agricultural Department for raising a vegetable garden and nursery.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know, Sir, whether the Muslim Educational Association has applied for a plot of land in the Government House compound for erecting a hostel for boys and girls, and if so, whether its request has been granted or will be granted?”

THE HON. SRI M. BHAKTAVATSALAM:—“Yes, Sir, the Government have received that application, but they have not yet decided as to how the vacant plot should be utilized for their own purposes and therefore we are not able to accept any application from outside organizations for any portion of the grounds.”

SRI B. S. MURTHI:—“Is it a fact Sir, that the Madras District Harijan Sevak Sangh has applied to the Government for constructing a boys' and girls' hostel there?”

THE HON. SRI M. BHAKTAVATSALAM:—“I have no information, Sir.”

SRI V. M. RAMASWAMI MUDALIAR:—“May I know, Sir, whether the Government have considered the desirability of maintaining intact open spaces that are available in the City of Madras?”

THE HON. SRI M. BHAKTAVATSALAM:—“That is a large question which we shall have to consider, Sir.”

BEGUM SULTAN MIR AMIRUDDIN:—“May I know whether the Government will consider the desirability of utilizing a portion of this land for the purpose of constructing hostels for boys and girls, in view of the urgent need for hostels in the City?”

THE HON. SRI M. BHAKTAVATSALAM:—“The Government will consider the suggestion, Sir, but I cannot give any assurance.”

SRI B. S. MURTHI:—“Will the Government consider the desirability of allotting Government Buildings which have been lent for war services and which have now been returned to them, for housing students in the City?”

THE HON. SRI M. BHAKTAVATSALAM:—“I am unable to comprehend the question, Sir.”

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DR. S. SUBRAHMANYA AYYAR:—"In view of the location of the Government House compound at a central place, will the Government think of converting it into a good park so that people in the locality may go there and use it?"

THE HON. SRI M. BHAKTAVATSALAM:—"There is so much demand for sites for constructing our own buildings. Sir, that it is not possible for us to accept the suggestion of the hon. Member to convert it into a park."

SRI V. RAGHAVAYYA:—"Is it not a fact that last year the site was utilized as a cottage industries centre on behalf of the Government for demonstration purposes, and if so, will the Government now consider the desirability of running a model cottage industries centre in this area?"

THE HON. SRI M. BHAKTAVATSALAM:—"I would suggest to the hon. Member to put a separate question."

SRI V. M. RAMASWAMI MUDALIAR:—"Are the Government aware, Sir, that very near the Government House compound, there is a vast open space known as the Island Grounds, on which buildings could be constructed, without spoilation of the Government House?"

THE HON. SRI M. BHAKTAVATSALAM:—"It does not vest with the Government of Madras, Sir."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it not a fact, Sir, that last year, the then Hon. Premier Mr. Prakasam made a proposal to construct an Assembly House so that we could move to that place?"

THE HON. SRI M. BHAKTAVATSALAM:—"There was once such a proposal, Sir, but that has been given up."

SRI V. M. RAMASWAMI MUDALIAR:—"May I suggest to the Government to move the Government of India in the matter and see that the Island Grounds is transferred to the Madras Government, so that it may be used for building purposes?"

THE HON. SRI M. BHAKTAVATSALAM:—"The Government of India themselves may require the site and they may not part with it, Sir."

SRI N. M. R. SUBBARAMAN:—"Will the Government consider the desirability of building houses for members of the Assembly in that locality?"

THE HON. SRI M. BHAKTAVATSALAM:—"We have already housed between 70 to 100 members in the present buildings and the question of constructing new buildings cannot be taken up now in view of the high cost of materials, Sir."

SRI M. S. PATTABIRAMIAH:—"In view of the fact that the ashes of Mahatma Gandhi were kept in the Banqueting Hall, will it not be desirable to keep the Banqueting Hall and the whole

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ground adjoining it as a great memorial of the great departed leader, and use the whole space for carrying out the constructive programme of the Congress?"

THE HON. SRI M. BHAKTAVATSALAM:—"We may take it, Sir, that the whole Government House is a memorial for Gandhiji."

MUHAMMAD RAZA KHAN SAHIB:—"In view of the fact that the Hon. Premier and the Hon. Dr. Rajan themselves are shifting their residence from the Government House compound to outside on account of the bad odour from the Coom, what is the point in constructing new buildings in the same compound?"

THE HON. SRI M. BHAKTAVATSALAM:—"Sir, we may all hope that the Coom trouble will be got over soon."

SRI M. S. PATTABIRAMIAH:—"May I know, Sir, whether the Government will announce that the present Ministry and the Assembly are a great memorial to Mahatma Gandhi?"

THE HON. SRI M. BHAKTAVATSALAM:—"No announcement is necessary. We may take it so."

SRI V. M. RAMASWAMI MUDALIAR:—"About the improvement to the Coom, may I know, Sir, what are the constructive proposals which the Madras Government are immediately going to embark upon?"

THE HON. SRI M. BHAKTAVATSALAM:—"That is different matter and I would ask the hon. Member to put a separate question."

Personal Assistants to Collectors.

* 41 Q.—SRI V. RAGHAVAYYA: Will the Hon. the Minister for Land Revenue be pleased to state—

(a) how many Collectors have been given personal assistants; and

(b) what are their special duties; and how long the Government propose to retain them?

THE HON. SRI KALA VENKATA RAO:—" (a) There are three permanent posts of Personal Assistants to Collectors in the districts of Madura, Tanjore and Malabar (they existed even before the war) and sixteen temporary posts in the districts of Vizagapatam, East Godavari, West Godavari, Kistna, Guntur, Chingleput, North Arcot, South Arcot, Tanjore, Trichinopoly, Madura, Ramnad, Tinnevely, Coimbatore, Salem and Madras.

" (b) The Personal Assistants to Collectors generally assist the Collectors in office work. Several powers have been delegated to the Personal Assistants by Collectors both on the Revenue and the Magisterial side and in such cases the Personal Assistants pass final orders for and on behalf of Collectors. The

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difficulties created by the war threw many extra burdens on the Collectors. Some of them like the food situation still persist. Personal Assistants were appointed to assist the Collectors in performing all these additional duties.

"The Government have ordered the abolition of the post of Personal Assistant in the Ramnad district with effect from 1st April 1948. They propose to take up shortly the question of the further retention or the abolition of the temporary posts of Personal Assistants to Collectors in the other districts before the expiry of the period of the present sanction for these posts."

SRI V. RAGHAVAYYA:—"In view of the fact that these Personal Assistants are an incidence of the war, and since the war necessities have been almost over, may I ask, why the Government should not straightway abolish all of them with a stroke of the pen?"

THE HON. SRI KALA VENKATA RAO:—"We have to keep them as long as the post-war effects subsist, Sir."

SRI K. VARADACHARI:—"Is it not a fact, Sir, that in view of the circumstances created by the passing of ever-so-many Acts, such as the Private Forests Preservation Act, etc., and also of the fact that there are certain deficit districts where rationing is still in force, the work of the Collectors has increased to such a large extent that it is advisable to appoint some more Personal Assistants in those districts?"

THE HON. SRI KALA VENKATA RAO:—"They are all not necessary, Sir. Those Collectors have not enough work now."

11-15 a.m. SRI V. I. MUNISWAMI PILLAI:—"May I know from the Hon. the Minister for Revenue, how many Personal Assistants there are to the Collectors for discharging the work relating to the district boards?"

THE HON. SRI KALA VENKATA RAO:—"That is a different subject. These Personal Assistants have nothing to do with the district board works."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister be pleased to state what is the necessity for creating a temporary post of Personal Assistant to the Collector of Tanjore when there is already one permanent post of Personal Assistant?"

THE HON. SRI KALA VENKATA RAO:—"Tanjore has got a permanent post, Sir. I did not say temporary at all."

SRI B. S. MURTHI:—"Arising out of the answer given by the Hon. the Revenue Minister that some Collectors have not enough work, will the Hon. Minister consider the desirability of appointing one Collector for two districts?"

THE HON. SRI KALA VENKATA RAO:—"When the district reorganization scheme is undertaken that question will be considered."

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SRI V. RAGHAVAYYA:—"May I know from the Hon. Minister as to what is the expenditure involved in the maintenance of these Personal Assistants?"

THE HON. SRI KALA VENKATA RAO:—"The Personal Assistants are in the grade of Deputy Collectors. That means that so many Deputy Collectors are there and that will be the cost to the Government."

SRI G. KUMARASWAMI:—"May I know from the Hon. Minister as to how many Personal Assistants to the Collector of Vizagapatam is given?"

THE HON. SRI KALA VENKATA RAO:—"The Collector of Vizagapatam has one Personal Assistant."

District Board Hospital, Puliyangudi.

* 42 Q.—SRI D. DORAI RAJA PANDIAN: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether it is a fact that the Government have proposed to convert the present District Board Hospital into a Government Hospital, in Puliyangudi, Tinnevely district;

(b) the number of deaths caused by cholera during the months of October and November 1947 in the same panchayat area; and

(c) whether the Government propose to supply the town with protected water-supply in the near future?

THE HON. SRI A. B. SHETTY:—" (a) No.

" (b) Six deaths in October 1947 and nil in November.

" (c) This question will be considered when the recommendations made by the Water-supply and Drainage Committee are taken up for examination."

SRI D. DORAI RAJA PANDIAN:—"Are the Government aware that there are many deaths owing to the want of medical aid in maternity cases in the Puliyangudi area?"

THE HON. SRI A. B. SHETTY:—"It may be so, Sir. This is a question relating to provincialization of the Puliyangudi hospital. There are many taluk headquarters hospitals remaining to be provincialized and the whole question is under examination."

SRI P. KAKKAN:—"May I know whether the Hon. Minister is aware that a number of persons are dying in the Melur and Madura taluks also due to lack of medical facilities?"

THE HON. SRI A. B. SHETTY:—"A separate question may be put, Sir, if the hon. Member wants the information."

SRI V. RAGHAVAYYA:—"Is the Government aware that these hospitals managed by local bodies are very very inefficient and if that is the view, will the Government also think of provincializing all the medical institutions in the Province?"

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THE HON. SRI A. B. SHETTY:—"I have already answered that the question of provincializing the local fund and municipal hospitals also is under examination."

Application from the Harijans at Nellore for house-sites.

* 43 Q.—SRI K. SHUNMUGAM: Will the Hon. the Minister for Rural Development be pleased to state—

(a) whether the Harijans at Nellore have sent any application to the Government for grant of house-sites at Nagireddithota; and

(b) if so, what action the Government have taken on such petition?

THE HON. SRI V. KURMAYYA:—" (a) Yes, Sir.

" (b) The Commissioner of Labour has been asked to visit the place and select a suitable site for the Harijans, in consultation with the Collector and the District Health Officer of Nellore. The Commissioner's report in the matter has not yet been received."

SRI K. SHANMUGAM:—"Will the Hon. Minister be pleased to state when the application was sent?"

THE HON. SRI V. KURMAYYA:—"The petition was first sent on the 6th June 1946 to Mr. Giri, then in charge."

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government have formulated any general policy in regard to the grant of house-sites to Harijans; if not, will the Government consider the question?"

THE HON. SRI V. KURMAYYA:—"The general policy is already there. It has been framed 25 years back and it has been followed."

SRI B. S. MURTHI:—"Arising out of the answer given by the Hon. the Minister for Rural Development that the first application was received by the then Hon. Minister in charge of Labour, Mr. Giri, on the 6th June 1946, may I know why the Government have taken twenty months to send this to the proper quarters so that the Harijans who require house-sites might get the petition granted?"

THE HON. SRI V. KURMAYYA:—"The petitioners occupied the land of a private owner and constructed their houses on the sites, and they insisted upon getting that site. That site near the college is very costly and it is not available. Therefore the petitioners were asked to select another site."

SRI V. RAGHAVAYYA:—"May I know what has happened to the one crore of rupees that has been set apart long long ago for the uplift of the Harijans? And does the Government follow the principle that professions are better than their performances?"

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THE HON. SRI V. KURMAYYA:—"The money is there. Nothing has been spent from the money. The Government is expecting a report from the Harijan Welfare Committee."

SRI K. RAGHAVAN:—"Is there any Government scheme for providing house-sites for the Harijans?"

THE HON. SRI V. KURMAYYA:—"I have already told you, Sir, that the scheme has been there for the last 25 years. Under that scheme the Harijans are provided with house-sites."

SRI D. V. RAMASWAMI:—"Has the Collector of Nellore been asked to suggest any alternative sites to provide house-sites for the Harijans?"

THE HON. SRI V. KURMAYYA:—"The Collector has suggested on alternative site, Sir. But the petitioners are not willing to occupy that site."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"After the candid confession made by the Hon. Minister that nothing has been spent out of the one crore fund for the uplift of the Harijans by providing house-sites, may I at least ask for an assurance, in view of the assassination of Mahatma Gandhi, that something concrete will be done towards the alleviation of the condition of the most down-trodden community?"

THE HON. SRI V. KURMAYYA:—"The committee has already drafted the report and it is in print. As soon as it is submitted to the Government the Government will certainly take immediate action to implement their recommendations and spend the one crore of rupees."

SRI R. V. SWAMINATHAN:—"Is it not a fact that Government announced sometime ago that a certain portion of the amount of one crores of rupees would be spent for providing house-sites for Harijans?"

THE HON. SRI V. KURMAYYA:—"Yes, Sir. But the policy of the Government has not yet been decided. The Committee's recommendations are awaited. The report is in the Press."

SRI B. S. MURTHI:—"May I know whether the Harijan residents of Nagireddithota in the Nellore district have been granted house-sites and the trouble is over?"

THE HON. SRI V. KURMAYYA:—"If they had accepted the site selected by the Collector they should have occupied it by this time. But they did not want the site and they have appealed and again approached me. I have asked the Commissioner of Labour to select a suitable site in consultation with the Collector and the Health Officer."

SRI A. VEDARATNAM PILLAI:—"May I know whether the Government contemplate any legislation for allotment of house-sites to Harijans and if so, at what stage it stands?"

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THE HON. SRI V. KURMAYYA:—"There is no necessity for any legislation, Sir. This can be done under the existing rules."

SRI V. RAGHAVAYYA:—"Since the Hon. Minister concerned is having a full knowledge of his department with which he is in charge, may I know what amount has till now been spent from the blessed one crore of rupees that has been sanctioned two and a half years back?"

THE HON. SRI V. KURMAYYA:—"The hon. Member is wrong when he says that it was sanctioned two and a half years back. It is not really so. It is less than two years. I have already told you, Sir, that the report of the Committee is under print."

SRI K. A. NACHIAPPA GOUNDER:—"May I ask whether the Government have got any definite plans for acquiring sites for dwelling sites for Harijans and whether they have got any plans for preparing layouts, sanitary arrangements, etc.?"

THE HON. SRI V. KURMAYYA:—"I have already answered that question. Under the old rules the acquiring of sites is done slowly. Only four or five sites could be got every month. After the report of the Committee is received the Government will expedite the spending of money under a planned scheme."

SRI GUNTUR NARASIMHA RAO:—"May I know why the Government have not drawn the attention of the Muslim League Member to the pamphlet placed on the table of the House, viz.,

'Harijan Uplift in Madras—Government Measures Explained' in answer to a question put by him?"

THE HON. SRI V. KURMAYYA:—"The hon. Members know it."

SRI M. S. PATTABHIRAMIAH:—"In view of the answer given by the Hon. Minister that the Government have been working under a scheme for the last 25 years for providing house-sites for Harijans, may I know from the Hon. Minister what fraction of the Harijan population has been provided with house-sites in the province this year?"

THE HON. SRI V. KURMAYYA:—"It is very negligible, Sir. That is why the Government want to help them as far as possible in a shorter period, say ten years."

MOHAMED ABDUL SALAM SAHIB BAHADUR:—"Is it not a fact that in this great Rural Development Department, there are only four files and four clerks and no work is being done?"

(No answer.)

SRI N. M. R. SUBBARAMAN:—"May I know, in view of the fact that there are enormous delays in the matter of getting

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house-sites for the Harijans extending sometimes to some years, whether the Government will formulate some procedure by which the Harijans will get lands within a limited time, say six months?"

THE HON. SRI V. KURMAYYA:—"The changing of the procedure is under the consideration of the Government."

SRI ALLURI SATYANARAYANA RAJU:—"Will the Government consider the advisability in granting house-sites of giving priority to Harijans or houseless people in a particular village before giving such sites to outsiders?"

THE HON. SRI V. KURMAYYA:—"The priority is already there. Under the rules if an outsider comes and lives there, he may be asked to be given after the needs of the villagers are met."

M. MUHAMMAD ISMAIL SAHIB BAHADUR:—"Arising out of the answers given to some of the questions, may I know how much of the grant of one crore of rupees allotted for Harijan uplift been spent so far and whether the Government propose to allot any more amount in the next budget?"

THE HON. SRI V. KURMAYYA:—"I have already answered the question. Without any specific plan or scheme the Government cannot spend any amount from the one crore fund. The whole thing is under consideration."

SRI V. I. MUNISWAMI PILLAI:—"In view of the anxiety expressed on all sides as to the provision of house-sites for Harijans will the Government expedite the consideration of the Report of the Committee which was signed a month ago?"

THE HON. SRI V. KURMAYYA:—"It is not with the Government yet, Sir."

SRI B. S. MURTHI:—"In view of the fact that several applications for house-sites for Harijans from all over the Presidency have been pending for four, five or six years, will the Hon. the Minister for Rural Development consider the desirability of issuing instructions to all the District Labour Officers through the Commissioner of Labour to expedite this work and see that within a period of three or four months all those applications are either sanctioned or rejected according to exigencies?"

THE HON. SRI V. KURMAYYA:—"It is not my mistake, Sir, if the applications have been pending for a very long time. The District Labour Officers have to look into them. Whenever they do not have sufficient money they have to wait. On account of the existing procedure of course there is some delay. But I will see that the delay is prevented as far as possible."

SRI C. M. KOTHARI:—"Sir, in view of the answer given by the Hon. Minister that schemes are not yet ready, is the balance of the fund going to be appropriated to general revenues this year?"

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THE HON. SRI V. KURMAYYA:—"The fund is there; it cannot lapse."

SRI B. S. MURTHI:—"It is not a question of mistake of the Minister. I am asking the Minister whether he will consider the desirability of issuing instructions to District Labour Officers to expedite the matter so that new applications from Harijans may be received in office?"

THE HON. SRI V. KURMAYYA:—"I request the hon. Member to note that where there are a number of applications from each district, it is not possible for any Government or the Commissioner of Labour or the District Labour Officer to provide house-sites to each and every one who applies. It depends upon the allotment of money to each district."

SRI V. I. MUNISWAMI PILLAI:—"Arising out of the answer given by the Hon. Minister, may I request the Hon. Minister, the Chairman of that Committee, to see that the report reaches Government at a very early date?"

THE HON. SRI V. KURMAYYA:—"I was the Chairman of the General Committee. After this Committee had been converted into an Enquiry Committee, I had myself absented. Mr. Muniswami Pillai or Mr. Bhashyam who was presiding over the Committee meetings, promised to submit a report before the 30th September 1947. Now, they say that the report is under print. As soon as the report reaches them, Government will expedite the matter."

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

II.—ADJOURNMENT MOTION ON THE ALLEGED POLICE RAID AT BEZWADA.

MR. SPEAKER:—"The hon. Member Mr. Venkateswarlu has given notice of a motion under Rule 36 of the Madras Assembly Rules. The motion is—

'I hereby give notice to adjourn the House to discuss a matter of urgent public importance, viz., the six-hour raid and sealing of the Andhra Provincial Communist Party Headquarters in Bezwada by the Deputy Superintendent of Police and the Sub-Inspector with the help of four wagon loads of Malabar Special Police and the seizure of some papers and cyclostyle machine on the 19th of this month, thus causing great inconvenience to the public.'

A motion must not anticipate a matter which has been previously appointed for consideration, or with reference to which a notice of motion has been previously given, regard being had to the probability of the matter anticipated being brought before the House within a reasonable time.

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"The word 'anticipation' is defined fully in the House of Commons Standing Order No. 9. It says—

'In determining whether a discussion is out of order on the ground of anticipation, regard shall be had by Mr. Speaker to the probability of the matter anticipated being brought before the House within a reasonable time.'

"I think this can be discussed on the general discussion of the Budget next week or when cut motions are brought before the House. That being the case, I rule this motion out of order, as it cannot anticipate this matter."

SRI PILLALAMARRI VENKATESWARLU:—"On a point of information, Sir. The Budget is on the 25th instant . . ."

MR. SPEAKER:—"It is next week; people will mistake if the hon. Member says it is on the 25th."

SRI PILLALAMARRI VENKATESWARLU:—"Anyway, it is a pretty long time."

MR. SPEAKER:—"It is not a pretty long time."

SRI PILLALAMARRI VENKATESWARLU:—"Mr. Speaker, Sir, you are there to give rulings . . ."

MR. SPEAKER:—"Order, order. I have already said that the Budget would be before the House next week. The hon. Member can discuss this matter then."

III.—RESPONSIBILITY OF MEMBERS IN SIGNING REQUISITION FORMS FOR VISITORS TO THE ASSEMBLY.

MR. SPEAKER:—"Before I take up the next item on the Agenda, I wish to inform the House of something that happened yesterday in the House. I request hon. Members to satisfy themselves about the antecedents of persons before they sign the requisition forms for admission to the Visitors' Gallery."

SRI P. NATESAN:—"What happened yesterday, Sir?"

MR. SPEAKER:—"It appears somebody rushed inside crying something. He had an open knife and a few rupees in his pocket. It appears he came from Hyderabad. He is now in the lock-up."

SRI P. NATESAN:—"I understand that he came without a ticket."

MR. SPEAKER:—"I am only requesting hon. Members to look into the antecedents of persons before they sign the requisition forms."

ABDUL HAMEED KHAN SAHIB BAHADUR:—"What is his name, Sir?"

MR. SPEAKER:—"I do not know his name; I saw this in paper to-day."

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N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Sir, as everybody's life is in danger, we would like a frank statement from the Hon. Minister as to who that individual was, for whom that knife was intended, and what exactly his association is?" (Laughter.)

THE HON. SRI M. BHAKTAVATSALAM:—"I have no information beyond what I have seen in newspapers."

SRI D. V. RAMASWAMI:—"He came from this side. He did not possess any Visitors' Gallery ticket. He simply intruded. No Member of this House is responsible for his intrusion."

MR. SPEAKER:—"I have already told hon. Members that I am only making a request to them."

SRI C. M. KOTHARI:—"On a point of information, Sir. As the information has been elicited that the intruder had no ticket in his possession, is it not the fault of the lobby police to have allowed such people to enter into the House?"

MR. SPEAKER:—"That is under investigation; let us wait for some time."

IV.—GOVERNMENT BILL.

(1) THE MOTOR VEHICLES (MADRAS AMENDMENT) BILL, 1948—cont.

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, Sir, the arguments advanced by the Members on this side and several of the arguments advanced by those on the Congress Benches, presumably supporting the Bill under consideration, would, I think, have convinced the Hon. Minister for Transport to withhold a measure like this. But, I know, Sir, the Hon. Minister for Transport is one of the ablest members of the Bar, and therefore he can argue out most of the arguments which have been advanced by the Members of this House. He represents Government, and he is bound to be responsible to the Government to support any scheme which that Government may undertake. Unfortunately, the scheme that is now adumbrated under the Bill, is one which, I should think, is not going to help the people of this Province. Some of my friends, particularly my hon. Friend Mr. N. S. Varadachari said that in the interests of safety, in the interests of efficiency, and in the interests of revenue, nationalization must take place. Speaking about safety, the Hon. Minister for Transport, while moving the Bill said that due to inefficiency in the bus transport services conducted by private agency several accidents took place, and consequently people were suffering. May I ask the Hon. Minister to give an assurance to the Members of this House and to the people of this Province that when once Government undertake nationalization no accidents will take place on the roads? Accidents, Sir, are the by-products of civilized life, and, therefore, you can avoid accidents only when you go back to primitive life and avoid all mechanical means of transport. Therefore, I say, whether it is under a private agency, or under a nationalization scheme, accidents will surely take place so long

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as there is mechanical means of transport. With regard to efficiency, it is said, Sir, that when once Government take up this scheme of nationalization, there will be great efficiency in the service of these buses. I ask the Hon. Minister to say whether there is efficiency in several of the Government undertakings? Hon. Members of this House have already expressed their views that there is lot of inefficiency in Government departments. Even on this occasion, the Government cannot give an assurance that when once they nationalize these bus transport services, there will be greater efficiency. On the other hand, I tell you, Sir, that when nationalization takes place, and when Government take up this job of running the bus services in the Province, red-tape will come in. To-day, I can visualize hundreds of buses lying at various places on the highways of this Province waiting for an order from some higher official. It may be that just to change a tyre you will have to wait for hours together with the result all the people will have to suffer considerable difficulties. With regard to revenue, I have already pointed out that that is only a wild goose chase. Government are merely investing money in a scheme which is not going to give them, as the Hon. Minister put it—even 12 per cent profit. As has already been said by Mr. Batchelor, Government should have placed before this House a statement of Profit and Loss with regard to the nationalization which they have already introduced in several routes of the City of Madras.

"Sir, there is another factor. I really do not know whether the Government have considered the question of labour that is involved in this nationalization scheme. Hon. Members like Mr. Venkateswarlu may be insisting upon the Government for nationalization only for the purpose that he can use labour against this Government and coerce this Government. Strike in a factory, or a strike in a mill, is entirely different from a strike that would take place in the nationalized bus services. Not only people would be put to difficulties, but the trade and commerce of this whole Province will be paralysed. I wish that Government should have considered this question of labour. Again, Sir, I think the Government are trying to out-Herod the Herod of the Communist party. I should say that Government are really afraid of the Communist party, and therefore they are simply rushing with measures which will simply out-do the Communists and prevent the Communists from capturing the masses. If only you go through the several Bills that have come up here for consideration—e.g., the Non-power Factories Bill, Shop Assistants Bill, and even the Zamindari Bill—you will see that the Government fear the Communist party. Why should a Government fear a Communist party or a Socialist party? Government are here responsible to the people. I only wish that Government formulate schemes that will really help the people of the Province. They must not do things in haste. Simply out of fear for the Communists, they rush with Bills. I only wish to tell them that this will lead the Province to heavy losses. As pointed out by Congress Members yesterday, in spite of 2 years of Congress rule,

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people are not happy. They are still suffering for want of food, for want of cloth and for want of houses. There is considerable unhappiness in every home in this Province. I only wish that Government should devote their attention on better constructive programmes than trying to nationalize bus services in the Province.

11.45 a.m.

"Sir, I have already pointed out yesterday that this Province is full of resources. Unfortunately, geologists have not made use of the rich potentialities of the mineral resources of this Province, and they say that they have no knowledge of the existence of this mineral wealth in this Province. Information has been brought before the House that recently iron ore and lignite have been discovered in this Province on a large scale. Why should not these mineral resources be utilized for the development of industries, which vitally affect the economic problem of this Province? This Province is the one of the richest provinces in the country with regard to mineral resources; I may even say that it is one of the richest provinces in the whole world. Government are not devoting their attention to this problem but they are simply tinkering with problems so that the Communists whom, they fear, may not capture the minds of the masses. It is all power politics writ large in this Bill. I therefore appeal with all my heart, as one who has a real interest in the general welfare of this Province, to consider this point. I am not interested in power politics. I do not want to be one with the people who are running after power. I am one of those who are interested in the development of industries in this province. Therefore, I make an earnest appeal to the Hon. the Minister in charge of this Bill and also to the Government to devote their attention to better schemes of nationalization. With these few words, I resume my seat."

MR. SPEAKER:—"Hereafter, I am going to fix ten minutes for each speaker."

SRI C. M. KOTHARI:—"Mr. Speaker, Sir, the Bill as proposed by the Hon. the Minister is an expropriatory Bill because it interferes with owners of private business. If this Government is going to interfere with private properties and private business in this way, then private capital in this province will feel very shy and incentive to business which will go away. It is for the Treasury Benches to enunciate their policy clearly on this matter and state that private property and business will be left free in the interests of the country."

"Sir, to the credit of the present Ministry, it must be said that a number of social measures are promulgated by them. But, I would ask them whether they have got any constructive programme, whether they have got any programme by which they increase production. It is very easy to tax the country; it is very easy to take over the transport services which are run by private operators because the Government is working at a deficit. But if you look into the production side of the country, have the Government done anything in the constructive programme to step up production during their regime? There are a few matters which the Ministry can still look into even with regard to this nationalization scheme. Yesterday one hon. Friend was pleased

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to say that this nationalization of transport services would bring in a revenue of fifteen crores every year after five years. I have not the exact figures as to how many buses are running in the Presidency to-day, but I understand that about 10,000 private buses are running. Each bus costs about Rs. 5,000 and the total cost therefore comes to five crores of rupees. Supposing the business yields even ten per cent profits. Ten per cent on five crores would not be more than fifty lakhs of rupees. Therefore, what the hon. Member said that it would yield fifteen crores after five years is something which is unimaginable and is merely a camouflage.

"Sir, there is another thing and that is that this Ministry has not taken the House into its confidence with regard to the investigation of this proposal of country-wide nationalization of transport. Have they placed before this House the pro-forma figures of profit and loss in this nationalization of transport scheme? No, Sir. The House was never taken into confidence by Ministry on this matter. They merely told us that it is a lucrative proposition. We, on this side of the House especially, and the general public outside feel that that proposition will be a failure. Again, Sir, whenever Government takes up any industry or any business, it is found that corruption, bribery and nepotism follow immediately. (Interruption by the Hon. Mr. Daniel Thomas.) I may reply to the Hon. the Minister, let it not be so at least in the Cabinet. Sir, the nationalization of motor transport has been at work since some time past, since nearly eight or ten months. Yet, we are not given the profit and loss accounts of this scheme. The Hon. the Minister has told us that the scheme is working at a profit. But this House has a right to know the details as to how the scheme is working."

"Then as the hon. Member representing the European Chamber of Commerce said, no provision has been made or is likely to be made for income-tax and for provincial taxes such as the sales tax and tax on petrol, etc. If the services are taken over, no consideration is given to such taxes and also as to how those taxes, when taken into consideration, will affect the profit and loss account of the nationalization scheme. Such taxes must be taken into account when calculating the profit or loss as these services are taken over from private organizations. Government have not also made it clear whether the National Transport will pay such taxes after the nationalization scheme has been brought into force. Taking all these facts into consideration, the scheme for the nationalization of transport services in this Province, as promulgated in this Bill, will be a failure. Once you take away a private organization, you will not be able to replace it whenever you like. Sir, may I suggest to the Hon. the Minister, that if the scheme as stated by him is really profitable, then why not work out a scheme parallel to that of a private organization and show better efficiency and more comfort and convenience to passengers so that the travelling public may feel the many advantages of this nationalization? Sir, too much of talk, loose talk, is made about this nationalization. It is one thing to talk about nationalization

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in a lighter mood, but when you come to the actual working of it, you must give it all the seriousness which it deserves. I hope everyone in this House will understand the difficulties of the capitalist private agency whom this Bill seeks to control and abolish. You can work at lesser profits and eliminate the private agency by imposing very strong control and high taxes. Still, the scheme will bring some revenues to the coffers of the Exchequer. Once the nationalization comes in, it will be hard to the workmen. We have seen cases how Government servants are treated; they are paid less dearness allowance than are given by the industries and some other institutions. Therefore once the nationalization comes in, the advantages of such a nationalized transport will get less and as such, nationalization of the type embarked upon will be a danger to the country."

SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, I rise to support the motion of the Hon. Minister to refer this Bill to a Select Committee. Sir, I welcome nationalization of the public utility services, I mean the motor transport service, for the reason that it will remove the barriers of social inequities that have been practised in this country. It is in the knowledge of most of the members of this House that some of the motor transport that are plying in the village parts do not admit or give equal opportunities for the poorer classes and some of those who come under the category of the untouchable classes. I feel, Sir, by nationalization of these motor transports, it will give greater scope for my community people to use these transports and also to make the proprietors of the various motor services understand that if there is any hardship caused to the passengers, that will be discussed in this House and elsewhere. It is also in our knowledge, Sir, that after the introduction or rather coming into existence of railways, certain of these social barriers have been removed as the railway carriage is open to all communities irrespective of caste, creed or nationality. So, when the time comes, when nationalization comes into effect, I think similar state of affairs will be obtained here also. But, what I feel, Sir, and the Hon. Minister and the Government also feel, is that nationalization must profit the nation as a whole. The other day, when Mr. Modi waited on a deputation on the Hon. the Prime Minister in connexion with nationalization of the key industries, the Prime Minister made it clear that no time limit can be fixed for these cases but the circumstances must be taken into account. Now, Sir, in this Province or in India, we have no key industries producing motor-cars or motor transport of any kind. We have to get all these vehicles from foreign countries and that too at a very exorbitant rate. So, I would rather feel inclined to advise the Hon. the Minister that whatever scheme of nationalization is taken up, he must proceed at a very moderate pace.

"Secondly, as observed by one of the previous speakers, when we take into account the atmosphere that is obtaining to-day as regards labour, we know, Sir, that the labour problem is getting

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very acute and we have not created contented labour in any sphere of industry in the country. Sir, by nationalization, there will be very little competition in motor transport. A few months back, when the City had to face a motor strike, we know what was the inconvenience caused to the general public. By having settled conditions of service, these things may be avoided. I am sure the Hon. the Minister will go into the question. Apart from that, we have not been presented with a clear financial position as to the result of the nationalization of the motor transport in this Province.

"Having said so, I would like to address myself to the various clauses that are proposed in the amendments. In clause 2, I observe that by giving not less than one month's notice, any permit can be cancelled. Sir, it is within our knowledge that after 2nd September 1946, many transport services have come into existence having spent lakhs and lakhs of rupees, and suddenly to say that these permits, if opportunities need, may be cancelled, may be putting all these capitalists into a great dilemma. I think, Sir, when the matter is discussed in the Select Committee, they will see that enough and more time is given to these people so that they may decide about the vehicles being either sold to the Government or utilized in some other way. Again, Sir, taking clauses 7, 8 and 9, the proposed amendment is that they may give not less than three months' notice if any proprietor were not to follow the instructions given by the authorities as to adding or cancelling or varying the mode of transport.

"Even here, if the Government feel that there ought to be a certain form of motor transport, it must be made clear before the permit is issued. After a few months if they suggest certain things, it will be a great loss to the people who have taken out licences. 12 noon.

"Sir, when nationalization comes into force, it must proceed at a moderate speed. We have to take into account the artisans, the blacksmiths, and carpenters who have been making bullock carts and other things. Unless we are able to find some alternative employment for them, we would be putting them in a wrong hole. I ask the Hon. Minister to take these artisans also into account and not lose sight of the labour question of the poor artisans in the villages."

MUHAMMAD RAZA KHAN SAHIB:—"Sir, as several speakers have spoken on this Bill, I should like to touch on one or two points only. I really admire the patience of the Hon. Minister for Transport, listening to speeches of praise from one side and attacks from the other side. We do not want the Government to embark on a policy which will result in serious loss. It is all right for people who do not know the A, B, C of business to calculate things on paper and speak. But in actual work things take a different shape.

"Sir, I just want to question the very basis of the nationalization of bus transport. The Government should say one of two

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things: 'As we are losing a good deal of money by prohibition, we want to make up the loss by "nationalization," or 'The present bus transport system is not up to the mark and the Government want to see that the public get a better service.' But it cannot be both. It should be one of the two. If the Government have in mind not so much the provision of a better bus service as to finding of new means of augmenting the revenue, I have got something to say on it. Our Minister for Transport said with a good deal of self-satisfaction that he would get a return of 12½ per cent. Lawyer as he is, he has tried conveniently to forget some other aspects of the question. I do not here want to comment on the speeches made by hon. Members Mr. Batchelor and Mr. Varadachari but, I should say that in the whole of the speech of Mr. Batchelor he brought to bear his experience and showed how things will shape in future. He has given a caution to the Government. I have very great respect for the feelings and sentiments of Mr. Varadachari, but he spoke in an academic way. He is far, far away from being a business man. The fact is that a politician can never be a good business man also, though a business man can always be a good politician.

"Sir, with regard to the point made by the Hon. Minister for Transport that he expected to get a return of about 12½ per cent. I should like to ask him whether he has made any provision for income-tax. The Hon. the Finance Minister of the Dominion Government a few days ago spoke about the tendency of Corporations and Provincial Governments to nationalize industries and the desirability of making them also liable to pay income-tax. If the Government of India charges income-tax also on the nationalized bus services, I do not think the Hon. Minister will be able to say that he would get 12½ per cent. The amount would be reduced. The private consumer has to pay the petrol tax, the motor vehicles tax and other taxes. If all these taxes also are to be paid by Government, what would be the percentage of return? I hope these figures would be given to us in the next budget. I think you will find that the actual return would not be 12½ per cent. but only 3 or 4 per cent. May I ask whether it is worthwhile taking up a scheme which will bring only 3 or 4 per cent? Therefore, from the financial point of view, I do not think nationalization will result in the fruition of our expectations.

"Sir, a number of speakers have said a lot about the nationalization of bus services in the City of Madras and in the districts. They do not understand the fact that it is more difficult to nationalize the bus services in the districts than in Madras City. The City is a compact area where you have many facilities for workshop. In the districts you have to cover hundreds of miles and you will have to have a number of officers and workshops. The Minister was perfectly right when he started nationalization in the City. I caution him: Let him not take up the bus services in the districts. I hold no brief for any bus service. But let the Government see the working of the scheme in the City for one or two years. If they are satisfied with the working and if it

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returns a good profit to the Government, then they can proceed with nationalization in the districts. It will cost more in the districts.

"Sir, I do not now want to go into the merits and demerits of the big question of nationalization of industries. So much has been said on it by hon. Members, particularly by the hon. Member Mr. Majid.

"After saying all this, let us have some good words for the Hon. Minister also. So much has been said by some hon. Members about corruption. I do admit there is a certain amount of corruption. But there is no use of simply condemning the Minister and the officials. In a way, we are directly or indirectly responsible for the corruption. (Hon. Members: We!) By 'we' I mean the people—we are also responsible for the corruption, because we have not created in the minds of the people that consciousness that whatever happens justice will be done. Petty favouritism starts from the districts and spreads to the Provincial Government itself. I think the Government should be a little bit cautious.

"Sir, unfortunately this Ministry are creating troubles for themselves. They should not have all these powers. They should give them to an independent body."

MR. SPEAKER:—"The hon. Member has one minute more."

MUHAMMAD RAZA KHAN SAHIB:—"I request you to give me five more minutes."

MR. SPEAKER:—"No, I am sorry."

MUHAMMAD RAZA KHAN SAHIB:—"People know that this is a popular Government and that the Ministers will be amenable to the wishes of the people. All sorts of influences will be brought to bear. On that account we should not condemn them. The Hon. Ministers should be very careful to go into the matter and see that corruption is rooted out.

"Sir, there is a feeling why appointments should be made by a Cabinet Sub-Committee. As the Government themselves have said, this is not going to be a temporary but a permanent affair; these appointments may be left to be made by the Public Service Commission. We have got the Communal Government Order—the new Communal Government Order prescribing the proportion of the appointments for the communities. Then nobody will have any grievance against this Government.

"With regard to the Madras Bus Service, I really congratulate the Government on this. There has been a real improvement. The buses are very convenient. But there seems to be too much of rash driving; the bus drivers seem to think that being in Government service, they are immune from police attentions and from the law. There is also a tendency for conductors to pocket some of the ticket money. Also, sometimes there are many passengers,

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who by the time the bus reaches Central or Mount Road, get down from the bus and do not pay the money. . . This is a loss to the Government . . .”

MR. SPEAKER:—“The hon Member will please resume his seat.”

SRI K. T. KOSALARAM:—“Mr. Speaker, Sir, கனம் Prohibition Minister the Hon. Mr. Daniel Thomas அவர்கள் கொண்டு வந்துள்ள Motor Vehicles Amendment Bill-ஐ ஆதரித்து ஒரு சில வார்த்தைகள் சொல்ல விரும்புகின்றேன். இதற்கு முன் பல நண்பர்கள் இதைப் பற்றி பேசிவிட்டார்கள். நிர்வாகம் தேசியமயமாக்கப்படுவதைப்பற்றி ஒரு சில அபிப்பிராயத்தங்கள் இருக்கின்றன. அதை என்னுடைய நண்பர் மஜீத் அவர்கள் சொன்னார்கள். நண்பர் ரஸாகான் அவர்கள் சொல்லும்போது அரசியல் வாதிக்களைவிட வியாபாரிகளுக்குத்தான் இப்படிப்பட்ட விஷயங்களில் அதிகமான பழக்கம் உண்டு. அரசியல் வாதிக்கு அதிக பழக்கம் இருக்கமுடியாதென்று சொன்னார். ஆனால் வியாபாரிகளுக்கு தங்களுடைய தொழிலில் தங்களை விருத்தி செய்துகொள்வதற்குத்தான் அதிகமாக காலம் செலுத்தமுடியும். அரசியல் வாதிக்குத் தான் நாட்டின் நன்மை என்ன என்பது தெரியும். அதைப்பற்றி அக்கரை இருக்கமுடியும் என்பதை நான் அவர்களுக்குச் சொல்லுகின்றேன் “அடுத்தடியாக தேசியமயமாக்கப்படுவதில் City மாத்திரம் தேசியமயமாக்கப்பட்டால் பிரயோஜனமில்லை. அடுத்தாற்போல் இந்த மாகாணம் முழுவதையும் தேசியமயமாக்கப் போகிறோம் என்பதை ஜனங்களுக்கு காட்டுவதற்காக இந்த நகரத்தை சுற்றியுள்ள செங்கல்பட்டு, South Arcot, North Arcot இந்த 3 ஜில்லாக்களையும் நகரத்துடன் சேர்த்து நன்றாகப் பிணைத்து அவைகளையும் தேசியமயமாக்கவேண்டுமென்று இதில் சர்க்கார் கவனம் செலுத்துகிறார்கள். வெகு சீக்கிரத்தில் எல்லா இடத்திலும் தேசியமயமாக்கிவிடுவார்கள் என்று ஜனங்கள் நம்பமுடியும். வெறும் நகரத்தில் மட்டும் செய்தால் பிரயோஜனப்படாது என்பதை கனம் மந்திரியவர்கள் நிச்சயமாக தெரிந்துகொள்ளவேண்டும்.”

“இதில் இன்னும் மற்றொரு பெரிய விஷயமிருக்கிறது. Bus conductor-கள், Inspector-கள் என்னென்ன செய்கிறார்கள் என்பதை நேரடியாகப் பார்த்த சில விஷயங்களை மந்திரியவர்கள் கவனத்துக்கு கொண்டுவர விரும்புகின்றேன். அதை எவ்விதம் நிவர்த்தி செய்யலாமென்பதையும் நான் சொல்லுகிறேன். அதாவது conductor சாதாரணமாக ஒரு அரை, 2 அரை ticket-க்கு வாங்கிக்கொண்டு ticket-ஐ கொடுக்காமல் passenger-களை இறக்கிவிடுகிறார்கள், Inspector-களும் இதற்கு உடந்தையாக இருக்கிறார்கள். இதைத்தான் அரசாங்கத்தில் நிர்வாக ஊழல்கள் வந்துவிடும் என்று நண்பர்கள் குறை சொல்லுகிறார்கள். இந்த ஊழல்களை நிவர்த்திசெய்யவேண்டுமானால் இந்தத் தொழிலாளர்களுக்கும் இதில் ஒரு பங்குகொடுப்பது என்று அரசாங்கம் முன்வந்துவிட்டால் இட்டடிப்பட்ட ஊழல்களெல்லாம் வருவதற்கு காரணமே இருக்காது. 80 சத விதிகம் அரசாங்கத்துக்கும் 20 சத விதிகம் அதில் வேலை செய்யும் தொழிலாளிக்கும் பங்கு உண்டு, தொழிலாளி வேலை நிறுத்தம் செய்யாதே, உனக்கும் பங்கு இருக்கிறது, அரசாங்கத்துக்கு வருமானம் வந்தால் உனக்கும் அதில் பங்கு உண்டு என்று தொழிலாளிகளுக்கு சொல்லலாம். அப்போது நண்பர் பயப்படுவதுபோல் communist-கள் கலகங்கள் செய்வார்கள் என்ற பயத்துக்கு காரணமேயில்லை. தொழிலாளிகளை நாம் சரியாக, நடத்தும்போது Communist-ஆவது Anarchist-ஆவது தொழிலாளிகள் மத்தியில் வரமுடியாது. தொழிலாளிகளுக்கு 20 சத விதிகம் பங்கு கொடுக்கமுடியுமா, அப்படிக் கொடுத்து அவர்களை சரியான முறையில் அவர்கள் உண்மையாக வேலைசெய்யவேண்டுமென்ற முறையில் அவர்களை சீர்திருத்தமுடியுமா என்பதை கனம் மந்திரியவர்கள் கவனத்தில் வைத்து ஏற்பாடு செய்யவேண்டும்.”

“மூலதனம் போடுவதில் அவர்களிடமிருந்து 20 சத விதிகம் பணம் வாங்க வேண்டும். சாதாரண Conductor, Driver, Inspector 5 ரூபாய்

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முதல் 10 ரூபாய் வரையில் share போடலாம். அவர்களுக்கும் இதில் பங்குண்டு என்று சொல்லலாம். அப்போது அவர்களுக்கு அதிகமான ஊக்கம் ஏற்படமுடியும். நிர்வாகம் ஒழுங்காக நடக்கும்.

“மற்றொரு விஷயம் சொல்லுகிறார்கள். அரசாங்கத்தினிடம் inefficiency வந்துவிடும். ஆகையினால் அரசாங்கம் சரியாக நடத்த முடியாது என்று சொல்லுகிறார்கள். இது பெரிய Industry அல்ல இது Motor Transport. ஜவஹர்லால் நேரு அவர்கள் சொன்னமாதிரி பெரிய Industry அல்ல என்று சொல்லுகிறார்கள். முன் பேசிய நண்பர்கள் சிறு முதலாளிகள் பல்கலை நடத்துக்கொண்டிருக்கிறார்கள். அதையே நம் அரசாங்கம் நடத்த முடியாதென்று சொல்ல முன்வந்தால் உலகம் எந்த நிலைமையில் போய்க்கொண்டிருக்கிறது, England-ல் எப்படிப்பட்ட Industry-களை தேசியமயமாக்கிக்கொண்டு வருகிறார்கள், அவர்கள் அப்படி ஆரம்பிக்கும்போது இந்த தேசத்தில் இந்த சின்ன Industry-ஐ ஆவது தேசியமயமாக்கவேண்டாமா? முதன்முதலில் ஆரம்பிக்கும்போது பல கஷ்டங்கள் சங்கடங்கள் வரலாம். எந்த மனிதனும் பிறந்தவுடனேயே பெரிய அரசியல் வாதியாகவோ மற்றத்தனையும் பிறந்தவுடனேயே பெரிய அரசியல் வாதியாகவோ இருக்கமுடியாது. போகப்போக பல கஷ்டங்களில் பெரியவனாகவோ இருக்கமுடியும். போகப்போக பல கஷ்டங்கள் பட்டுத்தான் எந்த மனிதனும் எந்தத் துறையிலும் அந்தஸ்தை அடையமுடியும். இந்த முறையில் அரசாங்கத்துக்கு பல கஷ்டங்கள் இருக்கும். ஆரம்பத்தில் inefficiency வரத்தான் செய்யும். அதை சீர்திருத்த பொது ஜனத்தலைவர்கள் அரசாங்கத்திலிருக்கிறார்கள். ஆகையினால் சீர்திருத்திக்கொள்ள நமக்கு முடியும். ஆகையினால் கஷ்டம் யினால் சீர்திருத்திக்கொள்ள நமக்கு முடியும். ஆகையினால் கஷ்டம் வந்துவிடும்; ஊழல் வந்துவிடும் என்ற பெயரால் தேசிய மயமாக்கப்படுவதை நிறுத்தவேண்டுமென்று அரசாங்கமும் காங்கிரஸ் மந்திரிகளும் நீனைக்கவேண்டியதவசியமில்லை. வெளி ஜில்லாக்களில் எவ்வளவு சீக்கிரம் கொண்டுவரமுடியுமோ அவ்வளவு சீக்கிரமாக கொண்டுவரவேண்டுமென்று நான் கனம் மந்திரியவர்களை கேட்டுக்கொள்கிறேன். நான் முடித்துக்கொள்கிறேன்.”

* SRI ALLURI SATYANARAYANA RAJU:—“Mr. Speaker, 12-15 p.m.
Sir, I am always accustomed to speak in my own mother-tongue. In order to facilitate the Hon. Minister for Transport may speak a few words in English though I am not a master over that language.”

“My complaint against Government always has been that this Government has been very slow in completing the process of nationalization in the Province. Some of my friends and colleagues in this Assembly have been saying that nationalization will hit the interests of the people. But the fact is otherwise, Sir. If it said that nationalization hits the vested interests of the capitalists in this Presidency, I would have understood it and appreciated it. When the Zamindari Abolition Bill was under discussion, it was said that it will hit the interests of the people. It is unfortunate that those who are interested in capitalists and their interests should come forward and say that nationalization will hit the masses and their interests. It is unfair, Sir, to say such things in the name of the people to cover their vested interests. I certainly feel, Sir, nationalization will certainly remove middle men with profit motive. Had nationalization been effectively introduced and brought into force, many troubles of the people would have been banished by this time. As a matter of fact you know how the managements and proprietors of buses are causing trouble to the poor people and travellers in the district as well as in the City. They collect rates far higher than they are entitled to collect from the travellers. Poor travellers, ryots and labourers

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and ordinary middle class people, when they travel are paying, instead of four annas, even one rupee. There is nobody to check this method of collection of fares. I plead that unless and until this whole transport is completely nationalized, these troubles of the people will not be overcome. As a matter of fact, in every civilized country this process of nationalization is coming up. My hon. Friend, Mr. Majid, suggested that Congressmen are afraid of the Communists and that is why they are trying to compete with them in championing the cause of the masses. I am very sorry that my hon. Friend, Mr. Majid, said this. If Congress people are competing with the Communists to see that the peoples' grievances are removed, the Congress Party, the Congress Ministers and the Congress Cabinet should be congratulated wholeheartedly. I feel that nationalization is not based on the fear that Communists may say something against the Government. I have to congratulate the Minister for Transport on at least very slowly introducing the nationalization scheme. As a matter of fact, the Congress Committee is committed itself to the policy of nationalization. If you go through the Karachi Fundamental resolution and some of the resolutions passed by the All-India Congress Committee and also the general thesis and election manifestos you will find this principle enunciated in them. They have said before elections that as soon as they come to power they would nationalize key industries and some of the industries which can be run by the State. If at all there is to be any complaint against Government, it is that Government has been very slow in completing the process. Also, to-day the motors that are running in the City conducted by the Government, are far better than the old buses. Every traveller waits for buses which is run by the State because they are so comfortable. They are very convenient for the people. The old buses which are being run by capitalists are running empty. These are facts which we see even in the mufassal. Immediately nationalization is taken up, some capitalists may say that peoples' interests will be hit. But it is commonsense at least to say that if the State takes up nationalization, it is its responsibility to run the transport efficiently and people will certainly be benefited. Some people may say that corruption already rampant in Government departments may grow. Corruption is there in the departments that are run by the private individuals, capitalists or Government departments. Everywhere there is corruption. Nobody can deny that fact. It would be correct to say that the interests of capitalists will be effected instead of saying that the interests of the people will be hit by nationalization. Their interests are not hereditary rights and they cannot go on with their business with profit motive. All the key industries will be taken up and nationalized and people are bound to be benefited by it. The Congress is definitely committed to this policy and nationalization is necessary. Government should complete the process not within five years but as quickly as possible."

* MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, several speakers have spoken like statesmen but unfortunately on buses. (Laughter.) And throughout, as this debate

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developed hour by hour, my sympathies centred round the Hon. Mr. Daniel Thomas, over whom sat in judgment many a Daniel and most important of all, the hon. Mr. Raghavayya. He was speaking about Aegean Stables. Let me assure him that throughout my legislative experience I have never wandered round such filthy quarters to give you any account of what is taking place over there. (Laughter.) It is the most unfortunate lot of the Hon. Minister to be in charge of this portfolio which should serve as an eye-opener as a Pandora's box and I still wonder how he has been able not to have surrendered himself to the temptations of so many and should have stayed on in office so long, notwithstanding these temptations which so many have pestered him with.

"Mr. Speaker, nationalization, I do not know what it means. I know there was one hon. Member here, and now he is reigning in the higher region, I mean Sri S. Nagappa, with whom it was a nightmare and a bug-bear to speak of nationalization on everything. But now, Mr. Speaker, what nationalization really means is that we must have to surrender ourselves to that solitary member of this Assembly, the Communist Member, Mr. Venkateswarlu. It is he that has got into the ears of Government and I am afraid, like the proverb which is so very popular in our countryside, he might have got into the ears of the Government, even as an ant seeks to enter into the ears of an elephant to commit hara-kiri. I do not think this Government, or for the matter of that, any Government would be able to do things in a businesslike fashion and that is my only argument against nationalization. No doubt, we have got many things to complain about transport. But yet that does not mean that we must soon confess that private enterprise has come to an end and that the State must step in. Let us not go in a hurry about it. Let us think seriously. We have got enough problems, we have enough worries and enough responsibilities. Are you going to declare war on every front and are you going to create muddles for yourselves even in quarters where you could have avoided them? Let us not create muddles, unnecessary muddles and irksome muddles which are going to bring you nothing but disrepute. It is not in my interest, it is not in the interests of my section of this House, it is in your own interests, I am telling you. Do not go with such speed and create muddles and try to see that in the next election you are down and out."

SRI P. NATESAN:—"Mr. Speaker, this nationalization business seems to be before Government in spite of the policy enunciated by the Prime Minister the other day. The Hon. Minister seems to think that because the Government is losing a lot of money on account of the introduction of prohibition and not being able to make both ends meet, it may be possible to make the motor transport pay. I wonder who gave him the advice. The Government have not got enough time to deal with such questions as finding houses and providing food for the people and yet they are coming up with big schemes called nationalization schemes. Being connected with a public utility concern myself, I know how much

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difficulties we surmounted in the old days to get finances and for floating the concern. Supposing there had been no buses would it ever have entered into your minds that it is a line which you could take up elbowing out people already there? The private individual knows how to work. He would have a personal assistant and a number of other people who do all the routine work. I would like to know how the Hon. Minister would staff the undertaking, how he proposes to raise the capital, what is the rate of interest he would allow, what depreciation he would allow, and what return it would yield. The credit of the Madras Government is not as good as it was a few years ago, the money market is tight and you cannot raise loans when you go to the market. It is no good complaining about private enterprises. You have already labour troubles in Coimbatore and the mill owners are not able to run the mills. I ask Government: 'Why do not you take up the mills and work them?' Why do not you take up the electric companies and work them?' I know you dare not. If you do so, I know and you also know that you will create the muddle to which my hon. friend, Mr. Anwar, referred. I would, in this connexion, refer to the words the Prime Minister of India uttered in another connexion. He says: 'It is not as easy as the Mover seems to think that we can legislate and then by some kind of jugglery produce results.' The Hon. Minister can only use jugglery to produce results but the real facts would be otherwise. Why do not you constitute a committee consisting of people belonging to the motor trade to look into the intricacies of the question and then act? You do not know how much of corruption there is going to be. In several departments, in the Commercial Taxes and other departments, you yourself have been saying that bribery and corruption are rampant and yet you are going to add on another department and then content yourselves by establishing an anti-corruption department that is what the Government is going to do ultimately. Regarding the return from this business I do not think that they proceed on correct figures. I have got so much experience of figures furnished by Government departments that I can say that they are manipulated figures. There are a number of people in the business who can give very sound advice. I am not an expert in motor trade and I cannot help you. But if you refer to my Chamber, I am prepared to produce the motor people who know how to run the business. I am not an expert of all trades. Congressmen seem to think they know everything in the world and that they are doing everything for the good of the people. I may tell you that even in Bombay where State buses are owned and run by the municipality, it is found that they are not running efficiently and it is not paying; what did they do; they raised the fares. This is what we will have to do. When once it is found that the proposition is not paying, they put up the fares. What does it matter and who is going to grouse? But then whatever you do is for the good of the people. But the people think otherwise. Do you mean to say that people are satisfied with the way in which the Congress is ruling the country. (Sri N. S. Varadachari: Question.) Let me remind my hon. friend, Mr. Varadachari, that he and his party are not the only people who are

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looking after the poor. He has only to look at the charities that capitalists have to subscribe for. Apart from all that I would like to ask the Hon. Minister what is the hurry about this. The Prime Minister of India says that it is far better for the State to concentrate on specific vital new industries rather than go about nationalizing many of the old ones. I only wish to ask him to take to new business; let him nationalize the cement manufacture and start cement industry. Let us see if he can do it. He will not. Then why do you think of taking up the existing buses? All these people have done solid work, they have invested money, faced troubles during the beginning and their business is what it is on account of their efficiency; and they were in existence even before the Congress Ministry came into existence. To take it over in the name of nationalization is unfair. It is a very big affair; you have got to have experts and take their advice. You say you are doing it for the masses. Where are the masses and what can they understand of this? I was passing through the rural parts some days ago and I saw famished men in a number of villages. Theirs is a question of food. Do they care to pause and think about politics. 'இராமன் ஆண்டாலென்ன இராவணன் ஆண்டாலென்ன' so they say. It does not matter to them if the British rule or whether the Congress is in power. There is no question about it; it is a plain fact. You must do what is good for the people. Even the Prime Minister of India says that you must take charge of new industries. It is no good disturbing the existing transport business. When once private enterprise goes and Government takes up, and it ends in failure, as my hon. friend, Kothari, pointed out, you cannot get back private enterprise. Regarding Prohibition, it may be possible for the Hon. Minister for Public Works to provide the ex-toddy tappers with work in connexion with the Tungabhadra Project. What can you do with the bus employees who are thrown out of work? Apart from that, what about the taxes which the Provincial Government will have to pay to the Central Government. When Shanmukham Chetty screws them up for the Corporation and income-tax, then the Hon. Minister might throw up his hands and say: 'that is not at all paying.' Even then I am prepared to agree; but let us have details as to how you are going to raise the money, what interests will be paid, what rate of depreciation will be allowed, what is the scale of staff that will be employed and then what will be the balance-sheet like. Then you must remember that when once this is taken up by Government, the Communists will create trouble and there will be labour strikes and so many complications. (An hon. Member: 'It is all fantastic'.) It may all be fantastic because I am not a Congressman promising all sorts of things to the people; let them stick to what they said to the poor; let them give them food; let them give them clothing and good houses to live in. But here instead of all that, we see the Government is in a hurry. They say new industries; but the Provincial Government says the existing motor industry. Not only that, the suggestion was made of taking up the trams. I wish to ask whether there is one Corporation Councillor who can run it, it requires experience. Everything requires

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experience; even in politics experience is required; do not members opposite claim having more political experience than others. Supposing you are"

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Is the Member right in addressing the Chair in that manner." (Laughter.)

SRI P. NATESAN:—"Supposing one were a tailor"

MR. SPEAKER:—"I know he never meant me personally."

SRI P. NATESAN:—"I never meant any person. I was only speaking about Congressmen in general. They claim to know everything. But actually they do not possess the experience necessary."

"Even for a washerman or a tailor, every job is a specialized job and it is not as if Congressmen can be specialists in everything. Sir, let me wind up by saying that pace and progress should be determined by the need of the country and more especially the resources of the country. Is there any need and more especially resources? Even if Government have got the resources, there is no need. With these words, I oppose the Bill."

SRI K. A. NACHIYAPPA GOUNDER:—"Much has been said with regard to nationalization. As a matter of fact, I am one of those who wanted it as early as 1937 when the last Congress Ministry was in office. I wanted that it should be taken over and run by district boards so as to augment their revenue and at the same time give greater facilities to the public. But taking the present situation in the country into consideration, I think that a *via media* course has to be adopted. The Government have taken up the City routes. Taking into account the capital invested, the taxes and incomes that the Government have been receiving so far, I doubt if by the income, they are making much profit. Even if they have complete figures month after month, I do not think it would be much encouraging. When Government take a scheme like this and work it, we find that control becomes a little difficult. In order to get over the problem, I would suggest to Government to take up nationalization in order to get the full benefit of revenue and at the same time, give efficient service to the public. Those are important points which we must not forget and we must try to achieve them without risking our funds. If it is to be taken, Government will have to invest a lot of money and even after doing it, what the position would be, is a matter which they will have to seriously consider. It strikes me that Government might reserve the monopoly for themselves and allow this to be operated upon by private owners after holding an auction for running particular routes and for particular timings. We can insist on the service being efficiently maintained, we can prescribe the types of buses to be run and keep a model which might be adopted by all the services, so that the services will be uniformly maintained. Timing and fares can be prescribed and these and cognate things can be looked after by

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20th February 1948] a special Transport Department which will be able to control it efficiently with a District Transport Officer and a few inspectors. As a preliminary to conducting the auction, it will be necessary to register persons who will be competent to compete on the basis of the labour they can command, the capital they can bring into the business, the number of buses they own and the workshops that they have. If such a thing is done both things would be secure, namely, money to Government and service to the public. I wish Government would consider whether they cannot do that in order to find safety for themselves and also enable people to carry on."

SRI K. P. KAMAKSHI CHETTIYAR:—"கனம் சபாநாயகர் அவர்களே, 12.45 p.m.
கனம் Daniel Thomas அவர்கள் கொண்டுவந்த Motor Vehicles Amendment Billஐ நான் முழுமனதுடன் ஆதரிக்கின்றேன். அதனால் வரக்கூடிய நன்மைகளை அனுபவிப்பதற்கு மக்கள் நாடு முழுதும் துடித்துக்கொண்டிருக்கிறார்கள் என்று நான் சொல்ல பிரியப்படுகிறேன். இந்தச் சட்டத்தினால் ஏற்படக்கூடிய நன்மைகள் ஒன்றல்ல. பல நன்மைகள் இந்தச் சட்டத்தினால் மக்களுக்கு ஏற்படப்போகின்றன என்பதை குதூகலத்துடன் மக்கள் தெரிந்துகொண்டிருக்கிறார்கள். 10 வருஷங்களாக ஜனங்களுக்கு எவ்வளவோ கஷ்டங்கள் ஏற்பட்டன. அவர்களுடைய சகல முன்னேற்றங்களும் போக்கு வரத்து கஷ்டங்களால் அதிகமாக பாதிக்கப்பட்டன. அவற்றால் ஜனங்கள் எவ்வளவு துண்டங்கள் அடைந்தார்கள் என்பதைப்பற்றிச் சொல்லத்தேவையில்லை. தேசியமாக்கும் இந்தச் சட்டம் உடனடியாக அமுலுக்கு கொண்டுவரப்படவேண்டும். ஐந்து வருஷகாலமாகவும் அதிகம் இன்னும் விரைவிலேயே அதை அமுலுக்குக் கொண்டுவரவேண்டும்.

"சென்னைக்கு அடுத்தபடியாக மதுரை-கொடைக்கானல், கோயமுத்தூர்-ஊட்டி வரையுள்ள போக்கு வரத்தை சர்க்கார் எடுத்துக்கொள்வதாக கனம் மந்திரியவர்கள் சொல்லுகிறார்கள். மேற்படி 'காட்' ரஸ்தாக்களும் சென்னையும் எடுத்து முடித்துவிட்டு மதுரை ஜில்லா முழுவதும் கோயமுத்தூர் ஜில்லா முழுவதும் இரண்டாவதுபடியாக எடுத்து நிறைவேற்றினால் இந்தச் சட்டத்தின் முழுபயனையும் அந்த ஜில்லா வாசிகள் அனுபவிப்பதுடன் இந்தச் சட்டத்தை நடத்தி வெற்றிகரமாக நடத்துவதற்கு ஜனங்கள், அதிகாரிகள் எல்லோரும் சுலபமாக உதவி செய்யமுடியுமென்பது என் யோசனை.

"அடுத்தபடியாக கொடைக்கானல் ஊட்டி 'காட்' ரோடுகளை இந்த April மாதம் 1-ம் தேதியிலிருந்து சர்க்கார் எடுப்பதாக கனம் மந்திரி அவர்கள் சொல்லுகிறார்கள். இந்த மாகாணத்திலே 10 வருஷ காலமாக அளவில்லாத கஷ்டங்களை அடைந்துவரும் கொடைக்கானல் தாலுகா வாசிகள் மனம் பூர்வமாக இத்திட்டத்தை வரவேற்கிறார்கள். ஆனால் ஒரே ஒரு விஷயத்தை நான் ஞாபகப்படுத்த வேண்டியிருக்கிறது. அதாவது April 1-ம் தேதி முதல் இந்த கொடைக்கானல் Season ஆரம்பித்து ஒரு மாதமாகிவிடும். இந்த ஒருமாத வரும்படியை ஏன் இழக்கவேண்டுமென்பது தான் எனக்குத் தெரியவில்லை. அதற்கு என்ன கஷ்டங்கள் இருந்தாலும் என்ன இடை யூறுகள் குறுக்கே நின்றாலும் March மாதம் 1-ம் தேதியே இந்த மாகாணத்தி னுள்ள பலவேறு ஜனங்களும் பூரணமாக அனுபவிக்கமுடியு மென்பதை யாரும் மறுக்கமுடியாது. இச்சட்டத்தை நடத்திவரும் முறையில் இதில் சில குறைகள் இருக்கத்தான் செய்கின்றன. அவைகளை நிவர்த்தி செய்ய பொது ஜனங்களும் மக்களும் முன்வரவேண்டும். இங்கு லஞ்ச ஊழல் ஏற்பட்டுவருகிறதென்று பல நண்பர்கள் பேசினார்கள். பொதுஜனங்களின் அபிப்பிராயமும் இதைத்தான் தெரிவிக்கிறது என்பதைப்பற்றி எந்தவிதமான சந்தேகமில்லை. இதைப்போக்க பொதுஜன ஊழியர்கள் முன் வரவேண்டும். ஆங்காங்கு என்ன குறைகளிருக்கின்றனவோ அவைகளை எடுத்துச் சொல்லவேண்டும். குறிப்பாக Driver, Conductorsக்கு ஒரு

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பயிற்சியை ஏற்படுத்தவேண்டுமென்று நான் கனம் மந்திரி அவர்களுக்கு யோசனை சொல்ல விரும்புகிறேன். எந்த நிர்வாகத்தையும் நேரடியாக நடத்தும் சிப்பந்திகளுக்குத்தான் முழுப்பொறுப்பு உண்டு. அந்த ஸ்தாபனத்துக்கு நல்ல பெயர் ஏற்படுத்துவதோ கெட்ட பெயரை வாங்கிக்கொடுப்பதோ அந்த முக்கியப்பொறுப்பு அந்த சிப்பந்திகளுக்குத் தானிருக்கிறது. ஆகையால் பஸ்களை வேகமாக ஓட்டிச் செல்லக்கூடாது என்றும் இன்னும் பொது ஜனங்களிடத்தில் மிகவும் கண்ணியமான முறையில் நடந்துக் கொள்ளவேண்டுமென்றும் அவர்களுக்கு பயிற்சி வகுப்பு ஏற்படுத்த வேண்டும். சென்னை நகரில் ஓடும் பஸ்களில் பலவித ஊழல்களிருக்கின்றன என்று பலர் சொன்னார்கள், நானும் அதைச் சொல்ல பிரியப்படுகிறேன். அதற்கு பொதுஜன ஊழியர்களை சர்க்கார் அதிகாரத்தில் வைத்து சம்பளம் கொடுத்து பொறுப்பை கொடுக்கவேண்டும். பஸ்கள் ஓடும்போது ticket-களை சோதித்துப் பார்க்க பொதுஜன ஊழியர்களுக்கு வசதி கொடுக்க வேண்டும். இந்த அதிகாரத்தை அவர்களுக்குக் கொடுத்தால் கட்டாயம் பஸ்களிலுள்ள ஊழல்களை அவர்கள்மூலம் எடுத்துச் சொல்லுவதற்குச் சௌகரியம் ஏற்படும். இரவு நேரங்களில் பஸ்கள் அதிகவேகமாக பிரயாணி களைக்கூட ஏற்றுக்கொள்ளாமல் வெகு வேகமாக செல்லுகின்றன. அப்படி ஓடுகிற பஸ்களில் சிலவற்றை இரவு நேரத்தில் நிறுத்தவேண்டுமென்பது என் யோசனை."

SRI M. VENKATA RAJU :— 'அதிகாரம், ఈ Bus Nationalization Scheme ను కొంచెం oppose చేస్తున్నాను. ఆ విధంగా వారు ఎందుకు చేస్తున్నారు? నాకేమి అర్థము కావటంలేదు. నా.. దీనియல் భావన.. వారు ఈ స్కీమ్-ను అనేకమంది కోరినట్లుగానే పின்பించుచున్నారు. ఈ విషయము వారు అనేకమందితో ఇదివరకే చర్చలు జరిపి వారి అంగీకారమును పొందుకొనిన తరువాతనే ఈ బిల్లును అసెంబ్లీలో ప్రవేశపెట్టినారు.

"ఇப்போது bus service లో నడుவதுనున్న పద్ధతులు ప్రయాணிகులకు వசతున్న వాడாய் చూస్తే ఎவరாவதూ ఈ bus service-ను వ్యక్తుల చేతులలో పెట్టడం మంచిదని అంగీకరించరని నా భవద్ విశ్వాసం.

"అయితే ఈ bus service-ను ప్రభుత్వమువారి నడపుటకు నిశ్చయించుకొన నపుడు కొన్ని విషయములలో శ్రద్ధ పிసుకొనుట చాలా அவసరము. ముఖ్యంగా ఈ scheme-ను నడిపే నిమిత్తం appoint చేసేటటువంటి ఉద్యోగస్తులను మంచివారిని చూసి మాత్రమే వేయవలెనని మంత్రిగారిని కోరుచున్నాను. లేనిచో ఉద్యోగస్తులలో లంఘనం గండితనం వచ్చిపోయి ప్రజలు అనేకమైన వాడாய் కஷ்டాలని వస్తుంది.

"ఇదివరలో ఎ. சி. முத்துசுமிதுங்கம் (important) scheme-ను நாயுடு விசுவநாதன் என்பவர் அகமாலுடன் சேர்ந்து I.C.S. ఉద్యோగస్తుల చేతులలో పెట్టினారు. ఈ scheme-ను కూడా அநுபவము உடையவரே தாராளமே அமைக்க வேண்டும். I, scheme-ను தழுவிக்கொள்வது. தினசரி ప్రజలకు nationalization అంటే భయం కలుగుతుంది. కాబట్టి నాయుடு బుద్ధివంతుని, వార్షిక కట్టలను చేతికి సంబంధము లేనివారిని చూచి ఈ ఉద్యోగములకు appoint చేయవలెననిగా మంత్రిగారిని కోరుచున్నాను.

"ఇప్పుడున్న ఉద్యోగస్తులు చాలామందిలో లంఘనం గండితనం వచ్చுகా. ఉన్నది. వ్యక్తుల చేతుల నేను పెట్టవలదుకోలేదు. కాని మంత్రిగారు నన్ను అడిగితే వారికి అటువంటిவారి పేర్లు పట్టి ఇவ்வாறாக సిద్ధంగా ఉన్నాను.

"కొంతమంది సభ్యులు Road Traffic Board లకు non-officials ను నియమించడానికి వారి అంగీకారాన్ని తెలియజేసియున్నారు. అది చాలా అవసరం.

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యము. ఇదివరకు official member ల చేసినవిషయాలు ఏమి తెలియదు చేసి వారి ఇష్టము వచ్చినట్లు మార్పులు చేస్తున్నారని చెప్పడం నాకు అశ్చర్యంగా ఉన్నది. Officials సరిగా చేయటం లేదని non-officials ను వేస్తే, వారిని తొలగించమని అంటే ఈ scheme ఎలా నడుస్తుందో నాకు అర్థం కావడంలేదు.

"అందువలన ఈ విషయంలో ఉద్యోగస్తులను appoint చేసేటప్పుడు జాగ్రత్తగా చూడాలి. మంచివారిని చూచి వేయవలెననిగా మంత్రిగారిని కోరుచు నేను ఇంతటితో నిలిచుకున్నాను."

SRI T. K. T. N. R. TATACHARI:— "Mr. Speaker, Sir, I support this measure for nationalization. Several hon. Members have spoken about this nationalization both for and against and in some cases it was opposed tooth and nail. In the present circumstances this experiment is worth trying because of the difficulties of transport; but surely it would be wrong to think that it would be a panacea for our transport ills, if one should take it to extremes. Nationalization may be good provided the human, the mechanical and providential elements aid it to its success and we can only hope of that, with the enlightenment of this country, of the masses and of various Members of this House, it will be a great success. Some Members, particularly my hon. Friend, Mr. Raghavayya referred to the possible corruption in this matter. Of course corruption remained when Gods were born, because in the name of God there was corruption and several people lived by corruption. To speak of corruption being rooted out anywhere is more than what my hon. Friend, Mr. Raghavayya can hope either in this lifetime or in the next. We can only hope that it will be at its minimum. To say that corruption could be wiped out, if only an official or a non-official is there, is too much for anybody to swallow, because it is very difficult. Corruption is a matter of the higher self of the persons who are associated with the administration. We do hope that we can claim to be above corruption, though there may be lapses here and there.

"References were made to ministries collapsing on account of corruption. I hope he does not forget that living in a glass house, he should not throw stones at another glass house. Already one ministry has collapsed; we do not hope that another ministry will collapse.

"Mr. Speaker, Sir, I would make a special appeal in this regard that, when Members of this House speak on the floor of this House, a certain amount of reserve may be imposed on them in the matter of making utterances. There were certain very wild statements made about corruption of officials; it ill becomes Members of this House who are representatives of people to make such statements. If there were really any cases, there are departments and administrations to enquire into them. This is not the place where it should be held to the ridicule of the entire country. It has been said that a bus-body which could be built in Madras for Rs. 2,000 was asked to be built at Bombay at a cost of Rs. 8,000. There is a certain amount of knowledge about body-building, which I dare say, the hon. Member does not possess. There is much difference between a

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body which is built for Rs. 2,000 and another body which is built for Rs. 8,000, because there is difference in the fabrication of these bodies.

"The association of non-officials has been very much deprecated. It was in a very grave crisis of food the co-operation of non-officials was sought, and they were associated with the administration of such a vital matter as food. It is not right that aspersions should be cast on non-official Members, particularly, of this House who are associated with many of these Road Traffic Boards. But certainly I heartily support the suggestion that in these matters, the management of the transport services or their control should not be left to one single individual, as seems to be proposed by the Bill. That individual who may be an official or a business man, can at best be a manager only. But it would be best to associate with these bodies like the Transport authorities, some business men who have had previous experience of these transport concerns. With these words I support the Bill."

MR. SPEAKER:—"To-day being Friday, I adjourn the House to meet again at 3 p.m."

(After lunch—3 p.m.)

THE HON. MR. DANIEL THOMAS:—"Mr. Speaker, Sir, I am glad and thankful to the members of this House for participating in this debate. I think there has been a fairly full and detailed discussion on every possible aspect of the Bill now before the House. I am also thankful to all the members who supported the principle of the measure now under consideration. I am equally thankful to the other hon. Members who have levelled their criticisms and comments on this Bill; for after all, this is a free and democratic Assembly and for the purpose of shaping legislation in a free democracy it is necessary that all points of view, including the points of view of those who are opposed to the principle and provisions of the measure should also be heard and discussed in this House. But I would like to mention that with reference to one or two hon. Members of the House, the limit of fair and free comment was exceeded. After all, Sir, we are responsible representatives of the people, and before making allegations, before levelling criticisms, it is up to the members of this House to see that the facts, the data, the information on which such criticisms are levelled are properly authenticated. Later on I shall deal with the specific criticisms raised by those hon. Members whom I have included in the last category.

"Coming now to the general criticisms of the present measure, some Hon. Members including my Friend Mr. Anwar and Mr. P. Natesan suggested, 'why invite all this bother and trouble, why are you trying to get into a muddle, it is much better for you, much easier for you, it is much more pleasant for you, if you will only sit back, and keep quiet with folded arms, in ignoble ease against strenuous activity'. Sir, it would have been much easier to sit back with folded hands and allow people to get drunk and earn

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an income of 17 crores of revenue. It would have been very convenient to allow the zamindars to continue their age-old exploitation of the poor cultivators and avoid trouble. It would have been equally easy for us to keep back, to sit quiet with folded hands, to sit 'summa' and allow these private operators to carry on their activities at the expense of the poor masses of the Province. Sir, we are not prepared to take the path of ignoble ease and ignoble sloth. We have come to these benches to carry on the administration of this Province, and we have pledged ourselves to the policy of strenuous activity for the welfare of the masses of the people. I am sure in spite of the threats that we would get into a muddle, we shall see that these measures are not held up. We are not going to be threatened by your saying, 'keep back, sit quiet, sit summa.'

"Then, Sir, Mr. Batchelor, who led the attack—I am sorry he is not here—I hope he will be here to hear my reply. I am afraid, if one who levels criticism on a particular Bill is absent at the time of reply it means he has no faith in his criticism or he is closing his eyes and ears to hear other points of view. (Laughter.) I am glad I see him coming. (Laughter.) I am glad Mr. Batchelor is present at this stage in order to hear my reply to his criticism. I may at the outset refer to the plea he has put forward in the name of justice and freedom. In fact he has made his appeal to the hon. Members of this House on the ground that certain private interests and certain minority interests are being unjustly dealt with. He has pleaded for justice, and he has pleaded in the name of democracy and freedom. I have only to submit that all through history, whenever and wherever vested interests are touched, wherever any profits or financial advantages are touched there comes the cry in the name of freedom and justice. Sir, I will refer him to the history of his own country, to the time of the Industrial Revolution, in the middle of the 19th century, when the industrial magnates of Lancashire made huge profits out of the sweated labour of women and children of 8 to 12 years by working them for 12 hours in smoky and dark mills. When reform was sought to be made, when it was sought to limit the hours of work and the nature of work, there was a cry in the name of freedom and democracy. The cry was raised, 'is this free England, is there not freedom of contract, is there not freedom to act and so on.' That was the plea put forward then. And what is happening now in his own country? When he revisits England he will see vast changes there. He will find in England not only coal mining has been nationalized, he will find not only bus service has been nationalized, he will find lorry service also has been nationalized. In fact nationalization has been done on a huge and gigantic scale, the entire transport service, railways, canals, roadways, buses, lorries, the whole thing has been nationalized. I would inform Mr. Batchelor, that when next he goes to England he won't be able to secure a private lorry to carry his luggage or to own one for himself. Perhaps Mr. Batchelor is casting a wistful glance across the Atlantic to far off America, which is now the paradise of the capitalist. I would suggest to him, the programme the Congress Party in India

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is trying to carry out is something different from that prevalent in America, probably the richest country in the world. The position there is that nearly forty per cent of the entire wealth of the country is in the hands of one per cent of the population who are millionaires and multi-millionaires. On the other hand, the lower classes there are more prosperous than the miserable starving millions of India. But only one per cent of the wealth of the country is in the hands of nearly twenty to thirty per cent of the population. That is how the free America, the democratic America, the capitalist America is to-day, to which my hon. Friend is casting longing eyes. We are working here with a different ideology. We want a pattern of society in which there will not be multi-millionaires at the top and starving, ill-fed, ill-educated, ill-housed and scantily clad people at the bottom. We are trying to work out a pattern of society by which wealth will be more evenly distributed. We are working for a pattern of society in which every man and woman born in this country will have not only means adequate for economic subsistence but also adequate means for recreational pursuits and also for cultural advancement. It is that pattern of society without gross inequalities of wealth that we are envisaging. We are not abolishing ownership of private property. There will still remain in the India we are dreaming of scope for private enterprise, scope for difference and distinction of talent and position and enterprise. At the same time we will see there are amenities for decent human living and there is fair justice among all sections of society. Therefore there is no point in my hon. Friend following the way of capitalist traditions of the past, and probably echoing the feeling of other capitalists to come. Mr. Batchelor invokes the name of freedom and justice to protect the capitalist classes. He gave me an unenviable position. He said, Sir, the Minister for Transport in the best traditions of dictatorship is suppressing the squeals of anguish, of his victims under the chariot wheel. He calls this Government dictatorship. I would only ask him that if we are adopting Hitlerian methods, several people should now be in concentration camps, and probably my hon. Friend would not be here to talk of freedom and democracy and justice, and even making speeches quoting the phrases of the Chicago Underworld. Sir, he has been allowed to throw the slang of Chicago Underworld at the Minister. Is that Hitlerism; is that dictatorship? Did not Mr. Batchelor have his full opportunity to make his criticism, unbounded, unchecked, the limit to which decent criticism can go, and even further that? Is this not freedom and democracy. I therefore say his cries in the name of freedom and breach of faith are in true with that of capitalist interests all along. I am sure that will not carry weight with us, nor in any way deflect and distract us from the path we are pursuing for the benefit of the masses of the people of the Province."

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MUHAMMAD RAZA KHAN SAHIB:—"On a point of order. Is it in order for the Hon. Minister to read Mr. Batchelor's speech as it appeared in the press and criticize, as the press report may not be a full version but only a summary?"

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MR. SPEAKER:—"This is not a point of order. It is for convenience that the Hon. Minister is reading it."

THE HON. MR. DANIEL THOMAS:—"Mr. Raza Khan and myself have heard Mr. Batchelor in full. In fact 'The Mail' has misreported some of my statements. On the other hand I find Mr. Batchelor's speech has been fully and accurately reproduced, probably from a copy furnished by Mr. Batchelor himself. Any way Mr. Batchelor concurs and we may take the press reports as fairly correct."

"This is the portion of his speech I would refer to: 'the Motor Vehicles Act, 1939, was passed by the Government of India with a particular object and with a particular scope. The whole purpose of the Act is to provide for the control of buses run by private parties by State authorities. It was also stated that there was a breach of parliamentary procedure to bring in an amending Bill which completely changed the scope of that Act.'"

"My answer to that criticism is twofold. In the first place I do not agree with the contention that the Act of the Government of India does not provide for the nationalization of transport services. The High Court judgment was referred to a number of times by my hon. Friends on the opposite side. My Friend Mr. Salam also referred to it without, I believe, actually reading its contents. His legal statements in connexion with the present Bill are not going to enhance either his own reputation or the reputation of the Madras Law College. From the judgment it is clear that the present Bill is in no way repugnant to the provisions of the Central Act of 1939. I will only quote a particular portion of the judgment in the appeal case. This is what the learned Judge says:

'The terms of clause (a) of sub-section (3) are wide and the exception to the application of sub-section (1) of section 42 is with respect to any transport vehicle owned by a Provincial Government.'

I would invite Mr. Batchelor's pointed attention to the following sentences:—

'Transport vehicles can be owned by Provincial Government. In my view, therefore, there is nothing in the Act which forbids their use as buses and, when they are so used, no permits for any of them are required.'

I would therefore submit that the original Act itself clearly contemplates the possibility of the Government putting their own vehicles on the road and using them as buses."

MR. B. W. BATCHELOR:—"On a point of information. Will the Hon. Minister say whether government-owned buses are subject to the same rigid rules of inspection under the Act as private buses are?"

THE HON. MR. DANIEL THOMAS:—"I will come to that point later on. I am now replying to the criticism of the hon. Member that the provision for nationalization in the present Bill

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is inconsistent with, and repugnant to, the provisions of the original Act, and that such an amending Bill is against Parliamentary procedure. The very same judgment which has been quoted by members of the Opposition more than once on the floor of this Assembly affirms our right to run buses as commercial vehicles. Therefore that criticism does not hold water at all.

"My hon. Friend talked of expropriation. That again is a cry with which the hon. members of this House are very familiar. Whenever any vested interests or the interests of any particular concern are affected by any reform, there is this cry of expropriation. But I would say that this cry of expropriation has absolutely no bearing to the provisions of the present Bill. Expropriation means taking away property without paying compensation therefor. As I said, section 299 of the Government of India Act, 1935, provides that whenever any property is taken over for any public purpose, adequate and fair compensation should be given. I have already submitted to this House that the highest legal authority available in the country has held that these licences are not property. Therefore we can take shelter on the technical ground that section 299 provides for compensation only for the acquisition of property. Permits are not property and therefore it follows that the Government are not compulsorily obliged to give compensation. Government are not standing on any such technical ground. On the other hand, we are trying to give a fair deal and a square deal to the private operators in this province. (Mr. B. W. Batchelor expressed delight.) I am glad that at least at this stage the hon. Member is delighted over the matter. Only compensation will not be given for time-expired permits. In the Motor Vehicles Act itself, there are various grounds on which the route permit of a vehicle can be cancelled. The argument has been put forward that these private operators, on the strength of the permits given to them, have committed themselves to heavy liabilities and that the Government are doing an injustice, a bare-faced expropriation, when they are denying them the permits. I would submit that this is far from the realities of the situation. We are aware that during the war period, permits were given for so many purposes. For example, in South India permits were given to various merchants to export onions and chillies to Colombo. I understand that they made huge profits. I quite agree that on the strength of the permits, they might have appointed agents, built up godowns and done so many other things. When these permits are taken away, does it mean that they are entitled to compensation? Another point was referred to by Mr. V. M. Ramaswami Mudaliar. Coconut trees are tapped for toddy. It is a profitable business. A tree which can yield five to ten rupees worth of coconuts can easily fetch twenty to thirty rupees if given for toddy tapping. When we introduced prohibition and all the licences were cancelled, we are not bound to give compensation. These permits are only licences which are given under certain conditions to certain people for the time being. For example, one of the provisions says that a permit can be

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cancelled for overloading or overspeeding. Can any private operator be sure that his driver will not overload or overspeed his bus? The point that I am trying to urge is that a bus operator has no right to say that when once he has got a permit, he must continue to have it for the full period and for the future also. The other day in Adyar I found a S.I.B.T. bus with eight passengers more than the prescribed number. One of the over-loads was the Checking Inspector of the Company. Any day the permit can be cancelled for overloading. Therefore no route permit holder can lay unction to his soul and say: 'I have got a permit and in pursuance of it I have undertaken so much liability. Therefore the Government should give me so much: The argument put forward that these operators have a permanent right for the licence is absolutely not borne out by the real fact of the matter.

"So far as the cancellation of permits which were in force on the 2nd September 1946 is concerned, we have under taken to give compensation. This question of compensation has been engaging the attention of the Central and the various Provincial Governments. Bombay is a fairly advanced province with very leading businessmen both in the legislature and in the public life of the country. The Bombay Act has received the assent of the Governor-General and has become law. According to a section in that Act the rules to be framed under that Act will lay down the scale of compensation. My hon. Friend Mr. Batchelor said that the scale of compensation should be put down in the Act itself. Details about the scale of compensation have got to be worked out. If it is put down in the Act itself as a hard and fast rule, both you and I are bound by it. Instead of that, if it is left to be dealt with under the rules to be framed under the Act, it will be open to Mr. Batchelor to ask for compensation even for expired permits. Details can be worked out in consultation with the members of this House interested in the matter and also in consonance with public opinion. The rules will be placed before, and discussed by, the House. Far from being a disadvantage, it is a positive advantage to leave the provision for compensation to be dealt with under the rules.

"Then we come to the question of private operators. I am afraid, Sir, that neither Mr. Batchelor nor the Editor of the *Madras Mail* has had occasion to travel in any of the buses in any of the districts in the Province. I think various hon. Members have referred to their experiences of bus-travelling in the remote corners of the Province. I myself have had my own share of that experience and I have therefore no hesitation in saying that conditions of bus-travelling in the Province are far from satisfactory. I would even submit that not only are they far from satisfactory, but they are even a positive source of danger to the public. I have ordered that every case of serious motor accident should be reported to the Government along with a copy of the first information report in that particular case. I have been scrutinizing these motor accident reports that have been submitted to the Government from the various parts of the Province. I have found that most of these accidents are due to defective and improper brakes,

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and brakes in bad condition. The question is, why is it that these private operators are not anxious to repair their buses and keep them in tip-top condition? If my hon. Friend Mr. Batchelor and also the Editor of the *Madras Mail* who in his leading article has criticised these things, have only cared to examine these buses, they would have discovered where the defect lies. The position of the Government vehicles is also that they are subjected to these inspections. Therefore every transport vehicle that is put on the road in the City of Madras is first examined and scrutinized with utmost care. If my department is to be trusted, they sometimes overdo this scrutiny, and if there are any defects in these vehicles, they do not hesitate to repair and replace the defective parts immediately. There are practically no complaints so far as the condition of the Government buses in the City is concerned.

"Then, Sir, it is a well-known fact that several bus operators in the Province have amassed immense fortunes as a result of the bus service in the last few years. I have toured in the various parts of this Province and I have come across persons who have started their lives as mere bus conductors and ordinary drivers some four or five years back, but who have now become the richest men of their place and have amassed large fortunes. Some of them have been paying income-tax to the tune of Rs. 75,000 per annum. They have amassed these fortunes from the toiling and starving millions by collecting four annas, eight annas and one rupee. I may also take the House into confidence and say that some of these operators with their fortunes behind them are able to go about playing with 100-rupee notes and are able to keep the motor vehicle inspectors of the locality in their pockets. In fact, I am told that some of these motor vehicle inspectors are leading princely lives under the patronage of the operators. I am also told that in the recent municipal elections which were held in different parts of the Province, these private bus operators who have amassed large fortunes were able to play havoc in certain places. Now that we are going to have adult franchise and elections are hereafter going to be conducted in a free India on that basis, if these bus operators with their immense fortunes and man-power are going to play havoc by corrupt practices, then it will be a sad thing indeed for us. At least for this reason, I should say that these bus operators should not be allowed to carry on business in this fashion. Of course, they have invested a certain amount of capital and they should not be made to lose. That matter will be examined carefully. Sufficient provision has already been made in our nationalization scheme to compensate them. But now the time has come when these unsatisfactory conditions of bus transport and the unstable conditions of service prevailing among the service personnel in the various private companies should be put an end to and the Government should proceed with their own scheme of nationalization. Sir, this question of nationalization has been criticised by various hon. Members from various angles. Some hon. Members warmly approved our policy and welcomed our proposals, while certain others opposed it tooth and nail from their own point of view. It is interesting to note the conflicting views among themselves.

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Some friends like my hon. Friend Mr. Natesan and certain others did not want nationalization at all. They want the present state of things to be continued. There are certain others like my hon. Friend Mr. Alluri Satyanarayana Raju who want that the Government should take up nationalization throughout the Province immediately and at a single stroke. Likewise my friend Mr. P. Venkateswarlu also pleaded for immediate nationalization. Yet certain other hon. Members cautioned us to proceed slowly and carefully. Such were the conflicting views that were expressed and the conflicting advice that was given. But the policy we are pursuing is a safe and a sound policy. After all, as hon. Members have pointed out, this is a new enterprise. It has legitimately been pointed out that it is a commercial enterprise and that Government departments and commercial enterprises cannot go well together. I do admit the proposition. Therefore it is very necessary that every precaution should be exercised and every safeguard taken to ensure that the scheme is worked out properly and that it is made financially sound. Sir, even with reference to the limited personnel employed in the Madras Transport Service, complaints have been received that the conductors are not behaving properly towards the public, that the drivers are not driving properly and so on. Therefore to take over the transport service throughout the whole Province at the same time is a huge task. Where are we to get the number of buses that are required for the purpose? That is why Sir, we propose to proceed slowly and cautiously. We propose to proceed stage by stage and take over one transport service after another. That is why we have taken up Madras first which is the biggest City in the Province. From Madras we go on to other bigger cities and other bigger districts, such as Madura, Ootacamund, Kodaikanal and then to some of the bigger towns in the Province and thus we propose to proceed slowly and cautiously, seeing that every step that we take is reinforced and consolidated before we take the next step. Perhaps it will take some six or eight months for us to consolidate our position in the City of Madras counting from October 1947. Thereafter we go over to the ghat services and from there we propose to take bigger districts in the Province. We have drawn up a carefully planned programme of nationalization of the Provincial transport and we are working out that programme proceeding stage by stage and consolidating every step that we have taken. That is our policy and that is our programme. I submit, Sir, once again that it is a sound policy and no doubt a cautious policy, because caution is a valuable attribute in running commercial undertakings of this sort.

"Then again, Sir, it was pointed out by certain hon. Members that there are various workers employed in these private bus companies and if these people are not taken over by Government and given satisfactory conditions of service, difficulties will arise and that during the period of transition they will resort to strikes and put all sorts of obstacles in our way. They therefore advised us to desist from this policy and not to proceed with our scheme

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at all. On the other hand, Sir, Government have received innumerable representations not only from the travelling public in the various parts of the Province, but also from labour unions and from the service personnel themselves to take over the transport services in their places. Petitions after petitions have been received from various districts urging us to nationalize the transport service in their districts. Even in this Assembly, one hon. Member asked us why should we confine ourselves only to Coimbatore and Kodaikanal services. Certain other friends asked, what about Salem-Yercaud service, and other ghat services? Still various other members pleaded the case of their own districts and urged for immediate nationalization. Sir, these clearly show the widespread demand for nationalization all over the Province. (An hon. Member: 'Like Prohibition!') Yes; like Prohibition. I think it is a very apt simile. It is curious and interesting that this demand for nationalization has proceeded not only from the long-suffering travelling public but also from labour organizations.

"Sir, I have received a resolution passed by the Madras Labour Union in this respect. Similar resolutions from various other labour organizations asking us to take over the transport services in the various areas in the Province have also been received. It has been clearly recognised that the stability and security and other conditions of service of a man in Government service are much greater and much better than those under private employ. We are trying to give every possible facility and every possible concession to these bus workers to carry on their livelihood and ensure stable conditions of service. We are giving them provident fund facilities and other leave concessions. I am sure that if conditions improve, and if we are able to place our transport service in the Province on a firm and stable footing and make it financially sound and capable of further development, then we shall certainly be able to extend greater facilities and give greater prospects for these bus workers. At the same time, I may assure hon. Members of the House that the Government are not afraid of labour strikes, even by our transport workers. I may submit, Sir, that the Government have already a programme of their own to carry on the bus service, even if a strike occurs. Of course, hon. Members would not expect me to disclose the details of that plan on the floor of this House. We have got an emergency service scheme which could manage any situation successfully, if ever such an occasion arises. (An hon. Member: 'Nobody said that the Government are afraid of labour strikes; but it is only the public that will be inconvenienced.') Well, Sir, I have said that there will be no occasion when the public will be put to inconvenience. The Government, as I said, will take over the transport service and run it successfully in an emergency. People talk as though there will be no strike if the transport service is under private management. Not at all. On the other hand, the possibilities of strikes under private management are greater than under Government management. As I have explained above, if even after allowing fair conditions of service, and after providing all facilities and advantages, the bus workers resort to

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strikes, then Sir, the Government have got the means and the ability to run the service themselves and overcome the difficulties that may arise therefrom.

"Now, Sir, I should like to mention one thing in connection with the service personnel. An apprehension was expressed that the workers of these private bus companies are already being thrown out of employment and that difficulties might arise therefrom. Here again, Sir, in spite of certain difficulties and disadvantages, so far as the Madras City transport is concerned, we have offered to take over, as far as possible and to the largest extent possible, the existing personnel of the private bus companies. I say that we have agreed upon this arrangement merely out of fairness and out of sympathy for the existing workers of the private bus companies, as otherwise they will be thrown out of employment. Left to ourselves, we would have liked to employ personnel of a much higher qualification. As soon as the Travancore State transport service was nationalized, the Travancore State employed graduates to run their service. Probably graduates are cheap there! Now every one of the State bus service in Travancore is manned by graduates and men with high qualifications. Graduates are not so cheap in Madras as in Travancore. At any rate, we could get S.S.L.C. men to man our transport service. If we have a large and well-planned and well-organized system of Government transport throughout the Province, we shall be able to run separate schools for bus conductors and bus drivers. We shall then be able to enlist well-qualified young men and men of better type and character and educational attainments to take up these essential services. I should therefore like to emphasize that from all these points of view, the nationalization of transport service would be a distinct advantage, not only from the point of view of convenience and safety to the travelling public, but also for the purpose of augmenting the financial resources of the State.

"I am sorry that the object of my disinclination to reveal the financial position has been misunderstood. At the outset I may say that even financially speaking the various transport services that have been undertaken by public authorities have been found to be successful. I have on hand a work by a scholar of the Annamalai University which says that the transport services in Travancore are financially a success. So far back as the Kollam year 1114, that is 15 years ago it was a success. Do they mean to say that year after year the Travancore bus service is losing money and they are still continuing to run the system. Are the Hyderabad Government foolish enough to continue the bus transport system which they began in 1932, if it is a financial failure. If Travancore can run their bus transport services for 15 years profitably and if the Hyderabad Government can run the service both advantageously and profitably for 15 or 16 years, certainly the Madras Government will not be behind either Travancore or Hyderabad either in regard to the efficiency of the system or in running it at a profit. Therefore, I submit, Sir, that there are well-established precedents for us. When both the States of

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Travancore and Hyderabad are running their systems of bus transport financially satisfactorily there is absolutely no reason to fear that the Madras Government will be any whit behind them in running the transport services of this Province successfully, financially and otherwise.

"Sir, before I come to the question of finances I should like to mention one other matter. Sir, many inconveniences in the Madras Bus Services have been referred to by some hon. Members. I am sure that those who have travelled in the buses run by the Government will agree with me and Mr. Alluri Satyanarayana Raju also acknowledged that these buses are more convenient and comfortable than the old buses provided by private operators. But I am not surprised that there are still complaints, grumblings and discontent. After all man has an eternal right to grumble. Even under the most ideal conditions, even if you place him in Utopia he will certainly long for certain other things. No society can be absolutely free from discontent or grumbling men. Man gets a peculiar satisfaction by grumbling and showing discontent. Grumbling is the right of every free citizen of a free democracy. Taking realistic conditions, I must say, that there is no question about the fact that the buses that we have introduced in the Madras City are more comfortable and convenient and are more satisfactory than the old buses put on the road by the private operators. Moreover the Madras scheme is in the course of being worked out. We have not yet put enough buses on the road. Even this morning when I was coming along I saw passengers standing on the road side; they said: 'We have to wait for hours and hours before we could get a bus.' Therefore let me assure you that the difficulty is not that the buses are not convenient but only the inadequacy of the number of buses. We have put 180 buses on the road. We have opened fresh routes and we are trying to relieve congestion at certain hours by means of short services. From Mount Road we are introducing short range services towards Mylapore, towards Parry's Corner, etc. We are trying to give service to the various extension areas. Aminjikarai where there is a new colony we are trying to connect with the City services. Of course there are a number of things which still remain to be done and which will continue to remain to be done. We have not said that we have attained paradise. In fact we are tackling a number of things that remain to be done and that will continue to remain to be done.

"Mr. Kameswara Rao mentioned various difficulties, and particularly the non-provision of waiting sheds. That is a matter on which I have been corresponding for a long time. There is a tie between the Corporation and the Government of Madras as to who is to do the work. The matter is still under correspondence. I have been trying to persuade them to put up some sheds but I have not been able to succeed. I do not deny that there are official delays and in order to tackle with these delays we have another scheme in view."

SRI A. KAMESWARA RAO:—"Why not at least provide some sun-shades immediately, Sir?"

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THE HON. MR. DANIEL THOMAS:—"I hope, Sir, in a fortnight or so, sun-shades will be put up. We have been trying to do things under the greatest pressure and limitations. In fact I have been very sorry to see young men and women standing in the hot sun. (An hon. Member: 'What about old men?') (Laughter.)

"Anyway there it stands. I agree that a commercial department like the Motor Transport department cannot be carried on by red tapism with all the complicated procedure adopted in the Departments of the Secretariat. The Provincial Transport authority has been complaining about delays. One of the things which we have under contemplation is the creation of a statutory board for the purpose.

"Another question which I would like to mention is about the uncharitable criticism that has been levelled against me by the hon. Member, Mr. Batchelor. He says—

'Perhaps it is easier to suggest an answer from this side of the House than for the Minister in charge of the Bill. I would not like to add to his embarrassment. The thought must at some time have occurred to the Minister, who is losing so much revenue from excise and to his colleagues. "How much can we get out of the prosperous motor transport industry?" If a private company consisting of the railways, the Provincial Government and perhaps even a few existing operators were to take over the industry the Central Government would still expect income-tax on any profits earned. Then probably the thought followed "why not use our authority as a Provincial Government to take it over without cost, by refusing to renew licences?" So follows the notification to nationalize the industry and the budgetary provision to take over all the city routes.'

In fact, Sir, he charges us in technical legal phrase of 'malice aforethought'. He means that there is a deliberate, planned scheme to upset the rightness of things. I am only sorry that hon. the Leader of the European Group has not verified his facts. He means that we want to avoid deliberately and maliciously the scheme suggested by him and that we want deliberately to substitute another scheme now for our own advantage. Sir, this is absolutely unwarranted on facts. I would submit to you, Sir, that very scheme was put forward in our Press Communiqué, dated the 10th July 1947. I would refer him to paragraph 2 of the Government Communiqué issued on the 10th July 1947. Paragraph 2 says—

'2. In the first place it is necessary to emphasize that the primary object of nationalization is to provide an efficient and cheap transport service for the travelling public and to utilize the profits for the benefit of the community as a whole. It has therefore been decided that the Provincial Government should be the dominant partner in any scheme of nationalization. The railways will necessarily continue to be the backbone of the land transport system and for a healthy development of motor transport service, co-ordination between it and the railways should be established and wasteful competition avoided. To secure such co-ordination

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Government desire that the railways should be invited to participate in the scheme. As local bodies are interested in the welfare of the people, it has been decided that they should also be associated with the Government and the railways in the scheme. As regards private operators, although it has been suggested that existing operators will not participate unless they are given a major share, the Government, while not conceding this claim, wish to give some voice to them, in the running of the new transport system. After considering the matter carefully the Government have decided on the following shares: Provincial Government 51 per cent; local bodies 20 per cent; railways 15 per cent and private operators 14 per cent.

This has been evolved and decided upon by the Government that they are going to start such a body. The hon. Member suggests that Government have acted fraudulently in order that we might get some undue advantage to ourselves. I hope, Sir, that the hon. Member realizes how unwarranted and unfounded his criticism is and how uncharitable for him it is to suggest that we have the malicious thought of avoiding the scheme.

"I would also say, Sir, that we are paying all the taxes, the petrol tax, the sales tax and the other taxes to the Transport department, every pie of the tax that is payable to the Government and we observe every one of the rules and regulations in regard to the building up of the bodies of the buses, etc. We are following every rule and regulation formulated for the efficient running of the transport services in our Province.

"So far as the financial obligations are concerned, Sir, my object in stating at the outset, that though I had the figures I did not like to place the figures before the Assembly, was this. These figures are only tentative. After all the scheme for nationalization has not been completed. The scheme for Madras will be completed only about the 31st of March. Therefore any figures which I may now mention should not create any misunderstanding on the part of certain sections of the public. I remember that sometime back when I answered a question in the Legislative Council giving the actual figures for March and April 1947 and as the proceedings were reported, the very next day there was a resolution passed by the workers asking for increments.

"I have again to draw the attention of the hon. Members through you, Sir, to the procedure that is adopted in the House of Commons. As I said some time back the British Parliament has adopted the most gigantic scheme of nationalization. It has been agreed there that no interpellation relating to the financial aspect of the British Transport System should be put in the Houses of Parliament. My hon. Friend, as a businessman, should certainly understand the implications of the position. Therefore if I said that I could not lay the figures on the table it was not with a view to mislead the members of the House. To any Member who is prepared to come and see I will show the actual figures. I am prepared to place the figures before the Select Committee. But as I said at first I am not willing to publish it because it will give rise to complications. I have got the figures prepared here. We

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have made allowance for all sorts of things. We have provided for pay of officers, pay of establishment, petrol, stores, servicing, contingencies, taxes, depreciation of 25 per cent per annum, expenses to cover accidents, etc., etc. So every possible item has been provided for in preparing the statement. My hon. Friend, Mr. Batchelor, showed so much solicitude for income-tax. What a disinterested solicitude on behalf of the Government of India in the matter of the collection of income-tax from the Government Transport Service! Sir, I shall come to it. I shall submit the final figures down to the 31st January. They are as follows:—

	RS.
The total capital investment is	23,70,000
The total revenue up to 31st January is	14,02,772 4 p.m.
The total expenditure up to 31st January	8,94,678
Net profit	5,08,094

That is the position, Sir. That is much more than the 12½ per cent net profit that I suggested as a reasonably fair and sound expectation on this scheme.

"My hon. Friend has been time and again asking me about income-tax. I ask how do your private bus operators amass fortunes after paying income-tax? The immense sums of money they have amassed as a result of bus transport service in the Province is after payment of income-tax! If private people are in a position to amass fortunes after paying income-tax, Government also will pay income-tax if necessary. That is only a matter of domestic arrangement between the Government of India and the Government of Madras. (Interruption by Mr. Batchelor). There is absolutely no question of our burking payment of income-tax. The payment of any taxes will not make an inroad into our revenues to such an extent as to unstabilize our earning capacity through these bus services. I submit, Sir, that in the light of the facts and figures I have given, I am sure it will reasonably be taken to be certain that it is a fairly satisfactory and sound financial investment.

"One hon. Member asked what is the object of this policy of nationalization—is it public convenience or is it to be a source of revenue? He contended that the two things were contradictory. I say there is absolutely no contradiction. They can serve both the purposes of public convenience and providing a source of income to the Government of Madras. In this matter of the financial soundness of the Nationalization scheme, I submit, Sir, that I am a 'Believing Thomas.' There are a number of doubting Thomases in this House. (Laughter.) I want those doubting Thomases to set their doubts at rest, and join with me in believing in the financial soundness of our transport scheme.

"So far, I have dealt with the main criticisms of the Bill. I have one other unpleasant task to perform, and that is with regard to the criticisms made by my hon. Friends, Mr. Salam and Mr. Raghavaya. We know the kind of remarks that Mr. Salam makes. I am only sorry that some of his criticisms are entirely based upon a misunderstanding of the actual facts. He says why do you bring in an amending Bill; you have been

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carrying on your nationalization activities for the last so many months; you never cared to bring in a Bill all these days; now, you bring in an amending Bill, retaining at the same time the old Act; the old Act is not repealed.' Mr. Venkateswarlu also put forward the same plea. I can understand a lay man like Mr. Venkateswarlu putting forward such a plea. But I cannot understand how Mr. Salam, a Law Graduate of the Madras University, puts forward that plea. As I said, the scope of the Act provides, and the judgment referred to also definitely confirms that the Madras Government can nationalize and own motor transport services under the Act. He has not understood the realities of the position. The bus operators will be in the field for another five years to come. After all, we are not taking away the whole service. Taxis will continue and lorries will continue. All those 130 sections of the Act will continue. We are only supplementing that Act for the purpose of enforcing and implementing our scheme of nationalization. The main Act of the Central Legislature will stand despite anything that is done by this Legislature. Therefore, there is no question of abolishing or repealing the Central Act. There is no question of getting rid of the provisions of that Act, because the taxis, lorries and buses will continue for another five years. It is necessary to administer that Act for the years that are in front of us. Therefore, it is perfectly in consonance with the Act of the Bombay Legislature that this Bill has been brought forward to amend the Central Act with reference to the Province of Madras.

"One other small thing that seems to have created some trouble in the minds of hon. Members is the proviso to clause 4, viz., 'Provided that if the Provincial Government thinks fit, the Provincial Transport Authority or a Regional Transport Authority may consist of a single official'. This proviso is on the analogy of the Bombay Act. It has been asked why should the Transport Authority consist of a single official instead of a number of officials and non-officials. Sir, this proviso is intended only as a sort of emergency clause. For example, in the next five years supposing all the bus operators go out of the field, and there is no further necessity for any of these transport authorities to discharge some of the functions which are at present discharged by them, and supposing they take sometime to put up some Provincial Boards representing all interests—railways, local bodies, etc.—it will be necessary for that single authority to carry out the required arrangements and bring these bodies into being. As I said before, this is intended only as an emergency clause. Therefore, there need not be any apprehension in the minds of hon. Members.

"I am now coming to my friend, Mr. Ragavayya. I am afraid, Sir, that his criticisms are absolutely unwarranted and unfounded. I say this deliberately. Some of his statements are at variance with real facts. I am also sorry to say that far from making any constructive suggestions for the benefit of the Members of the House, he has been taking his own devious course in an irresponsible fashion. He suggested that private operators were absolutely rotten, and therefore they should go. At the same time

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he says Government officials also are rotten, and therefore Government also should not take charge of the bus services. There is a proverb in Tamil that for sophisticated persons வெய்யிலும் சூகாது, நீழலும் சூகாது they would have neither sunshine nor shade. That is you will not have the private bus operators and you will also not have Government taking over the buses. Is it any useful suggestion for the travelling public of the Province? I say such sort of criticism is absolutely unhelpful and irresponsible. Then, Sir, he went on to make criticisms regarding certain contracts entered into by the Transport Authority. Here also, he is absolutely wrong. He presumes to know what is the difference between a diesel engine bus and petrol engine bus! The difference between a diesel engine bus and petrol bus is capable of verification. I see Mr. Batchelor laughing. Without knowing the difference between diesel engine bus and petrol bus, he makes statements in the Assembly criticising the conduct of the Government in a most unwarranted and irresponsible fashion. He asks why should the Government buy diesel engine buses at a cost of Rs. 34,000 each from an Italian company whereas petrol buses are available at the rate of Rs. 15,000 each. He makes this most fantastic statement that the petrol bus is more economical than diesel engine bus. I have facts and figures in my possession. The petrol engine bus has to be repaired within three or four year. Wear and tear are also more. A diesel engine bus does not require any repairs for a period of ten years. The body also will last much longer than the petrol bus. Moreover, I am told that diesel engine oil costs 14 annas a gallon, whereas petrol costs Rs. 2 per gallon. (Interruption.) One gallon of oil in the diesel bus enables it to run 15 miles and one gallon of petrol in a petrol bus will cover only nine or ten miles. The life of diesel engine bus is more than double the life of the petrol bus, and the running costs also are much cheaper. All the buses of the London Passenger Transport Company and the public utility buses in the continent, in Travancore and in Hyderabad State, are all diesel engine buses. Do you mean to think that all these people are foolish to go in for diesel engine buses if petrol buses should be more economical? Petrol bus is a back number in Europe and England. Sir, we in Madras are just trying to get out of this rut of petrol bus, and we want to experiment on a small scale whether this diesel engine bus will work more economically and more profitably than the petrol engine bus. Mr. Ragavayya asked why Rs. 34,000 is given for diesel engine buses. I understand that the buses of that particular firm today cost Rs. 45,000 each. To-day that company is trying to back out of the contract by saying that it can supply only 25 buses to us. They would be only too willing to cancel that part of the contract also. So, it is to our advantage that we should insist upon the Italian company to supply us all the 50 buses at the original contract rate of Rs. 34,000 each. Apparently Mr. Ragavayya has never seen the diesel engine bus, when it was running in Madras. At the same time, he makes serious charges against Government. I had an urgent telephone call from the Provincial Motor Transport Controller, when some passengers after having travelled in that bus from one terminus to the other terminus, refused to get

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out of the bus saying that they would like to have another ride. The Provincial Motor Transport Controller wished to know whether those people should be removed by physical force. I told him 'let them have another ride'. That shows, Sir, the comforts provided in that bus. (Interruption.) I may mention that out of a total number of 300 buses, we have placed an order for only 50 diesel engine buses to work them as an experiment in Madras. By actual demonstration it is found that diesel engine bus works at a cheaper cost than petrol bus.

"Then, Sir, about building bus bodies some irresponsible statement has been made. Mr. Raghavayya said why these bus bodies are built at a heavy cost in Bombay, while the same can be done in Madras at a much cheaper cost. But facts are otherwise. We placed orders with the General Motors, Bombay, for the building of bus bodies, and the total cost of building bodies comes to Rs. 58,000 each including transport charges to Madras. Tenders for building bodies have been received from Delhi, Bombay, Calcutta and Madras. The tender from Bombay was about Rs. 6,000 and the tender from Madras was Rs. 7,000 and odd. Looking at these two buses (Bombay build and Madras build) one can see that Bombay body-building is manufactured more quickly than in Madras.

4-15 p.m. "Some of the bodies that are built in Madras have begun to rattle. Therefore, we have got some of the bodies from Bombay. Moreover, the Bombay firm are turning out those bodies in a very quick manner and at the same time, in an efficient manner. Therefore, Sir, it cannot be said that we are giving Bombay a higher rate. Far from it. In fact the Bombay rate works out to be a cheaper rate. Again, Sir, when for the second time we have invited tenders for the manufacture of these bodies from all over India, we have received the cheapest tender from a firm in Delhi. We adopted the cheapest tender on all possible occasions. The Delhi firm is opening a branch in Madras for building those bodies. We have even gone further and we are now experimenting whether we can build the bodies ourselves. Even yesterday, a lorry was brought for inspection from the workshop, and we are examining whether our workshop will be able to build such bodies which will be economical and will also be in a sound and stable condition.

"Sir, I am glad to say that the Provincial Transport Commissioner and the Deputy Transport Commissioner who are the heads of the transport departments are persons of the highest character and integrity. I am sorry, Sir, that an hon. Member of this House should have made an erroneous statement reflecting discredit on these officials. I may also submit, Sir, that with regard to corruption and malpractice which he referred to, even when we receive an anonymous petition, we strictly enquire into it. Therefore, I would submit that the allegations of Mr. Raghavayya are not only unsupported by facts but they are quite the reverse of real facts. I am sorry that he should have made statements without caring to verify whether they are really facts. A little knowledge is not only dangerous but also leads to presumptions which are absolutely unwarranted. I am sorry I have to indulge in this digression

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because the reputation and character of officers are things with which the administration is bound up. Hon. Members will, of course, realize that criticism of officers in charge of departments should be properly based on facts and allegations should not be freely made on the floor of the House. I have nothing more to add. I have already stated how the provisions of this Bill are such as are necessary for implementing the scheme of nationalization. I have also stated that the private operators will not be put out of the field altogether and they will be given a fair chance of joining and running our transport. By this, they will be not only benefiting themselves but also benefiting the people of the Province. I, therefore, request that my original motion for referring the Bill to a Joint Select Committee may be accepted."

BEGUM SULTAN MIR AMIRUDDIN:—"On a point of information, Mr. Speaker, I have risen. As I did not get an opportunity to speak on this Bill, I wish to ask one question. As a member of the Sailors', Soldiers' and Airmen's Board, I should like to enquire from the Hon. Minister as to how this Bill will affect the ex-service men who have invested large sums of money on the lorry transport services. As a matter of fact, the Committee responsible for administering ex-servicemen's funds has given a loan of rupees twenty lakhs for this purpose. In fact, the scheme was drawn up by the Resettlement Officer of the Government and it is the Government who encouraged ex-servicemen to invest their gratuities and savings on this scheme. I want to know from the Hon. Minister how these men are going to be affected by the present Bill and whether their interests will be safeguarded."

THE HON. MR. DANIEL THOMAS:—"I forgot to deal with that point. In fact, Mr. Batchelor raised that point. So far as our present scheme of nationalization is concerned, it does not affect them. These ex-servicemen's operations are confined to lorries. They have formed themselves into co-operative societies and they will continue to ply their trade as heretofore and this scheme will not affect them."

SRI ALLURI SATYANARAYANA RAJU:—"May I know whether this Government are bound by the assurances given by the Imperialist Government to those who were under their services?"

MR. SPEAKER:—"No answer."

The motion that the Motor Vehicles (Madras Amendment) Bill be referred to a Joint Select Committee was put and carried.

(2) THE MADRAS PUBLIC LIBRARIES BILL, 1947.

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—"Sir, I beg to introduce the Madras Public Libraries Bill, 1947 and move that the Bill be referred to a Select Committee consisting of—

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- (6) Sri P. L. N. Raju.
- (7) Sri K. Shanmugham.
- (8) Sri N. M. R. Subbaraman.
- (9) Sri C. K. Govindan Nair.
- (10) Kumararaja Sir Muthiah Chettiar.
- (11) Mr. Abdul Hameed Khan Sahib.
- (12) Begum Sultan Mir Amiruddin.
- (13) Mrs. Kuttimalu Ammal.
- (14) The Hon. Sri M. Bhaktavatsalam.
- (15) The Hon. Sri T. S. Avinashilingam Chettiyar (*mover*).

"Sir, it is not necessary for me to deliver a long speech over this matter. There has been a good deal of agitation in this Province for the enactment of a library legislation. To-day there are numerous libraries throughout the Province but they have no plan. They have not been developed on well-defined and proper lines. There are no rules to-day regulating the library movement in this Province, as to how they should be maintained and what system they have to follow. Moreover, the library is an important aspect in adult education and it is necessary that we should have a well-organized library system for the growth of libraries throughout the Province.

"Sir, the House will no doubt, like to hear something about the present working of the libraries in the Province. The total number of public libraries under various kinds of managements was 1,563 in 1945-46 and 1,544 in 1946-47. The number of libraries specially intended for women was 8. There were 201 registered libraries in the year 1946-47 as compared with 180 in the previous year. The number of libraries under various managements in the years 1945-46 and 1946-47 were as follows:—

	1945-46.	1946-47.
I. (1) Government	1	1
(2) District Boards and Panchayats	1,122	1,159
(3) Municipalities	63	102
(4) Co-operative Societies ..	46	47
(5) Private managements ..	331	235
	1,563	1,544
II. Number of books and journals available in these libraries..	1,050,296	1,135,223
III. Number of persons who made use of these libraries ..	3,446,331	3,766,202
IV. Total expenditure—		
	RS.	RS.
(1) From Provincial Funds ..	65,186	76,098
(2) From Local Funds ..	91,701	1,22,131
(3) From private funds ..	1,45,345	6,26,188
	3,02,232	8,24,417

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"It will be seen from the figures that the expenditure for 1946-47 is nearly three times what it was in 1945-46. This is mainly due to the increased interest that private agencies took in the development of the libraries. While the increase in provincial funds has been from Rs. 65,186 to Rs. 76,098 and from Local Funds from Rs. 91,701 to Rs. 1,22,131, the increased contribution from private funds has been from Rs. 1,45,345 to Rs. 6,26,188. This shows the increased interest which the people of the country in general are taking in the Library Movement. Coming to the amount spent by the Government themselves in the last five years, it is Rs. 54,422 in 1943-44, Rs. 54,765 in 1944-45, Rs. 74,100 in 1945-46, Rs. 87,945 in 1946-47 and Rs. 74,525 in 1947-48. The House will be glad to know that a provision of Rs. 2 lakhs has been made in the budget for libraries in the coming year. Besides this amount, in the current year, an amount of nearly a lakh of rupees was set apart for the development of libraries in the firkas selected for rural development.

"Sir, it is unfortunate that till now, no steps have been taken to organize the growth of these libraries. We, in this Province, are spending nearly 8½ crores on elementary, secondary and collegiate education but in the matter of adult education, no amount has been till now spent especially in providing libraries which are necessary if we are to increase the efficiency and the knowledge of the people of this country in the various spheres of life. In every sphere of life, it is necessary that knowledge must be spread far and wide and if we are to increase our efficiency, a properly drawn-up system of adult education is absolutely necessary. The House knows that there has been a great wastage in elementary education. Many boys and girls who have been educated up to the third, fourth or fifth standards, after some years, relapse into illiteracy, the reason being that they have no continuous reading opportunities through libraries after they leave the schools. It has been found that many Christian children who study in schools, even after they leave the schools, become literate to a much greater degree than children of other communities. It is because they are given instruction in their own homes through the Bible and other literature, through small pieces of pamphlets and other means. Thus they are having opportunities of reading and writing even after they leave the schools whereas there is a greater amount of illiteracy among boys of other communities on account of want of teaching and want of scope to keep in touch with reading and writing. That is why, they relapse into illiteracy. Sir, we want to put the five crores of rupees that is spent on elementary education to-day to efficient use. For that, it is necessary that we should start some follow-up work by way of adult education. One of the best methods by which we can do this follow-up work is by encouraging and organizing a proper system of libraries throughout the Province in the future. Adult education to-day has greater importance than it ever had before because adult suffrage is going to be the basis of our political institutions in the future. The

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ordinary man or woman in the villages will be the master of our destiny and it is time, we take up this problem of educating our masters.

"Sir, apart from the basic scheme of adult education which the Government are contemplating, the library movement is by far the most effective method for adult education and so, this Library Bill has come in not one day too early. In fact, it is already overlate. If we observe where these libraries are situated, it will be seen that most of them are situated in towns and there are few villages which have libraries. Therefore, it is absolutely essential under the new library system that we must aim at distributing these libraries properly even as institutions of education must be distributed properly throughout the Province; they should be divided equally between cities and villages. A healthy library system will mean not only the provision of books but it also means the provision of proper personnel. It will not serve the purpose if mere books are provided. Proper personnel who must be trained are necessary so that they will not only use the libraries properly but advise people who are going to those libraries as to what books they should read and what books will be useful to them.

4.30 p.m. "Sir, the problem of organization of libraries is two-fold. One is the provision of money for books and buildings and the second is the provision of trained personnel who will man the libraries for the benefit of the people. It is intended to cut down the cost of capital equipment necessary for housing these libraries by running them in co-ordination with the existing schools and colleges. The schools work normally between 10 a.m. and 5 p.m. and it is intended that the school and college buildings may be utilized for the libraries in the morning and evening hours so that money may be saved.

"Sir, I would like broadly to review the provisions of the Bill. The Bill is a short one. Most of the hon. Members would have gone through it. It provides for the building up of a proper library system. It provides for the constitution of a Provincial Library Committee to help the Government in formulating the rules necessary and giving advice to the Government in building up a proper library movement. It provides for the establishment of a central library at Madras and in various other places in the mufassal. The Corporation of Madras, will be the library authority for Madras and the district boards, municipalities and panchayats will be the library authorities for the respective mufassal places. Except in the case of panchayat boards, provision has been made for the establishment of library committees. Considering the smallness of panchayat boards, we have thought it fit not to make any provision for library committees.

"Sir, we must find the wherewithal to run these libraries. The local bodies may be asked to do many things, but unless they are supplied with the wherewithal to provide these things, our Bills will be mere dead-letters. Therefore a provision has been introduced for the levy of a cess in the form of a surcharge on property-tax and house-tax at the rate of three pies in the rupee.

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It is for the Select Committee to consider this provision and see whether the revenue expected from this source will be sufficient to meet the cost of establishing libraries throughout the Province. I hope the Select Committee will go into this problem and find ways and means for the establishment of libraries. Power has also been given to the library authorities including the district boards to levy a library cess with the previous sanction of the Government. The Government also will have power to compel such an authority to levy such cesses where necessary. The provisions generally follow the provisions in the Elementary Education Act.

"Then there is one other matter and that is the amendment of the Registration of Books Act. This amendment provides that four copies of every publication in the Province shall be sent to the Central Library. The copies now received are not sufficient, so the number has been increased. This provision has been included in the Bill.

"Sir, this Bill has been welcomed in the press and most of the newspapers have written editorials on it. I hope this House also will welcome this measure. Sir, I move that the Bill be referred to a Select Committee."

BEGUM SULTAN MIR AMIRUDDIN:—"Mr. Speaker, Sir, I have great pleasure in supporting the motion that has just now been moved by the Hon. Minister for Education, for the measure before this House has been long overdue. As a matter of fact the Madras Library Association has been clamouring for a Bill of this nature for the past twenty years. Hence it is gratifying that the Government have incorporated into this Bill many of the points emphasized by the Madras Library Association and this Bill is more or less a copy of the draft of a Model Library Act proposed by the above Association in 1942.

"Sir, libraries constitute the intellectual reservoir of a nation and are as essential for feeding its mind and soul as water is necessary for its physical existence. Hence it is that we learn in history that whenever an enemy attacked a nation, it concentrated its attention on two points, firstly on cutting off its water-supply and secondly towards the destruction of its library. When Alexander the Great invaded Persia, one of his first acts was to destroy the famous library at Persepolis, which contained innumerable treasures. But, Sir, though libraries are such vital instruments for a nation's wellbeing, it is indeed a matter of regret to find that successive Governments in this Province including the Advisers' Government, the last Congress Ministry, and the present Government have been apathetic towards their development. In contradistinction to the liberal grants made towards libraries in the State of Baroda, Government help to libraries in this Province has been limited to petty grants. In Baroda where there is a beautiful model library, the State has been spending vast amounts on the development of the library system, but in our Province there has been persistent apathy towards this question, despite the fact that the Madras Library Association has been clamouring for a Bill of this nature for the past two decades.

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"But, Sir, let us not speak of the past now but look forward to the future. The future is full of promise, for the Hon. Minister, Sri Avinashilingam Chettiar, has come forward with the useful Bill before us. I wish him every success and I am glad to find that the measure aims to develop libraries on well-defined and proper lines. Libraries have hitherto developed in a haphazard fashion and there has been lack of co-ordination among them. The idea now is to co-ordinate the development of libraries and to see that not merely cities but rural areas also are provided with a suitable library system. So far as library buildings are concerned, the Hon. Minister stated that the Government would not like much money to be spent on them and that schools and colleges should be utilized as library centres. I realize that this is not the time for embarking on large building schemes for all purposes and hence for the present it would be sufficient if the libraries were housed in school and college buildings.

"In pursuance of the Bill, the Government intend to constitute a provincial advisory committee to advise them on all matters relating to libraries and also to constitute local library authorities throughout the Province for the same purpose. In this connexion I should like to state that the Government should exercise due care and caution in selecting suitable personnel for these committees, so that only those are nominated thereto who have adequate knowledge of the subject and can draw upon their past experience to make concrete suggestions for the development of libraries. Let no other considerations prevail with the Government in the matter of selecting the personnel of the advisory committees.

"Sir, the apathy of the Government towards the library movement in the past has resulted in relapses into illiteracy of a large number of boys and girls who have passed through the elementary stage of education. It has also hampered the progress of adult education; for it is evident that the mere imparting of literacy to the adults without affording them facilities for keeping up their literacy is of no avail. The establishment of a network of libraries will be an important step towards the promotion of adult education. But, on the other side, it must not be forgotten that the mere establishment of libraries will be futile without taking steps to make the adults literate and educated in the true sense of the word. I therefore hope that the Hon. Minister will give due attention to this matter. Sir, when a country like Russia, which was more or less in the same position as India after the last Revolution, has almost liquidated illiteracy, within the course of a few years, there is no reason whatsoever why India should not be able to achieve similar results. If the past Government of this country had taken an interest in the matter and provided finances for the purpose, there is no doubt about it that this problem would have been solved to a considerable extent by now. I hope the Hon. Minister realizes the vital necessity and the urgency of making the adults literate in view of the impending adult suffrage for without the requisite education and knowledge

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they will not be able to cast their votes in a manner that will contribute to the wellbeing of the nation but will be carried away by shibboleths and current slogans. I therefore appeal to the Hon. Minister not to neglect the cause of adult education any longer.

"Sir, I find that the main provisions of this Bill correspond more or less to those of the Library Acts in the United Kingdom and the United States of America, where the local bodies have, for a number of years past, been providing suitable reading facilities for their rate-payers by the establishment of civic libraries. The Hon. Minister informed us that in this Province there are only eight libraries for women. Thus women who constitute half the nation and whose education is the fundamental basis of any real and permanent regeneration of national life suffer from appalling neglect in regard to the provision of suitable reading matter. I may inform the Hon. Minister that in America there are numerous libraries especially intended for women, and that certain libraries are doing useful work there by distributing to mothers books on how to bring up children and on topics relating to the care and prevention of common diseases. I should like something to be done in this country on those lines and I should like the Hon. Minister to give his unstinted support to the development of women's libraries. Children's interests should also be catered for and special attention should be paid to the needs of children for whom separate libraries should be provided. Sir, I mentioned that the provisions of this Bill correspond to those of the Library Acts in the United Kingdom and the United States of America. But it must not be imagined that, by having a library movement in this Province, we are importing an exotic plant from the West, for the existence of libraries in this country can be traced to the time of Harsha. It was the age-long conviction of India; it was the age-long testimony of the mind of India at its best, that the way of salvation was to be found in knowledge. Hence, in the days of yore, great libraries flourished at Taxila, Nalanda, Ujjain, Benares, Pataliputra and other places where scholars from ancient China and Japan thronged to quench their intellectual thirst. Therefore, let us not imagine that we are importing any exotic plant into this country by having a library movement. We are but harking back to the past.

"Sir, I am glad to find that the Government are not merely abandoning their erstwhile 'laissez faire' policy and are placing an Act on the Statute Book but propose to take powers thereunder not only to enable the local bodies to augment their revenues for this purpose but actually compel them to do so and see that libraries do not languish for want of funds. I am sure no one in this Province will grudge the cess of three pies in the rupee which is proposed. The Hon. Minister has already informed us that the public have been rather liberal in the matter of contributing funds for the development of libraries. Such being the case, I feel sure that the public will not raise any objection towards the levy of the small cess proposed in the Bill. Sir, the key to India's progress lies in the advancement of education and the library movement is a potential factor in fostering and

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furthering that end. It is the duty of all of us to strengthen the power-houses from where emanates light for the land. I hope the Government will not rest satisfied with the levy of cess by the local bodies but will make adequate contribution themselves towards the development of libraries. I congratulate the Hon. Minister on his having brought forward this measure and I hope that it is a stepping-stone to further measures for the progress of the people of this Province."

* SRI A. KAMESWARA RAO:—"Mr. Speaker, Sir, I am very glad that such a Bill is being moved at least by the Hon. Minister now. But, Sir, as I said, for everything whatever progressive step we may take, we must prepare the ground for it beforehand. We may have libraries. What is the percentage of literacy in the country to-day? It is very low when compared to other countries and if these libraries are started, what is the percentage of people that will be able to use them? Very few. I should like to request the Ministry to see that first of all they organize a drive against illiteracy by having a five-year plan. Start adult educational institutions wherever possible and see that illiteracy is first removed. Of course, side by side with this Bill, this campaign must be taken up, and I hope, will be taken. Otherwise, mere having books in a building won't help anybody. Sir, in organizing the libraries, it is no use handing over those institutions to some librarians who know nothing. Just go to Delhi, Bombay and peep into the United States Bureau of Information. There are a large number of ladies managing these institutions and you can ask them for any book on any subject and they will at once give you, and even supposing you don't know the name of the book, they select it for you. So, a librarian must not be a very ill-paid, ill-educated man. But he must be a man of letters who have got education in all the lines, politics, literature, art and everything else. I am glad that the hon. Lady Member referred to the Baroda libraries where I had been for two years and had seen the system. It was a very wonderful system. They have got touring libraries to serve every small village and every nook and corner. They have libraries in every basti (an Harijan wada). So, here also I should like that these libraries should not be in a centre where lawyers, doctors and other educated people are living. Library is of common use. We must have it in centres where the poor live. We must start night schools and day schools there and educate them on literature, politics and technical subjects and then only you will serve the common man. Then you can also start summer schools. In summer schools you can give them political education. Of course, there have been many individuals who attempted such schools and I was one of them. Unfortunately, the then Government headed by late Kurma Venkata Reddi Naidu Garu banned the school at Kothapatnam accusing me of teaching bomb-making and other things. If I want to make my country free, I would really have taught not only bomb-making but also bomb-throwing, using guns, etc. It was merely to stop that school because it was a progressive school that it was banned. During summer, many

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teachers will be available for voluntary service and you can start training schools either in summer or in winter and see that you train a cadre to conduct these libraries and to improve education among the illiterate people. Along with it, you must start schools and 'park of cultures,' etc. I will explain what 'park of culture' means. It is a place where you can have not only physical culture, not only libraries but there are sanatoriums for workers, there are libraries, there are parallel bars and such other physical instruments, parachute-jumping instruments and other things. Every child, woman and even old man can go and enjoy there. The park like that in Moscow covers an extent of 100 to 200 acres just on the river-side. It is called 'Moscuva'. Even skating is taught there. People do not waste their time by roaming about in the dusty streets. They spend invariably half-an-hour in the parks. Men, women, young and old sit and spend their time in good pursuits. The atmosphere is quiet and calm. They see young men with good muscles parading in the park, performing feats. They can have all enjoyments. The saying goes 'A sound mind in a sound body'. What is it we are having after the slavery of the last 300 years under the British yoke. We have suffered all these years. Our percentage of literacy is very low. I am 46. Many of my friends who look at me say that I look young. Because I keep my body fit and not even one hair has gone grey. Why, because I take regular exercises and I try to keep my body fit. So also, every young man and everybody must do. We must infuse that spirit in them; and in education, whether physical or mental, whether technical or otherwise, people are backward, and our children are not able to choose their career. So, these libraries must be centres where they can go and choose their own books and thus train themselves for a career for the future. I have got many other suggestions. The Hon. Minister can say that he is giving a grant to these schools in villages. I suggest that teachers could be given Rs. 2 or Rs. 3 or more and they must have training in new methods of books and they must be able to conduct libraries or to supervise such libraries on an honorarium."

Mr. SPEAKER:—"The hon. Member may continue his speech tomorrow. The House will now adjourn to meet again at 2-30 p.m. on Saturday, the 21st February 1948."

THE MADRAS LEGISLATIVE ASSEMBLY.

Saturday, the 21st February 1948.

The House met in the Assembly Chamber, Fort St. George, at half past two of the clock, Mr. Speaker. (THE HON. SRI J. SIVA-SHANMUKHAM PILLAI) in the Chair.

I.—QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Submission of accounts by mutawallis.

[* 44 Q.—

MR. SPEAKER:—"The hon. Member, Begum Sultan Mir Amiruddin, is not present; the answer will be printed in the proceedings."]

BEGUM SULTAN MIR AMIRUDDIN: Will the Hon. the Premier be pleased to state—

(a) whether the law courts in this Province are taking any steps to see that the mutawallis within their jurisdiction submit the statement of accounts as required by the Mussalman Wakf Act, 1923; and

(b) in view of the fact that the above Act is not being implemented, the steps the Government intend to take to implement the same?

THE HON. SRI O. P. RAMASWAMI REDDIAR:—" (a) No steps are being taken generally.

" (b) The matter is being examined."

Repairs to Bukkapatnam tanks.

* 45 Q.—SRI S. NAGAPPA: Will the Hon. the Minister for Public Works be pleased to state—

(a) whether the people of Bukkapatnam, Anantapur district, have been repeatedly requesting the Government to repair the Bukkapatnam (Anantapur) tanks;

(b) if so, what action has been taken so far in the matter; and

(c) if not, why not?

THE HON. SRI M. BHAKTAVATSALAM:—" (a) No.

" (b) & (c) Does not arise."

Purchase of buses for the City Transport Service.

* 46 Q.—SRI K. LINGARAJU: Will the Hon. the Minister for Prohibition be pleased to state—

(a) the number of new buses that were purchased for the nationalization scheme of the City Transport Service;

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- (b) where and by whom were the bodies built;
- (c) whether tenders were called for, for the work; and if so, whether the lowest tender was accepted;
- (d) if not, why not; and
- (e) what the lowest tender amount received by the Government was, and from whom?

THE HON. MR. DANIEL THOMAS:—“(a) Excluding the 30 new buses which were originally introduced in Madras City as an addition to the fleet of buses run by private operators, in order to relieve congestion, the number of new buses that have so far been purchased, or ordered for, in connexion with the nationalization scheme is as follows:—

75 Chevrolet vehicles (1946 model, 195" wheel base) from Messrs. General Motors (India), Limited, Bombay.

75 Ford vehicles (D-1 model 194" wheel base) from Messrs. George Oakes, Limited, Madras; and

50 Diesel buses (D-65-Nal) from Messrs. Indo-British General Exchange, Bangalore.

“(b) The work of body-building was done by Messrs. General Motors (India), Limited, Bombay, for the 75 Chevrolet vehicles; by Messrs. Simpson & Co., Ltd., Madras, for the 75 Ford vehicles and by Messrs. Isotta Fraschini Automobile Company, Milan, for the 50 Diesel buses.

“(c) to (e) The attention of the hon. Member is invited to the answer given on the floor of this House on 4th November 1947 to question No. 406 (starred) of 1947.”

SRI K. LINGA RAJU:—“May I know when bus body-builders in Madras were forthcoming, why should Government run to Bombay for building these buses?”

THE HON. MR. DANIEL THOMAS:—“Sir, 75 Chevrolet chassis were ordered from Bombay, and the General Motors, being the firm connected with this type of vehicles, were given the tenders for them. Notices were given in all papers and tenders invited from all over the country, and the General Motors offer was the lowest tender then made.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask why more buses have not been ordered and procured for the purpose of improving City transport service and for implementing the nationalization scheme that has been promised to be extended to the various districts?”

THE HON. MR. DANIEL THOMAS:—“We cannot take in more than we can swallow and digest. Orders are being placed as and when chassis are available, and we hope nationalization in the City to be completed by the end of March.”

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SRI A. VEDARATNAM PILLAI:—“Will the Hon. Minister, in view of the statement he made yesterday, arrange to build bus bodies here in our Province itself?”

THE HON. MR. DANIEL THOMAS:—“As I stated, we are already attempting to have bodies built in our workshop. After all it is a question of time, and therefore it may not be possible for our automobile workshop to build all the bodies. And so we have distributed it elsewhere, and we would get some built at a cheaper rate than it was originally obtained.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“May I know the target that the Government have in view for the City of Madras?”

THE HON. MR. DANIEL THOMAS:—“Three hundred.”

SRI V. M. RAMASWAMI MUDALIYAR:—“Are the Government aware that there are a large number of bus body-builders even in the City of Madras and may I inquire whether new buses cannot be built by them for the rapid nationalization programme of transport for the entire Province and not merely for the City of Madras?”

THE HON. MR. DANIEL THOMAS:—“At present we have taken up Madras City, which will take till the end of March. It is only thereafter we try Madura-Kodaikanal and Coimbatore-Ootacamund routes, as and when chassis are available.”

SRI K. LINGA RAJU:—“Will the Government consider the desirability of first having a model bus and then calling for tenders on the basis of that specification?”

THE HON. MR. DANIEL THOMAS:—“We have so many models on the road, and more or less our buses follow them. We are now experimenting in body-building, and after a model is evolved it will be adhered to.”

SRI N. S. VARADACHARI:—“Do the Government agree that it is best now, before taking up body-building, to strengthen the stores necessary for the transport service and also to build up equipment for heavy repairs?”

THE HON. MR. DANIEL THOMAS:—“I do not think it arises out of the present question.”

SRI R. V. SWAMINATHAN:—“May I inquire whether lowest tenders were accepted in all cases; and if so, what is the amount?”

THE HON. MR. DANIEL THOMAS:—“For the original 150 buses, the two lowest tenders were one from Bombay costing Rs. 6,000 and the other from Madras costing Rs. 7,000 and odd. The specifications for these are different. For the Chevrolet the body-builders are the General Motors, Bombay. For the Ford chassis it is Messrs. Oakes & Co., because they are the dealers in that type of chassis.”

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ABDUL HAMEED KHAN SAHIB BAHADUR:—"Is it part of the policy of the Government to establish well-equipped workshops for building bodies also?"

THE HON. MR. DANIEL THOMAS:—"Sir, that may be taken up in the general stride of nationalization."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Will the Hon. Minister give us an assurance to see that for every bus he puts on the road there is a 'way in' and a 'way out' so that passengers may easily get in and get out?" (Laughter.)

THE HON. MR. DANIEL THOMAS:—"That is a development I find we are adopting."

SRI R. V. SWAMINATHAN:—"In answer to my question the Hon. Minister said that only in two cases were the lowest tenders accepted."

THE HON. MR. DANIEL THOMAS:—"No. I said the two lowest tenders were accepted."

SRI R. V. SWAMINATHAN:—"Sir, I thought the Hon. Minister said in two cases lowest tenders were accepted."

THE HON. MR. DANIEL THOMAS:—"I said in all cases the two lowest tenders were accepted."

SRI N. M. R. SUBBARAMAN:—"In view of the statement made by the Hon. Minister yesterday that Diesel motor buses are cheaper . . ."

THE HON. MR. DANIEL THOMAS:—"No, I said, more economical."

SRI N. M. R. SUBBARAMAN:—"Yes, since they are more economical, may I know why the Government are going in for petrol buses?"

THE HON. MR. DANIEL THOMAS:—"As I said yesterday Diesel engine buses are in an experimental stage and therefore we have to be cautious. Petrol buses are now common in our country and have been operating for a long time. Drivers know how to handle them, and the workshops available here know how to tackle them; but as for Diesel engine buses, they require a special staff and all that requires careful and cautious proceeding."

SRI V. M. RAMASWAMI MUDALIYAR:—"In order to facilitate the change over to a nationalized trade, is it not necessary to avoid as far as possible a standard model even for bus bodies?"

THE HON. MR. DANIEL THOMAS:—"According to Plato everything in this world has got an arch-type!"

SRI K. LINGA RAJU:—"Are the Government satisfied that our roads can stand the running of Diesel engine buses?"

THE HON. MR. DANIEL THOMAS:—"That is again an experiment to be tried."

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Arts College at Chicacole.

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

(a) whether the public of Chicacole have been agitating for an Arts College at Chicacole;

(b) if so, how long since they have been agitating; and what are the representations they submitted to the Government;

(c) what the recommendations of the Education Department are in this matter; and

(d) what steps the Government propose to take to see that a college is located at Chicacole?

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

"(a) & (b) The Government understand that there has been some agitation in Chicacole for starting a college in that place for some time. But no representations appear to have been received by Government.

"(c) & (d) The questions do not arise."

SRI T. VISWANATHAM:—"May I know whether in view of the statement that there is some agitation, what is the other kind of representation the Government expect and whether the Government will not take this interpellation as a representation to the Government that they should move in the matter?"

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

"I am afraid the hon. Member has not read the question. The question says, what are the representations submitted to the Government. The reply is the Government have not received any representations."

SRI T. VISWANATHAM:—"Exactly, it is not a matter of reading and it is not a matter of quibbling. I am requesting the Minister whether he would take this as representation if he has not already received such a representation from the people of Chicacole. There is no use saying, 'you have not read the question.' It is a case of not understanding my question."

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

"If representations come in the proper way showing how the Chicacole public will help in bringing about this college then it will be for the Government to take it up. As it is Vizagapatam district is well equipped with more than one college."

SRI A. VEDARATNAM PILLAI:—"Will the Hon. Minister be pleased to state, in view of the shortage of accommodation in colleges, do the Government have any proposal to opening new colleges in the Presidency?"

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

“This question does not arise from the question on hand. Anyhow, I would request the hon. Member to wait till the introduction of the budget.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Sir, the Hon. Minister in his answer said, no representation appears to have been received. May I know definitely whether any representation has anywhere, in any section of the Government or any department of the Government, been received, or it has not reached him at all.”

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

“As far as I am aware no representation has been received.”

SRI G. KUMARASWAMI:—“Sir, in view of the fact that the district of Vizagapatam is going to be bifurcated shortly, into North Vizagapatam district and South Vizagapatam district and in view of the fact that the North Vizagapatam district has not got a college in its area, will the Government consider the desirability of locating a college in Chicacole, which is centrally situated in the district?”

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

“The hon. Member may await the bifurcation before he puts forward the claim.”

SRI D. V. RAMASWAMI:—“May I enquire whether the Government are aware that the Municipal High School at Chicacole is not able to provide education for the six thousand or seven thousand students that are crowding there. Have representations been received by the Government?”

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

“That question does not arise out of the present question.”

SRI K. BRAHMANANDAM REDDI:—“May I know the policy of Government regarding the opening of colleges?”

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

“The policy of the Government is to have one college at least in each district. If more than one college is required the Government will consider the question of giving aid.”

ABDUL HAMEED KHAN SAHIB BAHADUR:—“Will the Hon. Minister be pleased to explain further the extent and the nature of the aid Government propose to give to such colleges?”

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

“I would suggest to the hon. Member to put a separate question.”

SRI V. I. MUNISWAMI PILLAI:—“Arising out of the answer of the Hon. Minister that each district will have a college, will the Hon. Minister consider the desirability of having a college for the Nilgiris?”

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

“Unfortunately the Nilgiris is in a peculiar situation with a population of two lakhs only, which is almost the population of a taluk.”

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List of Municipal Councils.

* 48 Q.—SRI P. R. KANDASWAMI GOUNDER: Will the Hon. the Minister for Local Administration be pleased to state—

(a) whether it is a fact that on the eve of the last general municipal elections it was announced by the Hon. the Premier on behalf of the Government that the newly constituted municipal councils will function for six months only; and

(b) if so, what the reasons are for the decision to curtail the normal life of the councils from three years to six months?

THE HON. SRI K. CHANDRAMOULI:—“(a) & (b) The hon. Member is apparently referring to the report of an interview granted by the Hon. Premier appearing in the issue of the *Indian Express*, dated 1st September 1947. The Hon. Premier made that statement on the assumption that adult franchise will come into effect earlier than the normal term of the recently elected municipal councils.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I know from the Hon. Minister whether adult franchise will come within the period assumed by the Hon. Premier or not?”

THE HON. SRI K. CHANDRAMOULI:—“It may take some time for adult franchise to come into effect. Till then there would not be any disturbance, I think.”

SRI M. S. PATTABIRAMIAH:—“Will the Hon. the Minister be pleased to state whether it is possible to have adult franchise at any time in the course of this year?”

THE HON. SRI K. CHANDRAMOULI:—“Adult franchise may or may not come earlier than expected. But there is no necessity for the Government to conduct elections earlier than is absolutely necessary.”

SRI A. KAMESWARA RAO:—“May I know for how many municipal councils elections have still to be held?”

THE HON. SRI K. CHANDRAMOULI:—“A separate question may be put.”

SRI V. M. RAMASWAMI MUDALIYAR:—“May I ask why the term of the Corporation of Madras is being extended indefinitely?”

THE HON. SRI K. CHANDRAMOULI:—“Hon. Member might have already known the reasons. It is due to not having a proper electoral roll and due to the time involved in the preparation of a fresh roll, the term has been extended for a short while.”

SRI A. KAMESWARA RAO:—“For future elections, will the Government see that adult franchise is introduced, as in Bombay where elections under adult franchise have already been held?”

THE HON. SRI K. CHANDRAMOULI:—“That is the object of the Government and also of the people.”

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SRI M. S. PATTABIRAMIAH:—“ Will the Hon. Minister be pleased to state whether it is possible to conduct elections for the local boards on the basis of adult franchise at any time in the near future? ”

THE HON. SRI K. CHANDRAMOULI:—“ I cannot say definitely whether it will be possible.”

SRI D. V. RAMASWAMI:—“ May we take it that unless and until adult franchise comes into effect, elections will not take place? ”

THE HON. SRI K. CHANDRAMOULI:—“ I presume the question refers to re-elections. I am sure that will be the position.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the Government have come to any decision regarding their policy in the elections for not only municipal councils but also for the local boards? ”

THE HON. SRI K. CHANDRAMOULI:—“ As far as local boards are concerned, questions have been put in this House several times and answers have been given. I have nothing more to add at this juncture.”

SRI R. V. SWAMINATHAN:—“ Arising out of the answer given to Sri D. V. Ramaswami, may I know from the Hon. Minister whether elections for the Guntur, Nellore and Chittoor Municipal Councils will not take place until adult franchise is introduced? ”

THE HON. SRI K. CHANDRAMOULI:—“ Re-elections are quite different from elections.”

SRI K. BRAHMANANDAM REDDI:—“ Inasmuch as the introduction of adult franchise will take a long time, will the Government consider the desirability of holding elections for at least the panchayat boards, as they are more than a decade old? ”

THE HON. SRI K. CHANDRAMOULI:—“ As I have already pointed out, elections will be conducted as early as possible. But there are limitations to that. In view of the Panchayat Bill and other things, it will take some time.”

SRI N. M. R. SUBBARAMAN:—“ May I know whether the newly elected municipal councils will function for their full term of three years? ”

THE HON. SRI K. CHANDRAMOULI:—“ That remains to be seen.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ Arising out of the answer that the Panchayat Bill is under consideration, may I know whether any progress has been made with regards to that Bill since answering the last interpellation on the subject on the floor of this House? ”

THE HON. SRI K. CHANDRAMOULI:—“ Definitely some progress has been made and I am sure it will come before this House in a very short time.”

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SRI P. KAKKAN:—“ May I know whether the Government have arrived at any decision to appoint non-officials as special officers of district boards? ”

THE HON. SRI K. CHANDRAMOULI:—“ No decision has been arrived at.”

SRI K. BRAHMANANDAM REDDI:—“ May I know when the Government expect to place the Panchayat Bill before this House and the public? ”

THE HON. SRI K. CHANDRAMOULI:—“ I have already informed the House that it will be as early as possible.”

Building grants to local bodies.

* 49 Q.—SRI P. R. KANDASWAMI GOUNDER: Will the Hon. the Minister for Public Health be pleased to state—

(a) whether any local bodies have applied for building grants for their sweepers and scavengers; and

(b) whether the Government propose to render necessary financial assistance to local bodies for this purpose?

THE HON. SRI A. B. SHETTY:—“ (a) Yes. A few local bodies have applied.

“ (b) It is open to local bodies to take loans from Government on the usual terms. The question of further assistance in the shape of grants is under consideration of the Government.”

SRI V. M. RAMASWAMI MUDALIYAR:—“ May I know whether the Government are aware that formerly the Government have been assisting the local bodies for providing houses for their sweepers and scavengers on the basis of half grant and half loan and why that policy is not being followed at present? ”

THE HON. SRI A. B. SHETTY:—“ The present policy is not to give grants to local bodies, but to give only loans on the usual terms. The Government have informed the local bodies that have applied for grants that they could apply for loans. The Provincial Housing Committee have made certain recommendations in this connexion, and this question also will be considered when the recommendations are considered.”

SRI V. I. MUNISWAMI PILLAI:—“ In view of the deplorable condition of the habitation of scavengers, will the Government consider the desirability of having a uniform policy of half grant or full grant to bring into existence more houses for these scavengers? ”

THE HON. SRI A. B. SHETTY:—“ As I have already said, the question will be considered by the Government along with the recommendations of the Provincial Housing Committee.”

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SRI V. M. RAMASWAMI MUDALIYAR:—" May I ask whether the Government are aware of the scandalous and miserable condition of housing of sweepers and scavengers in a majority of municipalities? "

THE HON. SRI A. B. SHETTY:—" Yes, Sir, the Government are aware of it."

SRI K. BRAHMANANDAM REDDI:—" Will the Government consider the desirability of exempting at least the sweepers and scavengers from the general policy and granting at least an equal amount if a particular local body is prepared to contribute something? "

THE HON. SRI A. B. SHETTY:—" I have already said that the matter will be considered in connexion with the recommendations of the Housing Committee. I have nothing further to say."

SRI V. I. MUNISWAMI PILLAI:—" Arising out of the answer of the Hon. Minister, may I have an assurance from the Government that the housing of the scavengers among the employees of the local boards will receive their prior attention? "

THE HON. SRI A. B. SHETTY:—" The question will receive very sympathetic consideration."

SRI N. M. R. SUBBARAMAN:—" Will the Government consider the desirability of acquiring good, spacious lands and lay out them and allow the construction of houses, mud and thatched? "

THE HON. SRI A. B. SHETTY:—" The suggestion will be considered."

SRI N. S. VARADACHARI:—" Will the Government insist on proper designs for the sweepers colonies before distributing grants or loans and thus take care to see that shoddy hutments are not erected for housing these people? "

THE HON. SRI A. B. SHETTY:—" The suggestion will be borne in mind."

[SRI P. KAKKAN:—" The scavengers are not provided with proper houses and also dress. So may I ask the Hon. Minister to give grants not only for houses but also for dress and for the construction of bathrooms for these poor scavengers? "

THE HON. SRI A. B. SHETTY:—" I cannot commit myself in regard to these matters at this stage."]

SRI A. KAMESWARA RAO:—" Will the Government think of providing houses for the sweepers and scavengers first before starting co-operative societies for the bourgeoisie? "

(No answer.)

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

II.—GOVERNMENT BILLS.

(1) THE MADRAS PUBLIC LIBRARIES BILL, 1947—cont.

* SRI A. KAMESWARA RAO:—" Mr. Speaker, Sir, I was referring yesterday to the bondage we were having under the British rule and the system of education that they introduced. Our old masters, the British, are a nation of shopkeepers and they introduced a system of education to produce slaves and clerks in order to exploit us. To-day we are backward in many respects. Specially in the field of education, we have to improve very much because on it depends our nation building. There were some libraries in the past and they contained books on the greatness of Great Britain and the white nations. Such books must be banned in the future libraries that we are going to have. Those British masters had got books written by people who misrepresented the whole history of India. The Black Hole of Calcutta, which was proved to be a myth by Mr. Basu, is exactly a sample of the misrepresentation in the books that they have written. You go to any student studying in the fifth class or even the first form. He will be reading only the English history and not the Indian History. Even that Indian History is misrepresented. Sivaji is misrepresented as something else and Guru Nanak also is similarly misrepresented. So, Sir, in future you must think of equipping the libraries with the best books, books written from a historical point of view, and also books of a nationalistic character, depicting the greatness of India and her leaders.

" The choice of books must not be left to the poor librarians. In most of the municipal libraries, the librarians are there for an hour or two, then close the library and go away. They are all low-paid people. Both in Tamilnad and Andhradesa, the movement for starting libraries has been going on ever since Mahatma's advent into the Indian politics. Many people have been doing selfless and humane service in starting these libraries. Such people must find a place on the boards that you are going to appoint both in Tamilnad and in Andhradesa. The members of these boards must be selected on the language basis, as that will facilitate the constitution of a Central Board in Madras. Just as we have a Selection Committee for Text Books, so also we must have a selection committee for books for the libraries. Of course, the Selection Committees for Text Books that were appointed previously were of a particular nature, and these selection committees must be of a different nature.

" Thanks to that great man, the architect of our nation, our 3 p.m. beloved Mahatma Gandhi, he has made men out of dust. In our literature, in our arts, in our life, in our politics, in everything, let us follow him and let that Gandhian spirit pervade in future in all our actions and in all our doings. Finally, Sir, I would

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request that immediate steps may be taken to see that our history and the history of our struggle for freedom and the history after Mahatma Gandhi's advent into our country in 1919 may be written and such books may be put in these libraries. With these words, Sir, I support this Bill."

SRI V. I. MUNISWAMI PILLAI:—"Mr. Speaker, Sir, I rise to support the motion of the Hon. Minister for Education, to refer the Madras Libraries Bill to a Select Committee. Sir, as I see, the Bill has been drafted in a most orderly fashion that will suit the condition of our Province just now. When explaining the preamble and other things of this Bill, Sir, the Hon. Minister made it clear that he has two things in his mind; first of all that those people who have had the advantage of knowing the three R's should not fall into the pit of illiteracy, but to make them more literate. And secondly, Sir, he has got a broad view that in the future constitution we shall have adult franchise and he wanted to train up or rightly give an incentive to our rural population, what is meant by election and such other knowledge that are pertinent for a really useful democratic institution. These two points, Sir, are welcome from all aspects.

"Sir, seeing the Bill as it is, he has made a uniform provision for library arrangements both in the urban and in the rural areas. I feel, Sir, that he should have given a more elaborate scope of library arrangements in the rural areas. As we see, arrangements in a City make a literate man more literate, but so far as the library movement, if we take the rural areas, it does not touch the fringe of the problem. I know, Sir, even to-day in the villages we see groups of people sitting together and gossiping. An arrangement like this, I am sure, Sir, will give better opportunities for our people, especially the poorer people and people who have not taken to any kind of learning, an incentive to know what is happening in this world.

"Sir, coming to the very clauses, in clause 6 (2), the Hon. Minister suggested that not less than one-half of the members of the committee shall consist of persons possessing special knowledge or experience of the working of libraries. I am afraid that in the library committees that will be formed in the panchayat area or the area that are controlled by the District Board, they will not be having that amount of personnel that will have this kind of knowledge. I think it will be necessary for the Government or the Select Committee to suggest proper ways and means how we can get people who have an intense knowledge of the working of libraries. I am sure the Hon. Minister will make a note of this and see what he could do in this matter.

"Sir, clause 6 (6) says: 'Where a local Library Authority fails to submit a scheme to the Government before a due date, the Government may frame the schemes themselves.' After all, Sir, local bodies, municipalities and panchayat boards are the creatures of the parent Government, I mean the Government of this Province, and I do not see any reason why any local body

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should fail to submit a scheme. I think strong rules should be made to see that they submit a scheme for library arrangements in due course.

"The Government have suggested that a cess will have to be levied for conducting these libraries. I think, Sir, the citizens are over-burdened with several taxations and this will be another thing adding to their burden. What I would suggest is, in the first instance, if the Government were to come forward with a subsidy and start these libraries and if they find that they are really useful for the people both in the urban and rural areas, then they can think of levying a cess. Of course, this is one of the points which I think, the Select Committee will kindly consider."

"The Government have suggested that they are going to have buildings for libraries. I would suggest that these buildings must find a place in the localities where the Harijans and such poor classes reside. As we all know, during the summer the huts of the Harijans fall an easy prey to fire and during the monsoon and during floods these huts are carried away. If it is the desire of the Government to radiate real knowledge to the people of the poorer classes, I think it becomes imperative on the part of the Government to have substantial buildings to locate libraries from where real knowledge will radiate to these people.

"The Hon. Minister has suggested in this Bill that four copies of all books that come to print must go to the library. I feel, Sir, that all the publications of the Government must also find a place in these libraries so that people may know what are the instructions of Government in various directions. As it is within your knowledge, Sir, and all of us, that it has been the fortune of this Assembly to pass the Social Disabilities Removal Act it has not at all had the effect which it ought to have, because most of the people, even the village karnams, the moni-gars and even the police people were not able to understand the various provisions. So, Sir, this Bill has come in an opportune time. Though attempts have been made in past years for the introduction of a Libraries Bill, it has been possible for this Ministry to do so and I welcome this, Sir, and I am sure with the accomplishments of the things in this Bill, a great knowledge will go to people and make them really useful citizens."

* M. S. ABDUL MAJID SAHIB BAHADUR:—"Mr. Speaker, Sir, I welcome this measure. In the first place, I am happy that it has been given to this Government to implement some of the great objects of the Madras Library Association. You are aware, Sir, that in Madras a Library Association has been functioning for the last two decades and they have been agitating for a measure like this, so that we can create a network of libraries in this Province. They have been doing this for this reason that only through the libraries can we build the happiness of the Province. If we take foreign countries like England and America, we will find that even in small hamlets there are libraries which contain not only literature relating to the national heroes, but also matters

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relating to the prominent local men and local history. This will help the people to create and construct proper history and get a proper vision of things.

"Secondly, Sir, libraries should be a welcome thing for this reason that in this country there is a very great stagnation of knowledge and a relapse into illiteracy. Most of the people in this country are very poor and when they finish their elementary education, they go out to earn their livelihood. They have not the benefits of libraries and other adult educational institutions by means of which they can keep in touch with knowledge. Thereby a large number of people relapse into illiteracy and the money that has been spent on these elementary educational institutions becomes a mere waste. Therefore, Sir, I say that we must have a network or a chain of good libraries and the Government must be prepared to spend a lot of money on those libraries. Sir, you know the British Museum, the greatest library that they have in England. At one time, a member of the House of Commons rose up and asked why should the British Government spend so much money on maintaining that library. The then Prime Minister at once got up and said that if it has produced one man like Karl Marx it was enough for all the money that the British Government had spent on that library. Sir, it is only in the libraries that great leaders are produced and not by merely sitting in street corners and reading daily newspapers. Therefore we must have proper libraries.

"Then, Sir, I must invite the attention of the Hon. Minister to another point, namely, the question of librarians. We have libraries, but we have not got the proper librarians. If we study the history of libraries in western countries, we will see that they have appointed librarians of high qualifications on very high emoluments and they are very able and well-versed in all subjects and they could easily spot out where we can obtain any information from. In matters of libraries, there is what is called a library science and this science has been highly developed. Similar scope must be given to develop that library science in this Province also.

"Sir, there is a big controversy going on with regard to the superiority of certain systems in library science, namely, the Devy's decimal system and the system which has been recently developed by Mr. Ranganathan of the University Library, that is, the Colon system. I do not propose to go into that controversy. Whatever system that is good and will help the readers to make the best use of books in the library should be adopted. I therefore suggest that some such scientific system should be evolved and that system should be adopted in the various libraries that the Government may organize in this Province. With these words, I support this Bill."

* SRI N. S. VARADACHARI:—"Mr. Speaker, Sir, now that the Government have come forward with a plan for organizing libraries, I wish to say a few things which occur to me on this very important subject. Libraries ought really to be centres

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for the diffusion of knowledge. There are libraries and libraries which aim to cater for a very wide range of knowledge and be able to satisfy the whole gamut of emotions, that fills the seeker after truth and the seeker after knowledge, right down from the highly educated scholar to the poor illiterate villager in the village.

"Now Sir, our present libraries are located in certain centres of learning and are intended to cater only to the highest form of education, that is, scientific research. But these libraries, which are proposed to be organized under this Bill, should be planned on an entirely different basis and suit the needs too of the rural population. In my opinion, they must not be a mere collection of books. They may contain certain other things. The first class of libraries must be located in fine surroundings; they may have an art gallery; they may have a collection of coins; they must also contain lots of books aiding and assisting research. Now Sir, such libraries should necessarily be located in university towns. These perhaps should also contain a variety of manuscripts which have yet to be deciphered for the benefit of future generations. I can recall, Sir, at least one very interesting set of manuscripts still awaiting scrutiny and research, and that is the one in the famous library at Tanjore. Similarly, there is a library at Tirupati which contains hundreds of valuable manuscripts which have not yet been translated and made available to the public. Then there is the second class of libraries. You may call them as those catering to the intellectual classes who want to refresh their knowledge from time to time. This ought to suit people who are in occupations, and who yet wish to find some time for getting on with their reading habit and for putting back into their minds that storage of knowledge which would make it possible for them to keep pace with the progress of the times. These are the second set of libraries. Then, Sir, there is the third set which would be located in absolutely rural areas, and which, the Hon. Minister maintained, would form an essential link with any scheme of adult education that Government may take up. Libraries really come in at the end of adult education, though they may not be very useful at the time an attempt is made to start adult education. These libraries should have very different collections from what other libraries would have. Perhaps it should have in addition to books a variety of illustrations and pictures, placards, posters and the like, which would carry real education even to the man who cannot read and write. In fact, it should be so inviting that an adult, who has not had education because he does not find the time for such education—not because he does not like it—should step into these libraries and look in with eager eyes at what stands around him and take in as much amount of knowledge as he can even without much assistance. These are all the libraries, Sir, I have in my mind.

"In shaping our policy, we should really concentrate on a few of the top libraries, a decent number of second-class libraries, and a considerable number of third-class libraries, and make our

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programme fit in with the needs of our country. Rural libraries are difficult to organize. I say one library at Vetapalem, to which I should pay a real compliment on the floor of this House. It is in Guntur district. It has been well organized. But even that library, I found, had not the necessary number of pictures and illustrations—I am not able to express myself properly—it had not that amount of attraction which would enable the adult, to invite himself to come in and taste the sacred waters of knowledge which ought to quench his thirst.

"Sir, having talked of libraries, I must say that in regard to research libraries, great care should be taken in the matter of recruitment of librarians. Much has been said by my friend on the other side about the necessity for very high qualifications. A library in these days—as those maintained in many places including our Legislature Library—I say, could be better organized if we have a man with abundant fund of general knowledge in handling the library. Librarians are highly technical men, and care should be taken in recruiting the personnel to libraries in order that libraries may function very usefully in the country. In selecting librarians for rural libraries, we should really put in people with propagandist habit of mind, and who would, by their very persuasion, enable people in the rural areas to get into the libraries and partake of such knowledge as would be available to them at negligible cost. Whatever scheme of adult education the Government may have, much assistance could be given to that scheme by a proper organization of such libraries.

"After dealing with this, I have only one word more to say, and that is regarding the location of these libraries. In the midst of incoherent wobbling from my young friend of 46, there was one fine observation. Though he called it 'park of culture' and all that, and tried to shroud it in mysterious language, what he meant to convey was that the location of libraries was very important, that they should of necessity be in the neighbourhood of a school, and that there should be a fine compound where people could immediately jump into recreation after an hour or two of reading. (Mr. B. S. Murthi: 'Why not temples?') They can become temples if all of us take care to see that the sacredness of the temple is kept absolutely intact. In fact, the first essential of a library is that it should be regarded as a sacred temple where at least filthy and vulgar language would be avoided, and where our minds would be full with the one thought of acquiring knowledge and doing good to all, and specially to our brothers in the neighbourhood. This location of libraries is an important matter. A library should have fine hygienic surroundings. Whatever the rest of the village may be, immediately you go to a library, or a school, there should be perfectly transformed surroundings which would make an example of the whole place to the villagers in the neighbourhood. If we could start at least with one such clean and good spot, I say the example would spread and spread till finally the whole village becomes clean and tidy.

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"About finances, I wish to say this. Government have proposed that a cess of three pies per rupee be levied on property tax. Property tax is levied in the City of Madras and in municipalities elsewhere. I do not think, barring municipalities, property tax is levied anywhere else. This would amount to a very negligible sum. This extra three pies per rupee may not probably even fetch a total of a lakh for Government. The total property tax paid in the City of Madras a few years ago was thirty-seven lakhs of rupees. The total property tax that may be paid in all other municipalities may not be as much as in the City. If all that is taken into account, and even putting it at one crore of rupees—I may have exaggerated it—I say a crore of quarter annas is not going to make the library programme very attractive. You know there would be calls and calls. Everybody would be asking that a particular book should be purchased, because he likes a particular printer, or a particular author, or a particular publisher. All these considerations should be set aside. The library movement should be viewed as something apart from publishers, printers and authors. Government grants should not be thrown away merely to fill libraries with not very valuable matter. Care should also be taken to see that libraries are built in a particular fashion, and that proper furniture is provided in order that the books inside them or other matter is not moth-eaten or is subject to other damages. I have very often seen in a library half the books are intact and in the other half is eaten away by moths. This moth-eating should be absent altogether. Only good libraries well preserved should be given these grants. We should on no account tolerate a scramble for funds from this Library Pool; small as it is, it cannot cater to a very large number. We should concentrate on a few libraries and build them up well. We should make them really sacred spots, and as I said, spots from which knowledge can be diffused, and spots to which people would go of their own accord as if by invitation in order to taste of the fountain of knowledge."

* SRI D. V. RAMASWAMI:—"Mr. Speaker, Sir, I heartily endorse the able speeches of all our friends who have supported this long overdue and belated measure brought forward by the Hon. the Education Minister. The most important point in the present context of things is that we are face to face with the responsibility consequent on Independence. Naturally, how can a country which has so little of literacy and much less of adult education, bear the responsibility that naturally follows consequent on the attainment of Independence. Therefore, without making a nationwide effort to drive out illiteracy and spread culture, which teaches people how to discharge their responsibilities not only to themselves but to the leadership of the country, it will be very difficult for us to envisage a state of things, when we can certainly acquit ourselves well before the bar of world opinion. I therefore feel that in this matter too much emphasis cannot be laid on the urgent necessity of equipping not only the towns and cities with libraries, but also every taluk centre

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should be equipped with a proper library. For all this, the support of the educated few can certainly be counted upon by the Hon. Minister. The Senates of the different Universities have provided for adult education schemes. I am sure that the student population who are very enthusiastic about serving the cause of mass education will give their best on a honorary basis, during the week-ends and in the summer and winter vacations. I may here, just refer to the efforts of the Andhradesa Libraries' Conference which has been working on this task at least for the last 25 years. Their efforts have been purely voluntary and with the passing of the Bill, I am sure Government will come out with adequate measures to strengthen and finance their efforts, and see that not only circulating libraries but also properly housed libraries are set up in important centres at a very early date. Sir, I support the Bill."

* SRI M. BAPINEEDU :---" Sir, at long last, we are having this much overdue and useful libraries Bill. As one connected with this library movement in Andhradesa for the last quarter of a century, I have to offer my congratulations to the Hon. Minister on his having brought forward this Bill. India has been pointed out by many distinguished foreigners as a land of paradoxes. We have here the greatest of men, eminent rishis, pandits and scholars, and yet, we have people of whom more than 90 per cent cannot read and write.

" With all our knowledge, with all our civilization and with all our culture, India, Sir, is very poor in point of literacy. Only ten per cent of the people are literate. Our country is very backward in this regard. Therefore, Sir, a Bill like this should not confine itself to libraries. Government must start at once a war against illiteracy by means of adult education scheme. As my predecessors and particularly, as Mr. Varadachari pointed out, libraries must be centres of diffusion of knowledge and literacy. There must be night schools attached to these libraries. In America, Sir, I had occasions to visit the rural libraries. I found moving vans containing books and these books were placed at the very doors of the villagers. In the same way, just as in Health department, we must provide moving libraries in vans for each district, and the books should be circulated to all the villages. It is the Baroda State Library that has led to the library movement in this country. As my hon. Friend, Mr. Ramaswami pointed, the library movement in Andhradesa is more than forty or fifty years old. All glory to those selfless workers, late Mr. Narasimha Sastri and now Mr. Venkataramanayya who are responsible for the library movement in Andhradesa. We have now nearly 200 libraries which are receiving grants from Government. More than that, we have a Central Library at Bezwada. We are also having library association in order to have a link between all these libraries. But, how long these selfless workers can go on without Government help? It is just in the fitness of the new scheme of things after the 15th August, we have to take up earnestly the problem of spreading

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knowledge at the very door of the villagers. I appeal to the Hon. the Minister for Education not to content himself with the mere supply of books. He must start along with the library movement, an adult education campaign. As was pointed out recently by the Andhra Library Association, I would like to call this Bill not the Madras Libraries Bill, but the Madras Libraries and Adult Education Bill with the objects which I have stated.

" Sir, we should have a literary campaign. In Russia, during the last twenty-five years, the percentage of literacy rose from forty per cent to eighty per cent. In India also, we must take up such a literary campaign. Sir, the library movement in Andhradesa has been a national movement. Only where there are good libraries, the national movement can progress. In Andhradesa the national movement and the library movement are working side by side. I would also suggest to the Hon. the Minister that instead of having one Central Library at Madras, we should have one library for Tamilnad, one for Andhradesa, one for Kerala and one for Karnataka, and all the manuscripts in the languages contained in the Central Library at Madras should be transferred to these respective regional libraries. These regional libraries may be located at Madras, Bezwada, Mangalore, Coimbatore and such other places. I want the manuscripts to be distributed to these centres. We have also to cater to the needs of the children and women. These children are very much neglected. As one great man pointed out, the test of a nation lies in its care of the children. So, in our libraries, we must provide for children's literature; we can place such things as picture stories, cartoons, etc. At present, in our libraries, we have got very few books which will cater to the needs of the children. We must take up the subject with more earnestness and invite authors and publishers to publish such books as will provide children's literature, because our children are the future citizens and wealth of our nation. We also need special books for our women. I am sure the Hon. the Minister for Education will invite authors and publishers on competitive lines to publish such books which will help the nation-building activities. Sometimes, the District Educational Officers who are asked to select books for the libraries are stumbling-blocks, without any ideas, without any imagination and without any national outlook. Now that the outlook has changed and the popular Government has come into existence, we should start refresher courses for persons for selecting these books. Instead of leaving this work to the Central Library Committees, the trained persons should be asked to select these books. Again, Sir, we need good libraries in the jails. The Hon. the Minister for Education is aware, that the jails are places intended for criminals and if we want to reform them, good books and good libraries are necessary in jails. When I was in Korea, I had occasion to find waiting rooms of the railway station provided with books. Similarly, in places like the Central Station, Bezwada, Coimbatore and other big stations, we must provide libraries and reading rooms, so that the passengers

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may make profitable use of their time before they get into the trains. I hope the Hon. Minister will take this suggestion into consideration.

"Then, Sir, we must provide cinemas, moving vans, radios and magic lanterns to show pictures of national leaders and things like that. A scheme of adult education along with library movement will go a long way to improve the condition of our country. In taking up this Bill, I am sure, the Hon. the Minister for Education will link up this scheme with adult education. Sir, our libraries should not be mere museums or a mere collection of books. The library movement should be a living movement in this country in order to carry on the literary campaign effectively. I also commend to the Hon. Minister the resolution passed on 16th January 1948 by the Andhradesa Library Conference. I am sure the Select Committee will take into consideration this resolution and accept to incorporate those suggestions in this Bill. I again congratulate the Hon. the Minister for bringing forward this Bill and I am sure he will be able to push through this programme of nation-building campaign and a drive against illiteracy. On behalf of the Andhra Library Association and also on my behalf, I offer my congratulations, and I support the Bill."

* SRI K. KOTI REDDI:—"Mr. Speaker, Sir, I welcome this measure because some sort of legislation for the library movement is necessary. But, I am afraid I am very much against one of the features in this Bill: the idea of taxing people for each movement that the Government think it necessary to introduce, is really, I think, anti-diluvian. It is a legacy of the past Governments who thought that their only duty was to look after law and order. Certainly, the welfare of the people is the test by which any Government should now be judged. I do not know why for each movement which is intended for the good of the people, they should be taxed separately. Already in the rural areas—I believe it is the rural areas that form an important portion of this country—there is a feeling that the Government are taxing them for everything. There is the education cess, the road cess and a number of similar cesses. Immediately when the people come to know that there is going to be a library cess, God knows what the cry will be. I do not see any reason why a portion of the income of the municipalities, district boards and taluk boards—it may be that district boards also will be abolished soon—should not be earmarked for the purpose of running the libraries. If necessary, the income of the panchayat board should be increased. Instead of that, you are now trying to pass a legislation giving power to the panchayat board to levy a cess. It is really obnoxious. The people are expecting that the Minister for Local Administration will move in the direction of constituting panchayats throughout the whole Province. To-day, also, in answer to a question, the Hon. Minister said that a Bill will soon be placed before the House. When it is coming, God knows. It is absolutely necessary that every rural area, every part of it, should be constituted into a separate panchayat at the earliest

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moment. Water-supply or whatever convenience or comfort is necessary for the welfare of that area should be entrusted mainly to one body and one body alone. I do not think the villagers will look to one committee for one purpose and another committee for another purpose. If you have separate committees, one for education, one for libraries, one for water-supply and so on, it will be creating a lot of confusion in the villages. A number of elections for the various committees entrusted with various spheres of work for various purposes ought to be avoided. Therefore, I hope, before the Hon. Minister for Education thinks of developing the village libraries in the rural areas, he will advise his colleague, the Minister for Local Administration, to see that the legislation for constitution of panchayat boards is brought at once, so that in every village all these works, can be entrusted to the Panchayat Board. The Panchayat Board may be constituted as the library authority. If necessary, you may make provision for a small advisory committee to be appointed by the Panchayat Boards. In rural areas, even advisory committees will not be necessary. I am not against taxation altogether. Somehow or other, I believe that there are sections of people in this country who ought to be taxed more and the poorer section of the people ought not to be made to pay so much tax as they are made to pay to-day. Sir, you might have noticed in my speeches about prohibition that I always pleaded for total prohibition. The reason why I really wanted prohibition at as early a time as possible throughout the Province was that I felt the poor people who are addicted to drink have to pay the taxes which they ought not to pay. I am not against taxation even in the village. If it is necessary to increase the resources of the panchayat boards, it may be necessary to increase the tax but a portion of it should be earmarked for the purpose of meeting the expenditure for constituting these libraries.

"Sir, Land Revenue is a tax, a good portion of which ought to go towards the income of panchayat boards. I am certainly against the idea of levying a particular cess for a particular purpose such as libraries. Libraries are essential for the people and the income from general taxation ought to meet the expenditure on them instead of having a separate cess for the purpose." 3-45 p.m.

"Sir, I have visited some of the most beautiful and very spacious temples in Tamilnad and Andhradesa and I have wondered why a portion of those temples should not be utilized for the purpose of schools and libraries. To-day the temples are thrown open to the Harijans and on that account there would be no difficulty which had once to be overcome if libraries and schools can be located in temples. There is a sentiment, particularly in Tamilnad, against allowing our Muslim brethren to enter temples. If this difficulty is also solved we will have the use of very spacious and commodious temple buildings for libraries and schools.

"If that is not possible I should like to say that no separate buildings should be built for libraries alone. There should be a

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common building which can be used as a reading room, a library, a sort of meeting hall and theatre, all combined so that the villagers can meet there in the mornings and in the evenings and have also dramatic performances occasionally.

"Sir, I do not think we are helping the local bodies very much by this legislation. To-day many municipalities and panchayats can establish libraries if they want. Only they cannot impose a separate cess. If it is left to themselves they may not impose a cess at all. That is why the Government have taken this power to impose this cess, if necessary.

"Sir, in western countries this sort of library legislation is a permissive one. Nobody is compelled to have a library. Under this legislation every panchayat or municipality is compelled to levy a certain cess for the libraries. We are far, far behind in the matter of libraries . . ."

Mr. SPEAKER:—"The hon. Member has taken much time."

Sri K. KOTI REDDI:—"I am glad that the Ministry is taking certain steps to improve the position.

"Sir, in this connexion I want to make a reference, if I may be permitted to do so, to the Saraswathi Mahal Library, Tanjore. It is a very beautiful and very precious library in the whole of India and it contains very valuable manuscripts in Sanskrit, Portuguese and many other languages. But the Government, unfortunately has not been very generous in helping that library. The income that it gets is not enough for its purpose. Perhaps the subject is in charge of the Hon. Premier; but I hope the Hon. Minister for Education will induce the Premier and see that the Library is well preserved and the valuable manuscripts are copied and published . . ."

Sri A. S. SAHAJANANDAM:—"கனம் தலைவர் அவர்களே, புத்தகசாலை விஷயமாக கல்வி மந்திரி அவர்கள் ஒரு 'பில்' கொண்டு வந்திருப்பதற்கு நான் சந்தோஷப்படுகிறேன். நமது ஹிந்து மதத்திற்கும் கலை அபிவிருத்திக்கும் முக்கியமாக இந்த 'பில்' கொண்டு வரப்பட்டிருக்கிறது. அதற்காக புத்தகசாலைகள் எவ்விதம் அமைக்கவேண்டுமென்பதைப்பற்றி யோசிக்கவேண்டும். சாதாரணமாக மூலதர பாடசாலைகளிலும் உயர்தர பாடசாலைகளிலும் நடுத்தர பாடசாலைகளிலும் புத்தகங்களை தினசுவாரியாக அமைக்கவேண்டும். Elementary பாடசாலையாகிய மூலதர பாடசாலைகளுக்கு பெரிய புராணம், பாரதம், இராமாயணம், இராமகிருஷ்ணர் பரம்ஹம்ஸர் சரித்திரம், மகாத்மா காந்தியின் சரித்திரம், அவர்களுடைய உபதேச மொழிகளையெல்லாம் பாடசாலைகளில் வைக்கலாம். உயர்தர மூலதர பாடசாலைகளிலும் பாரதம், இராமாயணம், பரமஹம்ஸர், விவேகானந்தர், காந்தி முதலிய சரித்திரங்களையும் வைக்கலாம். பெரியபுராணம், திருக்குறள், குமரேச வெண்பா இவைகளை யெல்லாம் பாடமாக வைக்கலாம். ஹைஸ்கூல்களில் சாஸ்திர புத்தகங்களையும் இந்து சமயத்தில் மூலமான வேதங்கள் ருக், எஜுர், சாம, அதர்வண வேத புத்தகங்களையும் வைக்கலாம். அவைகளுக்கு தமிழில் மொழி பெயர்த்திருக்கிறார்கள். அவைகளையும் வாங்கி வைக்கலாம். நமது தாய் பாஷையாகிய தமிழில் வியாக்யானத்திருக்கிறார்கள். அந்த மாதிரியான வேதங்களை வாங்கி வைக்கலாம். வேதங்களையும், சாஸ்திரங்களையும் படித்தவர்களைக்கொண்டு புராணம் முதலியவைகளைச் சொல்லிக்கொடுக்க நியமிக்கலாம். பழைய B.A. degree,

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M.A. degree படித்து பட்டம் பெற்றவர்களை வைத்தால் அவர்கள் இவைகளை சொல்லிக்கொடுக்கமாட்டார்கள். ஆகையால் நாம் சுயராஜ்யம் இவைகளை சொல்லிக்கொடுக்கமாட்டார்கள். ஆகையால் நாம் சுயராஜ்யம் அடைந்திருக்கிற இக்காலத்தில் நம் நாடு முன்னேற்றமடையவேண்டும். ஆகையால் வேதங்களையும் ஆகம் சாஸ்திரங்களையும் ஹைஸ்கூல்களில் வைக்கலாம். பல ஆகம் சாஸ்திரங்கள் தமிழில் மொழிபெயர்க்கப்பட்டுள்ளன. அவைகளை வாங்கி வைக்கலாம். நல்ல வழியைப் போதிக்கக்கூடிய நூல்களாகிய திருக்குறள், குமரேச வெண்பா, பாவாதிதை, திருப்பாவை, முதலியவைகளை வைக்கலாம். அத்துடன் கூட கிருஸ்தவ வேதமாகிய பைபிள், கொராஸ் முதலிய நல்ல நூற்களையும் வாங்கி வைக்கலாம். ஆனால் ஒன்றே ஒன்று சொல்லுகிறேன். மதத்துவேஷம், ஜாதித் துவேஷம் உண்டாக்கக்கூடிய பிரசாரங்களையும் புத்தகங்களையும் வைக்கக்கூடாது. அவைகளால் சாஸ்திரங்கள் மீது பாமரமக்கள் துவேஷம் கொண்டு அவைகளால் கெட்டுவிட்டது. அந்த மாதிரி நூல்களை மாதிரி இந்த ரொம்பவும் கெட்டுவிட்டது. அந்த மாதிரி நூல்களை மாதிரி இந்த லைப்ரரிக்களில் வைக்கக்கூடாது. அப்படி வைத்தால் அது இந்த நாட்டிற்கு ஒரு பெரிய அனுகூலப்போலாகிவிடும். சமுதாயத்துக்கு துவேஷ முண்டாகக்கூடிய நூல்களை வைக்கக்கூடாது. அதோடு கூட கருப்புச்சட்டைக்காரர்க்குமான குடியரசு முதலிய பத்திரிகைகளைப் போடுகிறார்கள். அது குழந்தைகளையும் ஊரையும் கெடுத்துவிடுகிறது. அது அநியாயமாக குழந்தைகளையும் ஊரையும் கெடுத்துவிடுகிறது. அது அநியாயமாக இருக்கிறது. எதிர்க்காலத்தில் இந்தக் கருப்புச்சட்டை குடியரசு இயக்கம் இருக்கக்கூடாது என்று சட்டம் பிறப்பிக்கவேண்டும். இதனால் நம் ஹரிஜனங்களிலும் பலர் விபுதி, திருமண முதலியவைகள் இடங்கொள்வது கிடையாது. அவர்களைப் பார்க்கும்போது என் மனம் வருந்திக்கொண்டே இருக்கிறது."

Mr. SPEAKER:—"நீங்கள் இந்த பில் சம்பந்தமாக லைப்ரரியைப் பற்றித்தான் பேசவேண்டும்."

Sri A. S. SAHAJANANDAM:—"லைப்ரரிதான் உணர்ச்சியை உண்டாக்கக்கூடியது. சகல சாஸ்திரங்களையும் மத சம்பந்தமான எல்லா பிரசாரங்களையும் வாங்கி வைக்கவேண்டும். ஏனென்றால்

'கற்றதனால் பயனென் கொல் வாழ்நிவன்
கற்ற பொழி அரெனின்'

என்று திருக்குறளில் சொல்லப்பட்டிருக்கிறது. நல்ல சாஸ்திர சம்பந்தமான நூல்களும் மத சம்பந்தமான நூல்களும் வாசகசாலைகளுக்கு ரொம்பவும் அவசியம் என்பதை உணரவேண்டும். எந்த மத சம்பந்தமான நூலாக இருந்தாலும் வைக்கலாம். பெளத்த மதசம்பந்தமாக இருந்தாலும் சரி, கிருஸ்தவ மத சம்பந்தமாக இருந்தாலும் சரி, எந்த மத சம்பந்தமாக இருந்தாலும் தெய்வ பக்தியுள்ளதாகவே இருக்கவேண்டும். துவேஷத்தை உண்டு பண்ணக்கூடிய நூல்களை வைக்கக்கூடாது. பொதுஜனங்களிடம் நாஸ்திகம் பரவாமல் பார்த்துக்கொள்ளவேண்டியது ரொம்பவும் அவசியமே."

* Sri T. VISWANATHAM:—"Sir, I welcome this Bill. I have gone through the provisions in great expectation and I find that although the Bill is long enough and round enough, the core is very little. The Bill suggests that all the Library Authorities, as they have been called shall compulsorily levy a cess and I thought it was quite a good amount of cess and it would be backed up by Government contributions. But I find it otherwise; it only compels the municipalities which are very big entities which we should consider in this connexion, to compulsorily levy the cess. It calls upon all the municipalities to maintain libraries and this legislation does not 'enable' the municipalities to levy a cess, but compels them. People, there expect, therefore, very

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good libraries to be maintained by the municipalities. In the municipality of Vizagapatam the property tax would be somewhere about 2 lakhs of rupees and what is the amount which the municipality can collect by way of cess under this Act? It will be something below three thousand rupees. This municipality covers an area of 6 square miles and has a population of 132,000 and it is called upon to maintain a library with a magnificent sum of three thousand rupees to build buildings, to employ staff, to constitute committees and to frame rules and expect nothing definite from the Government itself. In the Elementary Education Act, when the Government compelled the municipalities to levy an elementary education cess, it made it incumbent on the Government under that Act, to contribute a like amount by the Government itself to the municipalities.

4 p.m. "So, when the Government suggests in this Bill that the municipalities must levy a cess, a like amount, if not a greater amount, should be contributed by the Government. A provision like that is absolutely necessary. Otherwise the Bill while it shows big things, really gives very little, because the duties enjoined on the municipality are very heavy but the amount that is collectable under this Act is very very small. In a place like Vizagapatam if a municipal library is to be built, it would cost Rs. 60,000 or Rs. 70,000. With Rs. 3,000 a year, how can the municipality construct any building, if it does not get any contribution from the Government. The Finance Minister and the other Ministers always say that all building grants are stopped. There is no such thing as library grant at all. What little contribution is being given by the Government, that also will be stopped. The Bill does not say so; naturally it follows. The Bill says 'we give power to the municipalities to levy a cess; but we do not specify any contribution from us'. Already the municipalities are contributing a good deal to the libraries which are well organized in the Andhradesa. If the compulsory provision is made that the municipalities shall levy a cess and maintain libraries, and if the Government do not provide them with definite funds, it is only setting people against the municipalities. the Government themselves sitting quiet at Madras. I would therefore suggest to the Government that they should include a provision that a contribution by the Government also shall be compulsory. The amount should be specific; it should not be an uncertain amount. The municipality like the Government has got a budget to prepare; it has also to keep up to certain principles and some certainty and fixity of amounts which could be foreseen by the municipality as much as by the Government. I am speaking of all local authorities; I am only saying that the municipality should not be asked to budget upon uncertain incomes. I would therefore like the Government to have a provision with regard to the contribution payable by them. It must be a definite amount, say, an equal amount collected by the municipality or double the amount if possible, if really the library movement should progress, and if we are really to give shape to our various ideals, hopes and aspirations. Very many speakers who have preceded

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me have stated that the Government should come forward with a compulsory contribution to the local authorities. I request the Education Minister to consider this suggestion carefully; otherwise the Act will be fixing a mere shadow and not substance and he cannot really fulfil the ideals which he has got in his mind. I dare say he has good ideals in his mind. I am only suggesting that what he has put in the Bill—whether after calculation or without calculation—does not enable the municipalities and local authorities to carry on the library movement to any success. With this suggestion I welcome the Bill."

* SRI S. CHIDAMBARA AYYAR:—"Mr. Speaker, Sir, I welcome this Bill. In any democratic country and for any efficient Government it is their duty to educate the masses and improve the culture of the people. The establishment of libraries go a long way to develop culture and to educate the masses. As my hon. Friends who have spoken previously, have said, this is a welcome measure and it ought to have been brought earlier. Anyhow we must be glad and should congratulate the Minister for bringing forward this Bill now. I have got many doubts about the utility of libraries in villages, because people there are still ignorant and illiterate as stated by my hon. Friend, Mr. Kameswara Rao. More than 80 per cent of the people are illiterate. In these circumstances I doubt very much whether the library movement will be of any use to the villages. I know of villages where not even a newspaper is sent for. I know of villages where literate people are very few. Unless there is compulsory education on a nation-wide scale and unless there is adult education, the library movement may not prove to be as successful as we expect it to be. Free and compulsory education, adult education and library education should be correlated together. They form part of one great programme of education. I wish the Education Minister will pay much attention to this suggestion. He must see that as much area as possible is brought under the free and compulsory system of education. I find that he is taking steps to improve adult education also. I am glad over it. If both the programmes are joined together, I am sure that the library movement is bound to succeed and it will be very creditable.

"The establishment of libraries is useful in this way. People in the villages, instead of idling away their times, will go to the library and it will give them a good general knowledge of facts concerning not only our country but other countries as well. It is absolutely necessary that in these days of democracy when independence has set in, our people should be conversant with all events occurring in the world. They must be able to exercise their discretion rightly and properly. Every illiterate voter is a weakness in a democratic system. Now that adult franchise is to be introduced in our province, it is but just and proper that every one of us should become literate and be benefited by the library movement.

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"I hope the Hon. Minister will take special care that proper rules and regulation are framed, so that the library movement is really useful to the villagers. The movement should be a success not only in big towns but also in small towns. People should make use of the libraries. Real utility of the movement should be achieved in the villages. I hope and trust that the Hon. Education Minister will take necessary steps to see that the villagers are benefited by this measure.

"Referring to the Bill, as mentioned by my hon. Friend, Mr. Muniswami Pillai, in clause 6 of the Bill it is stated that, in the constitution of the local library authority, one-half of the members shall consist of persons possessing special knowledge or experience of the working of libraries. I doubt whether there are such people at present. Therefore if the Hon. Minister is keen on this point, he must arrange to train such people. With these few words I support the Bill."

SRI M. KANNIYAPPAN:—"தலைவர் அவர்களே, நம் கல்வி மந்திரி கொண்டு வந்திருக்கும் பில்லை மனப்பூர்வமாக நான் ஆதரிக்கிறேன். வெகு நாட்களுக்கு முன்னதாகவே இந்த 'பில்'லை கொண்டு வந்திருந்தால் மிகவும் நன்றாக இருக்கும். ஆனாலும் பாதகம் இல்லை. இப்பொழுது எல்லோரும் பல புத்தகங்களைக் குறித்தும் பல பிரசுரங்களைக் குறித்தும் ஆதி காலத்திலுள்ள பெரிய புராணங்களைக் குறித்தும் சிலர் சொன்னார்கள். நான் அந்த முறையில் இந்த நேரத்தில் சொல்ல தயாராக இல்லை. நம் நாட்டில் படித்தவர்கள் எவ்வளவு பேர்கள் என்பதை கணக்கிட்டுப் பார்த்தால் நூற்றுக்கு இரண்டு பேர்கள் கூட கிடையாது. அப்படியிருக்கும் காலத்தில் பெரிய புத்தகங்களை வீணாக வாங்கி வைத்தால் யார் படிப்பார்கள் என்பதுதான் எனக்குப் புரியவில்லை. அது மாத்திரமல்ல. இன்று ஏழைகள் இருக்கக்கூடிய இடத்திலும் தொழிலாளர்கள் வசிக்கக்கூடிய இடத்திலும் அவர்கள் புரிந்துகொள்ளக்கூடிய முறையில் சிறிய நடைமேல் எழுதிய அரசியல், வேதாந்த புத்தகங்களைத் தான் நாட்டில் மக்கள் விரும்புகிறார்கள் என்பதை பொதுவாக எல்லோரும் தெரிந்து கொள்ளவேண்டும். ஏனென்றால் இன்று நாட்டில் ஏழைகள் வசிக்கக்கூடிய இடத்தில் அல்லது தொழிலாளிகள் வேலை செய்யக்கூடிய factory யின் முன்னும் பல புத்தகசாலைகளை அமைத்தால் அவர்கள் வேலையை விட்டு ஓய்வு நேரங்களில் என்னென்ன புத்தகங்கள் இருக்கிறதோ அவைகளை அவர்களுடைய அறிவுக்கு ஏற்றபடி எடுத்து படிக்கலாம். இதை சுலபமாக எந்த முறையில் செய்து கொடுக்க முடியுமோ அந்த முறையில் தான் புத்தகங்களை அமைக்கவேண்டும். பணக்காரர்கள் இருக்கிற இடத்திலும் அல்லது படித்திருக்கும் பட்டணங்களிலும் புத்தகசாலைகளை வைத்தால் நூற்றுக்கணக்கான பணங்களைப் போட்டு வாங்கி பெரிய பிரேசுகளில் அடுக்கி வைத்திருந்தால் அந்த லிஸ்டை பணக்காரர்களும், படித்தவர்களும் பார்த்துவிட்டு, அவைகளுக்கு பணம் கொடுத்து வாங்கிக்கொள்ளாமல் லைப்ரெரியிலிருந்து வாங்கிக்கொண்டு போய் படித்துவருவார்கள். அதனால் ஏழைகளுக்கு படிக்க முடியாத நிலைமை ஏற்படுவிடும். அந்த முறையில் இந்த புத்தகசாலையை அமைக்கக்கூடாது என்பது என்னுடைய எண்ணம். அதைக் கல்வி மந்திரி அவர்கள் மிகவும் முக்யமாக கவனித்து நல்ல நோக்கத்தில் எடுத்துக்கொண்டிருக்கக்கூடிய இந்த "பில்"லை அந்த முறையில் செய்வார்கள் என்று நான் அறிகிறேன். அது மாத்திரம் அல்ல.

"பெரும் பாட்டாளிகள் நல்ல அரசியல் புத்தகங்களை எழுதி இருக்கிறார்கள். அப்படி எழுதி இருக்கக்கூடிய புத்தகங்களுக்கு அதிக பணம் கொடுத்து வாங்கவேண்டிய நிலைமையில் இருப்பதால் அரசாங்கம் அதற்கு

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பணம் ஒரு ரூபாய் புத்தகத்திற்கு இரண்டு என்று விலைக்கு வாங்கிக் கொள்ளக்கூடிய முறையில் செய்வார்களானால் அது மிகவும் பயன்தரக்கூடிய முறையில் இருக்கும்.

"அது மாத்திரம் அல்ல. அகில இந்திய ரீதியை எடுத்தாலும்கூட பல தொழிலாள சங்கங்களும் புத்தகங்கள் வைத்திருக்கின்றன. வேலைகளைக் கற்றுக்கொள்ளக்கூடியவரும் இன்னும் கைத்தொழில்களைக் கற்றுக்கொள்ளக்கூடிய புத்தகங்களும் இருக்கின்றன. ஆனால் அவைகள் ஆங்கிலத்தில்தான் இருக்கின்றன. அவைகள் எல்லாம் ஆங்கிலத்தில் இருப்பதால் தொழிலாளிகள் அவைகளைப் படிப்பதற்கு முடியவில்லை. படித்துவிட்டு பெரிய தொழிற்சாலைகளை நடத்துகிற பெரிய முதலாளிகள் இந்த நிலைமையில் இருக்கும் ஏழை தொழிலாளிகளை தொழிலில் ஏமாற்றிக்கொண்டிருக்கிறார்கள். இதையும் போக்கவேண்டியதுதான். ஆகையாக இருப்பதால் மக்களுக்குக் கொடுக்கவேண்டியதுதான். இன்னும் சில இடங்களில் சில புத்தகங்களை வைத்திருக்கிறார்கள் அவர்களுக்கு அவைகளை மாற்றியமைத்து அரசாங்கம் தாராளமாக வாங்கிக்கொடுக்கவேண்டும். அப்படிக் கொடுத்தால் பல இடங்களிலுள்ள பல சங்கங்கள் இதை பயன்படுத்திக்கொள்ளும். அங்கே இருக்கும் மக்களுக்கு வாங்கிக் கொடுத்தால் அவர்களும் படிக்கலாம் என்பதை தெரிவிக்கிறேன்.

"இன்று பாடசாலைகளை ஏற்படுத்தி இருக்கும் இடங்களில் இரவு நேரங்களில் பள்ளிக்கூடம் நடத்தலாம். அப்பொழுது அங்கே உபாத்தியாயர்களை நியமிக்கலாம். அப்படி நியமிக்கும் உபாத்தியாயர்கள் தேச பக்தியுள்ளவர்களாக இருக்கவேண்டும். அப்படியுள்ளவர்களை நியமித்து கல்வி போதிக்க வேண்டும். அதுதான் முதல் கடமை. அந்த மாதிரி ஒரு மனப்பான்மை யுள்ள உபாத்தியாயர்களை நியமித்து மக்கள் பயனடையுமாறு செய்ய வேண்டும்.

"கடைசியாக இங்கே பேசிய சுவாமி சகஜானந்தம் அவர்கள் சொன்னார். சில புத்தகங்களையும், சில பத்திரிகைகளையும் அமைத்தால் மக்கள் தவறு தலான வழிக்கு கொண்டு போகும் என்று சொன்னார். அந்த முறையில் புத்தகங்களையும் பத்திரிகைகளையும் அமைக்கக்கூடாது என்று சொன்னார். அதைப்போலவே நான் சொல்லுகிறேன். அக்காலத்தில் பெரிய புத்தகங்களையும் புராணங்களையும் எழுதி, அரசியல் உலகத்தில் மக்கள் முன்னேற முடியாமல் இருந்த அந்த பழைய குப்பைகளை வாங்கி வைக்காமல் அரசியல், பக்தி முறை முதலியவைகள் இருக்கக்கூடிய பல புத்தகங்களை வாங்கி வைக்கவேண்டும். அவர் இந்த நாட்டில் மிகவும் தெய்வ பக்தியுள்ளவர்தான். அவருக்கும் தெய்வ பக்தியுண்டு. கனம் கல்வி மந்திரி அவர்களுக்கும் தெய்வ பக்தியுண்டு. ஆயினும் அந்த மாதிரி பழய காலத்து தெய்வ பக்தி புத்தகங்களை வைக்கக்கூடாது. உண்மையாக இந்நாட்டில் இப்பொழுது மற்ற தேசங்களின் அரசியல் சரித்திரம் போன்றவைகளை வைக்கவேண்டும். ஏனென்றால் இப்பொழுது நம் நாடு சுதந்திரம் அடைந்திருக்கிறது அம்முறையிலுள்ள புத்தகங்களை அதிகமாக சேர்த்து நாட்டிற்கு பயன் அடையுமாறு செய்யவேண்டுமென்று பணிவுடன் கேட்டுக்கொண்டு இந்த 'பில்'லை முழு மனதுடன் ஆதரிக்கிறேன்."

MR. SPEAKER:—" (Before calling upon Mr. Muhammad Anwar Sahib to speak.) The time-limit is now reduced to 5 minutes from 10 minutes."

N. MUHAMMAD ANWAR SAHIB BAHADUR:—"Mr. Speaker, Sir, almost everybody who has spoken on the Bill has given his warmest support to the Hon. Minister for Education for a reform which, I must say, is a step in the right direction. But only when we look into, what the achievements of this Bill will be, I am afraid most of us will have to modify our opinion. It was the hon. Mr. Viswanatham who brought it out pretty brilliantly that

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[N. Muhammad Anwar Sahib Bahadur] [21st February 1948]

the limited provision which has been made available for these libraries will only give us at best an apology for a library and gives very little hope that from out of this provision we can earmark expenditure for any initial outlay by way of construction of buildings. That I believe, Mr. Speaker, is a matter which needs serious consideration. Let me say one thing. He has taken many steps in the right direction with regard to educational reform and it is good that even in this measure he has come forward with this reform. But I only wish that he is able to overcome this lacuna and see that adequate provision, if not liberal provision, is made available for initial outlay as well as for munificent libraries, if not all over the Province at least in selected centres of our Province.

"Every member in this House knows the value of a library and great cultures and civilizations have been founded upon libraries. At this moment we are reminded of the great libraries of Cardoa, Alexandria and Salamanca. Wherever the scholars of the West have taken the seeds from these centres and transplanted them in the different corners of the world we have had as a result the advantage of what we call to-day as a great civilization. But, alas, in our country, as one hon. Member has rightly said, a country of paradoxes, we have had the best of a tradition but yet very little of monuments, very little of relics of our ancient glories. That is because we do not want 'living' libraries in our midst. Even the few libraries to which frequent references have been made by different sections are there only in name and were forgotten in the limbo of antiquity.

"But, Mr. Speaker, I would suggest before we develop these libraries we must have to give up certain traits which have got into our national character and which have been euphemistically styled as 'book-keeping'. This is a very serious disease with our people which we must have to give a go-bye if we really wanted to build up a good library. Friends who go into these libraries get away with books, never to return (laughter). It has been rightly said that this is a thing which is not as yet a tradition or a national monopoly with us alone. In England once a great scholar of Shakespeare who was found in possession of very big library of books, when approached by a friend for the loan of one book, refused to oblige him saying that not one book in that library was his but everything he had borrowed with a hope that he would never return and if in that way you build up our libraries, then before you can set the libraries in motion the books will be out. I am only hopeful that our administrative authorities will see to it that lending operations are not going to be so liberal as that. Regarding the reading habit among our people—I have inspected many schools and colleges; I have gone round many places; even as a member of your library Committee—I know that our reading habit is still limited and particularly when we have that laudable ambition of attaining cent per cent literacy which must obviously include adult literacy as well; certainly I wish that we must make our libraries attractive by providing reading rooms along with the libraries."

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* SRI K. LINGA RAJU:—"Mr. Speaker, Sir, the Hon. the Minister for Education has been rightly congratulated on having brought this Bill but on a close scrutiny of the Bill, I find the absence of a single item which in my opinion is a very important factor, i.e., the Librarian. I may be told that he will come under the Rules or in the Select Committee. There are libraries already run by non-officials. On a casual reading of the Bill, it is very clear that the activities of non-official bodies have almost been nationalised.

"Before I give my support to the Bill, I should like to make an appeal to the Hon. Minister about the librarian. The function of a librarian is not only to provide a book for a reader but to provide a reader for every book. Very often, in my little experience of the library Movement, the case of the librarian is the last to be considered. Buildings are put up, and books are gathered but the librarian generally chosen is a man who is just an attender. In some local bodies he is called librarian but in several small municipalities he is called attender-cum-librarian. He is a low-paid man and generally his business is not to combat illiteracy but white ants. I therefore suggest to the Hon. Minister to constitute a library service. My hon. Friend Mr. Viswanatham, has been telling us about grants. I am not very anxious about grants. But I would like the Hon. Minister to constitute a library service into which really literate men should be drawn, and certainly not on the scale of attenders but on a much better scale. There must be one librarian for every 10,000 of the population or even less if you can afford. With this suggestion, Sir, I give my support to the Bill."

* DR. D. S. RAMACHANDRA RAO:—"Mr. Speaker, Sir, the Library Movement might be considered in three aspects: one, library for the masses; secondly, library for the intelligentsia; and thirdly library for the specialists. I suppose really the Bill which is being introduced now is intended to meet the needs of the masses. Libraries and the reading public go in an inverse ratio. If there is a library, there must be people to make use of it, and there may not be people who could make use of it unless our present illiteracy is almost completely liquidated. And if you want to liquidate illiteracy the present method is not sufficient. And it is the Education Department—which is a nation-building department like the Medical Department—which is altogether made to starve and the present tendency to ask for increased salaries on every possible opportunity cripples us in tackling this great adventure. And therefore, Sir, if you really wish to solve the problem of illiteracy, our only resources and recourse seems to be, as in the case of China before the war, to appeal to the rising generation of young men and women to make it a sacred duty to give a few months regularly a year or after they have finished their studies to give a few weeks or months to liquidate illiteracy by going to villages and towns to teach the young and the adults to read and write. Sir, reading and writing is only one way of removing the ignorance which we wish to dispel. I remember visiting some years ago a great Exhibition in Germany. The idea there was to liquidate ignorance

[Dr. D. S. Ramachandra Rao] [21st February 1948]

and the Exhibition was on a very wide scale. There one could see before one's eye the manufacture of card-boxes and the processes of manufacture of card-boards, their manipulation right down to the box making—made ready to be transported to the market being shown in detail and also even problems like sanitation and medical health were disclosed to the public. The technical apparatus have been so arranged and devised that people could see how the heart beats, what the mechanism of respiration and breathing is and how a microbe enters the lung either possibly be killed by the human body or kill the human body. Every device was employed to bring knowledge directly to the man in the street. Sir, unless we devise some method by which knowledge could be really brought into close contact and within the reach of the masses, we can never solve this problem. But one thing is certain. Knowledge grows with reading. The more the aptitude for knowledge the greater the desire for reading is created, and unless we create that knowledge and bring it within the reach of the people it will be of no use to the masses. Particularly, Sir, scientific knowledge is very essential to this country for generations to come. We have all specialised on the side of religious literature or on the side of imaginative literature. What our country at present needs to make us face the responsibilities of today would be the bringing in of scientific knowledge. There are a few people who know enough of science and very few still who could bring that knowledge within the reach of the public and therefore the Ministry would have to hunt for those who could write popular books and devise methods of placing before the public the great scientific truths that are being brought to bear upon the problems of today. It is not easy to find scientific writers unless you encourage them and make them write in such a way so that an ordinary man could understand and make use of it. Else our attempt of merely creating libraries would not be of much use. Sir, I trust that the money consideration should not stand in the way. If the municipalities and district boards really make up their minds and if the scientific knowledge is worth the while, they must be ready to levy a cess."

SRIMATHI V. LAKSHMI AMMAL:—"அக்கிராசனாதிபதி அவர்களே, லேப்ரெரி மிகவும் அவசியம் என்பதனால்தான் இன்று பூராவும் அதனுடைய உபயோகத்தைப்பற்றி நாம் பேசுகிறோம். அதிலும் கிராமாந்திரங்களில் தான் நாம் முக்கியமாக லேப்ரெரியைப்பற்றி கவனிக்க வேண்டியதாக இருக்கிறது. நம்முடைய நாட்டில் மக்களிடையே இருக்கிற அறியாமையை போக்குவதற்கு அநேக வழிகள் உண்டு. அதில் ஒன்று லேப்ரெரி. லேப்ரெரி வைத்தாலும், அநேகம் பேர்கள் படிக்கத் தெரியாமல் இருக்கிறார்கள்; அப்படி நூற்றுக்கு 80 பேர்கள் படிக்கத் தெரியாமல் இருக்கிறார்கள். கிராமங்களில் லேப்ரெரி இருந்தால் அவர்கள் படித்து தெரிந்துகொள்ள முடியாது. ஆகையால் கிராமங்களில் லேப்ரெரி பிரயோஜனமில்லை என்று ஒரு சாரார் சொல்லுகிறார்கள். 'தொன்னைக்கு நெய் ஆதாரமா அல்லது நெய்க்கு தொன்னை ஆதாரமா' என்கிறது மற்றொரு விஷயம். ஆகையால் லேப்ரெரி கிராமங்களில் இருந்தால்தான் 100-க்கு 80 பேர்கள் அறியாமையை போக்கலாம் என்பது மற்றொரு சாரார் அபிப்பிராயம் கிராமங்களில் லேப்ரெரி மிக மிக அவசியமாக இருக்கிறது. ஏற்கனவேயே இந்த லேப்ரெரி பிரசாரமானது இருந்துகொண்டிருக்கிறது. இப்பொழுது கொண்டுவந்திருக்கும் சட்டம் இல்லாமலேயே ஏற்கனவேயே ஜில்லா போர்டு, தாலூகா போர்டு இருந்த காலத்தில், தாலூகா போர்டு, பஞ்சாயத்து போர்டுகள் முனிசிபாலிட்டி இவைகள் எல்லாம் லேப்ரெரியை அநேகம் இடங்களில் வைத்துதானிருக்கிறார்கள். இன்னும் private ஆக அநேகம் கிராமங்

[21st February 1948] [Srimathi V. Lakshmi Ammal]

களில் ஆங்காங்கே சங்கங்கள் ஏற்படுத்தி இம்மாதிரி லேப்ரெரி வைத்திருக்கிறார்கள். ஆனால் இந்த லேப்ரெரிகள் சரியான முறையில் நடக்கிறதா என்பதையும் அதனால் பொது ஜனங்களுக்கு பிரயோஜனப்படுகிறதா என்பதையும் சர்க்கார் கவனிக்கவேண்டும். இப்பொழுது ஏற்கனவே இருக்கின்ற லேப்ரெரிகளினாலும் இன்னும் அதிகமாக லேப்ரெரிகளை ஏற்படுத்துவதனாலும் ஜனங்களுக்கு அறிவை நாம் புகட்ட முடியும். அறிவு வளர்ச்சி இருந்தால்தான் நம்முடைய நாடு சமாதானமான நிலைமையில் இருக்கும். இப்பொழுது இருக்கிற எல்லா நாகரீக தேசத்திலும் சுதந்திர தேசத்திலும் படிப்பு ஒன்றில்தான் நாடு முன்னேற்றமடையமுடியும் என்பது ஒவ்வொருவரும் அறிந்த விஷயம். ஆகையால் படிப்பு இப்பொழுது மிக மிக முக்கியம். இப்பொழுது நூற்றுக்கு நூறு பேர்கள் படித்திருக்க வேண்டியதாக இருக்கிறது. இதைத்தான் காலம் சென்ற பாரதியார் சொல்லி இருக்கிறார் ஒரு இடத்தில் அவர் சொல்லுகிறார் அறிவு வளர்ச்சிக்கு அறிஞரியாக இருக்க வேண்டியது.

‘ வீடு தோறும் கலையின் விளக்கும்
வீதிதோறும் இரண்டொரு பள்ளி
நாடு முற்றிலும் உள்ளன ஊர்கள்
நகர்கள் எங்கும் பல பல பள்ளி. ’

என்று சொல்லி இருக்கிறார். முதலாவதாக நம் நாட்டில் ஒவ்வொரு சிறு கிராமத்திலும் ஒவ்வொரு வீதியிலும் லேப்ரெரி இருக்கவேண்டியது அவசியம். லேப்ரெரி இருந்தால் அதை பொதுமக்கள் எல்லோரும் பயன்படுத்திக்கொண்டு அதில் சரிவர படித்து உபயோகப்படுத்துகிறார்களா என்பதை அரசாங்கம் கவனிக்கவேண்டும். இதை அரசாங்கம் செய்யவேண்டியது மிகவும் அவசியம். அதற்கு வேண்டிய முறைகளை கையாள வேண்டியதும் அவசியம். இதை அரசாங்கம் பஞ்சாயத்துகளிலும், முனிசிபாலிட்டிகளின் மூலமும் தான் செய்யமுடியும். ஏற்கனவே நான் சொல்லியிருக்கிறபடி முதலில் இருக்கிற லேப்ரெரிகளை சரிவர நடத்தவேண்டும். தாமதமாகவே நடத்தப்பட்ட லேப்ரெரிகளுக்கு உதவி தொகை கொடுக்க அரசாங்கம் முன்வரவேண்டும். லேப்ரெரிகளில் ஏராளமான புத்தகங்களை வாங்கி வைத்தால் மட்டும் போதாது. அதையும் ஒரு இடத்தில் பாரதியார் சொல்லுகிற மாதிரி—

‘ மந்திரத்தை முனுமுனுத்து எட்டை வரிசையாக அடுக்கி
சந்தனைத்தை அதன் மேல் பூசுவது சாத்திரம் இவன் பூச
என்றும் ,

என்பதுபோல் படிப்பை அபிவிருத்தி செய்யவேண்டுமென்றால் லேப்ரெரி களில் ஏராளமாய் புத்தகத்தை வைத்துவிட்டால்மாதிரி போதாது. அதை சரியான முறையில் அமைத்து அதை சரியாக கையாள முன்வரவேண்டும். அப்பொழுது தான் கிராமங்களில் கல்வியில் முன்னேற்றம் ஏற்படும். ஆகையால் இந்த லேப்ரெரிகளையும் இன்னும் அதிகமாக ஏற்கனவே இருக்கிற லேப்ரெரிகளையும் இன்னும் அதிகமான லேப்ரெரிகளையும் ஏற்படுத்தி (இந்நேரத்தில் மணி அடிக்கப் பட்டது) அவைகள் சரியான முறையில் ஜனங்களுக்கு உபயோகப்படும்படி செய்யவேண்டும். இன்னும் அரசாங்கம் கல்வி சம்பந்தமாக அபிவிருத்தி செய்வதற்கு பிரசாரம் செய்யக்கூடிய ஆட்களை நியமிக்கவேண்டும். சரியான புத்தகங்களை பொறுக்கி எடுக்கவேண்டும். அதைப்பற்றி சுவாமி யான புத்தகங்களை பொறுக்கி எடுக்கவேண்டும். சொன்னார்கள். தேச சகஜானந்தம் அவர்கள் வெகு விரிவாக எடுத்துச் சொன்னார்கள். தேச பக்தி, தெய்வ பக்தி, தேச சரித்திரம், தலைவர்கள் சரித்திரம் இவைகள் போன்ற புத்தகங்களை வைத்திருந்தால் நம் நாட்டு ஜனங்களின் கண்ணிற்கு. இந்த மாதிரியான புத்தகங்களைப் பார்த்து பொறுக்கி எடுக்க வேண்டும். பல துவேஷணை உணர்பண்ணக்கூடிய பத்திரிகைகளையும், புத்தகங்களையும் வைக்கக்கூடாது . . . ”

MR. SPEAKER:—"உங்கள் நேரம் முடிந்து விட்டது."

SRIMATHI V. LAKSHMI AMMAL:—"இன்னும் ஒரே ஒரு நிமிஷத்தில் முடித்து விடுகிறேன். ஆகையால் இவைகளையெல்லாம் நன்றாக

[Srimathi V. Lakshmi Ammal] [21st February 1948]

கவனித்து அவைகளை பொறுக்குவதற்கு ஓர் சரியான நிபுணர்கள் அடங்கிய ஒரு கமிட்டியை அரசாங்கம் நியமித்து புத்தகங்களை பொறுக்கி எடுக்க ஏற்பாடு செய்யவேண்டும். சாதாரணமாக லைப்ரரி என்றால் புத்தகங்களை வாங்கி வைத்து விடுவது லைப்ரரி இல்லையென்பதை நாம் உணர்ந்து இப்பொழுது நாம் அடைந்த சுதந்திர இத்தியாவில் நம் மக்கள் கண திறக்கவேண்டியதற்கு சாதகமாக இதை சரியான முறையில் அமைக்கும் வேலையை அரசாங்கம் கையாளவேண்டும். மக்களும் அதை பயன்படுத்திக்கொள்ளவேண்டும் என்பதை தெரிவித்துக்கொண்டு நான் முடித்துக்கொள்கிறேன்.

4-30 p.m. SRI G. KUMARASWAMI:—“ Mr. Speaker, Sir, I wholeheartedly support the Bill moved by the Hon. Minister for Education. Firstly because the Bill seeks to organise a comprehensive rural and urban library service in every nook and corner of our Province. Secondly because, for the first time an attempt to remove all obstacles and handicaps which have been hampering the progress of the library movement in our country is made by placing suitable provisions on the Statute book. A provision such as the appointment of a Provincial Director of Libraries, the formation of library committees to assist the library authorities, in Panchayat, Municipal and District Board areas and above all the creation of a separate fund to place the libraries on a strong and sound financial footing are well conceived. All aspects of Library Movement which has been hitherto a matter of private enterprise with all its attendant evils, have been very successfully dealt with.

“ But Sir, when compared with the Library Movement in other civilized parts of the world our country in general and Madras Province in particular is at a very low ebb. The biggest library in the world Sir, is at Kieve of U.S.S.R. which contains about 90 lakhs of books. Next comes the Public Lenin Library at Leningrad with about 70 to 80 lakhs of books. Russia takes the third place also, because the great National Library at Moscow contains about 70 lakhs of books. The next best library in the world is at Washington with about 65 lakhs of books. Paris and London occupy the fifth and sixth ranks in the world with about 50 lakhs of books in each. Then there are so many other libraries in Vienna, Tokio, Geneva and other places of the world. And be it said to the credit of Baroda that the Imperial library there tops the lists of all libraries in India with about two lakhs of books. Probably India occupies the 20th or 21st place in the libraries of the world. Here, in Madras the headquarters of the Province, we have Connemara Library, supposed to be one of the best libraries and it has only about a lakh of books which is nothing when compared with the other libraries. I look forward to the day when our Connemara Library will occupy a place and rank among the best libraries of the world. One great author has rightly stated that ‘ Library is not a luxury but one of the necessities of life.’ And another stated ‘ the greatest consulting room of a wise man is a library’.

“ I am sure the whole province welcomes the Bill, I thank the Minister for Education for having introduced it because it serves as a medium for spreading adult education and thus remove illiteracy in our province. Thanking you, Speaker Sir, for affording

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me an opportunity to make these observations, I resume my seat quoting Shakespeare who said ‘ My library was dukedom large enough’.”

* THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“ Mr. Speaker, I must thank hon. Members in all sections of the House for their warm support to the Bill. The many suggestions that have been made will, I assure them, Sir, receive due consideration at the hands of the Select Committee. I do not wish to take up much time except to touch on one or two points. The hon. Member for Vizagapatam (Sri Viswanatham) asked as to how much the library cess would yield to Government and whether we propose to contribute anything towards libraries. So far as the City Corporation is concerned, it has an annual income of 65-66 lakhs by way of house-tax and at one-sixty-fourth of it for a quarter anna represents 1/64 of rupee, it works to roughly one lakh; the total income from municipalities is 134 lakhs and that may roughly give us about 1½ lakhs and the annual income from house taxes of panchayat boards is Rs. 26-69 lakhs and it yields about 40,000.”

SRI T. VISWANATHAM:—“ On a point of information, may I know what is the amount of property-tax; is it not 65 lakhs and not one crore and odd? ”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“ Property-tax included scavenging, lighting, education, water-supply and drainage-tax; all these are included under property-tax; it is open to us to take only the general property-tax or all these things put together.”

SRI T. VISWANATHAM:—“ In the matter of accounting, scavenging, drainage and water-tax are not considered as property-tax. If, however, the interpretation of the Hon. Education Minister is correct even then of course I will hear what he says.”

THE HON. SRI T. S. AVINASHILINGAM CHETTIYAR:—“ I am not satisfied with the income that may accrue from this and in the Select Committee, it will be open to them to go into the methods by which we can get a little more so that the library movement might be put into practice in the province. My hon. Friend asked if Government would contribute anything towards the expenses of the libraries. The Government do not want to commit themselves in this Bill regarding the quantum of contribution but in the Bill provision had been made for Government contribution, as will be seen from clause 12 of the Bill. If my hon. Friend says that a definite proportion should be mentioned in the Bill, I may say that Government as at present existing is not able to take the matter any further. In the Select Committee if we can find ways and means of larger income, it will be possible for Government to make a more definite provision and that I believe will be gone into in the Select Committee.

“ I agree with the many sentiments expressed by my hon. Friends regarding the utility of libraries, the sort of books to be kept, the way in which they must be run. Till now many libraries have been started but little respect has been shown to the librarian,

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the poor people that are affected and who become victims of this racing. I have seen and I have heard even from persons who are in the know that even rich persons have lost heavily, and the losses which they have incurred are such that they could not have afforded, and thus it must be admitted, if betting and wagering should be allowed coupled with racing that is an evil which should be avoided. The third enclosure was abolished and the tax on the second and first enclosures has also been enhanced. Still when I saw the races last Sunday for the first time I witnessed there were a sufficiently large number of people who were there, and from their care-worn faces I could see their worry and misery. Thus I could see even after the abolition of the third enclosure the number of people who were falling victims was still large and they must be saved by a legislation of this kind. I saw also a number of women with anxious faces. I could see that even when we are enhancing the tax, people mad after betting don't desist from betting and witnessing betting. They somehow borrow money and become victims. Though such people may be only a small percentage yet it is the duty of the Government and this House to see that they were saved from this evil.

"It has been said that we must wait for an all-India policy in the matter of racing. But we are interested in saving the people of this Province. Then it is argued that even if we abolish races in Madras and Ootacamund, people will go to Bangalore and Poona. But we are interested only in the poor of this Province. They can't afford to go to Bangalore and Poona or other places, and therefore if we abolish betting in this Province that would be sufficient for us and that would be saving many poor people from falling victims to this temptation. Again, if we are to do certain things in the interests of this Province we need not wait for an all-India policy. We have not done so for total Prohibition. Mahatma Gaudhi has placed total Prohibition in the forefront of his constructive programme, and we are going ahead with Prohibition and in another six months there will be total Prohibition in the Province. Other Provinces are slow regarding Prohibition, we cannot wait till they fall in. Again it is argued that it is a matter of revenue to the State and why should the State lose this revenue. As we are prepared to lose a very large and easy revenue under Excise in the interests of the poor we must be prepared to lose this small revenue also in the interests of the poor. It is also pointed out the Race Club has been able to do so many charities. I do appreciate their sense of philanthropy. No doubt they have donated for certain noble objects. But if all that should be done at the cost of the poor we cannot help losing it. It has been argued by the enthusiasts of racing that we should not do anything to discourage horse-breeding. Yes, I agree: we shall promote that industry, but if that should be coupled with betting and wagering we cannot help it. If the two are so intertwined we shall not mind if this breeding disappears. Then, it has been argued by the organisers of the Race Club that they

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have invested large sums of money and they have a lot of equipment, and if racing should be liquidated at once they would be put to considerable loss. I myself saw the interesting machine called totalizator. They have no doubt invested a large amount of money; but may I point out that there is provision in the Bill which is now moved to enable Government to give reasonable time for the liquidation of racing. So on that account we cannot postpone still further this measure. Not only by this legislation there will be notice but the race clubs in the Province have had already notice of the intention of the Government in this matter. But I still believe that racing should be possible without betting and wagering. If certain small changes consistent with the provisions underlying the fundamental principles of this Bill are suggested the Select Committee may go into them, and therefore I trust this motion will have an easy passage in this House."

MUHAMMAD RAZA KHAN SAHIB:—"Mr. Speaker, Sir, I support the measure, and as was said by the Hon. Minister for Public Works this is a measure which is long overdue. It is too late in the day for us to consider in this country whether we should have betting and wagering. Because as was said on previous occasions, we have been discussing this question sufficiently long, and it is quite in order for the Government to come out with this legislation. We, members of the Opposition, do not agree with the Government that if it is a case of rich people who can afford to lose, we won't grudge, even though many rich families have been ruined on account of betting and wagering. Anyhow what we are concerned more is with the lot of the poor people who are going there."

MR. SPEAKER:—"The hon. Member may continue his speech the next day. I adjourn the House to Tuesday, the 24th instant till 11 a.m."



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